

# Transfer on Death Deed

**IMPORTANT NOTICE TO PROPERTY OWNER:** Carefully read all instructions for this form. It is always best to talk to a lawyer before using this form. For privacy reasons, do not put your social security number or driver's license number on this form. Do not file these instructions.

**REQUIRED:**

- **Must Sign and Date Transfer on Death Deed In Front of A Notary.**
- **Must Record Transfer on Death Deed Before Your Death:** You must record (*file*) this deed before your death with the county clerk where the property is located or it will not be effective.

1. **Property Owner(s) (Transferors) Making this Deed.** Enter your first, middle (if any), and last name here, along with your mailing address. If more than one person owns the property, all owners must list this information.

\_\_\_\_\_  
Property Owner's Printed Name

\_\_\_\_\_  
Second Owner's Printed Name (If Applicable)

Mailing Address:

Mailing Address:

\_\_\_\_\_  
Address 1

\_\_\_\_\_  
Address 1

\_\_\_\_\_  
Address 2

\_\_\_\_\_  
Address 2

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
City State Zip

2. **Legal Description of the Property.** The legal description is not the mailing or physical address of the property. The legal description is listed on the deed to the property, which you should have gotten when you became an owner. This information may also be available at the county clerk's office in the county where the property is located. Do NOT use the legal description listed on your property tax bill because it may be incorrect. IT IS VERY IMPORTANT THAT THIS INFORMATION IS CORRECT. If you are not absolutely sure, talk to a lawyer.

*Print legal description of the property.*

3. **Address of the Property (if any).** This is the physical address of the property. Include county.

\_\_\_\_\_  
Address City County State Zip Code

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4. Primary and Alternate Beneficiaries. **MUST CHECK AND COMPLETE A, B, OR C (Check ONE and ONLY ONE):**

- A “beneficiary” is the person who you want to own the property when you die.
- Section A: Fill out this section if you are married, and you and your spouse own the property together, and you want your spouse to own the property when you die.
- Section B: Fill out this section if you are married and you own the property by yourself – your spouse doesn’t own any part of it – and you want your spouse to own the property when you die.
- Section C: Fill out this section in all other situations. See #4 in the detailed instructions to this form.

**A. Both Spouses Own the Property and Want to Leave to Surviving Spouse:** Fill out this section if you are married, and you and your spouse own the property together, and you want your spouse to own the property when you die. Both spouses must sign the transfer on death deed.

- 1) Primary Beneficiary is Surviving Spouse: The owners of this property are married to each other and are both signing this deed. If one of us dies and the other is living, the living spouse will be the sole owner of the property.
- 2) Alternate Beneficiary or Beneficiaries: Enter the first, middle (if any), and last name of each person you want to get the property when both you and your spouse have died. This person(s) will be named the “beneficiary(ies).” You may list more than two beneficiaries by attaching a page with their name and mailing address.

When we are both deceased, we want the following person(s) to own our property. This person(s) may or may not be our child, descendant, or a member of our family. If more than one alternate beneficiary is listed, they will own the property in equal shares.

\_\_\_\_\_  
Alternate Beneficiary  
*Print Name*

\_\_\_\_\_  
Second Alternate Beneficiary (Optional)  
*Print Name*

Mailing Address:

Mailing Address:

\_\_\_\_\_  
*Address 1*

\_\_\_\_\_  
*Address 1*

\_\_\_\_\_  
*Address 2*

\_\_\_\_\_  
*Address 2*

\_\_\_\_\_  
*City State Zip*

\_\_\_\_\_  
*City State Zip*

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**B. Only One Spouse Owns the Property:** *Fill out this section if you are married and you own all or part of the property by yourself – your spouse doesn't own any part of it – and you want your spouse to own the property when you die.*

1) Primary Beneficiary: I designate my spouse as the primary beneficiary if I die before my spouse:

\_\_\_\_\_  
Spouse's Printed Name

Mailing Address:

\_\_\_\_\_  
*Address 1*

\_\_\_\_\_  
*Address 2*

\_\_\_\_\_  
*City State Zip*

2) Alternate Beneficiary or Beneficiaries: *Enter the first, middle (if any), and last name of each person you want to get the property if your spouse dies before you. You may list more than two alternate beneficiaries by attaching a page with their name and mailing address.*

If my spouse dies before me, I want the following person(s) to own my property when I die. This person(s) may or may not be my child, descendant, or a member of my family. If more than one alternate beneficiary is listed, they will own the property in equal shares:

\_\_\_\_\_  
Alternate Beneficiary

*Print Name*

Mailing Address:

\_\_\_\_\_  
*Address 1*

\_\_\_\_\_  
*Address 2*

\_\_\_\_\_  
*City State Zip*

\_\_\_\_\_  
Second Alternate Beneficiary (Optional)

*Print Name*

Mailing Address:

\_\_\_\_\_  
*Address 1*

\_\_\_\_\_  
*Address 2*

\_\_\_\_\_  
*City State Zip*

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**c. Other:** *Fill out this section if neither section A or B apply to you, including if you are married and you do not want your share of the property to go to your spouse.*

1) **Primary Beneficiary:** *Enter the first, middle (if any), and last name of each person you want to get the property when you die. This person or people will be named the "beneficiary". You may list more than two primary beneficiaries by attaching a page with their name and mailing address.*

I want the following person(s) to own my property. This person(s) may or may not be my child, descendant, or a member of my family. If more than one primary beneficiary is listed, they will own the property in equal shares:

\_\_\_\_\_  
Primary Beneficiary

*Print Name*

Mailing Address:

\_\_\_\_\_  
*Address 1*

\_\_\_\_\_  
*Address 2*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip*

\_\_\_\_\_  
Second Primary Beneficiary (Optional)

*Print Name*

Mailing Address:

\_\_\_\_\_  
*Address 1*

\_\_\_\_\_  
*Address 2*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip*

2) **Alternate Beneficiary or Beneficiaries:** *Enter the first, middle (if any), and last name of each person you want to get the property if all primary beneficiaries die before you. You may list more than two alternate beneficiaries by attaching a page with their name and mailing address.*

If the primary beneficiary or beneficiaries die before me, I want the following person(s) to own my property. If more than one alternate beneficiary is listed, they will own the property in equal shares:

\_\_\_\_\_  
Alternate Beneficiary

*Print Name*

Mailing Address:

\_\_\_\_\_  
*Address 1*

\_\_\_\_\_  
*Address 2*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip*

\_\_\_\_\_  
Second Alternate Beneficiary (Optional)

*Print Name*

Mailing Address:

\_\_\_\_\_  
*Address 1*

\_\_\_\_\_  
*Address 2*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip*

# Transfer on Death Deed

## 5. Transfer on Death

At my death, I convey to (*give*) the primary beneficiary or beneficiaries my interest in the property to have and hold forever. If all my primary beneficiaries die before I do, I grant and convey to (*give*) any listed alternate beneficiary or beneficiaries, my interest in the property to have and hold forever. If no primary or alternate beneficiary is alive when I die, this deed is canceled and has no force and effect, as if it had never been executed.

## 6. Signature of Property Owner(s) Making this Deed: ***Do not sign or date below until you are in front of a notary public.***

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Second Owner's Signature (If Applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

### FOR NOTARY TO COMPLETE Acknowledgement

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

\_\_\_\_\_.

\_\_\_\_\_  
Notary Public's Signature

### After recording, please return to:

\_\_\_\_\_  
Owner's Name

Owner's Mailing Address:

\_\_\_\_\_  
*Address 1*

\_\_\_\_\_  
*Address 2*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip*

# Transfer on Death Deed

## INSTRUCTIONS

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### **REQUIRED:**

- **Must Sign in Front of a Notary:** Do not sign or date the transfer on death deed until you are standing in front of a notary public.
  - **Must Record Transfer on Death Deed Before Your Death:** You **must** record (*file*) this deed **before** your death with the county clerk where the property is located or it will not be effective.
1. **Property Owner (Transferor) Making this Deed:** Enter your first, middle (if any), and last name, along with your mailing address. Write your name exactly as it appears on the deed you received when you became an owner of the property. If you now go by a different name, write your name as listed on the deed, followed by AKA (also known as) and your current name. If more than one person owns the property, each person must do this.
  2. **Legal Description of the Property:** Enter the legal description of the property, which is different from the mailing or physical address of the property. This information is on the deed you received when you became an owner of the property and is also available at the county clerk's office in the county where the property is located. Do NOT use the legal description listed on your property tax bill because it is usually incomplete. IT IS VERY IMPORTANT THAT THIS INFORMATION IS CORRECT. If you are not absolutely sure, talk to a lawyer.
  3. **Address of the Property:** Enter the physical address of the property.
  4. **Beneficiary or Beneficiaries:** A "beneficiary" is the person who will own the property when you die. You must check the box for A, B, or C. Check **ONLY ONE** box and fill in the blanks in that section.
    - A. **If you are married and you and your spouse own the property together:**
      - *Fill out Section A if you want the surviving spouse to get your share of the property upon your death.* You may list alternate beneficiaries, who would get the property when both you and your spouse die, but it is not required.
      - *Fill out Section C if you want someone other than your spouse to get your share of the property upon your death.* Enter the name of each person you want to own your property when you die. You may also list alternate beneficiaries, but it is not required.
    - B. **If you are married and you own all or part of the property by yourself (your spouse doesn't own any part of it):**
      - *Fill out Section B if you want your spouse to get the property upon your death.* You may list alternate beneficiaries, who would get the property if your spouse is deceased at the time of your death, but it is not required.
      - *Fill out Section C if you want someone other than your spouse to get the property upon your death.* Enter the name of each person you want to own your property when you die. You may also list alternate beneficiaries, but it is not required.
    - C. **If you are not married, fill out Section C.** Enter the first and last name of each person you want to own your property when you die. You may also list alternate beneficiaries, who would get the property if your primary beneficiary is deceased at the time of your death, but it is not required.

# Transfer on Death Deed

## INSTRUCTIONS

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5. Transfer on Death: You do not need to fill out anything in this section.
6. Signature of Owner: This deed must be signed before a notary. **Do not sign your name or enter the date until you are in front of a notary.** If two people own the property, both need to sign before a notary.
7. Acknowledgement: You do not need to fill out anything in this box. The notary will fill it out.
8. "After Recording, Return to" Section: Fill in the property owner's name and address here. Once the transfer on death deed has been recorded, it will be returned to the property owner with the specific information (the volume, page number, and/or deed number) on where the deed has been recorded in the county's clerk office so that it can be located later. Keep the transfer on death deed in a safe place.
9. File the Deed (NOT these Instructions) in the County Clerk's Office:
  - **Bring Original and One Copy**: Bring the original and at least one copy of the complete and notarized transfer on death deed to the County Clerk's office in the county where the property is located.
  - **Bring Personal Identification**: The county clerk may require you to show personal identification before you file this document.
  - **Bring Money**: The County Clerk will charge a fee to file the transfer on death deed, which is typically a per page fee. Many County Clerks do not accept checks. You may want to call the County Clerk's office and find out how much the charge will be and whether they accept checks before you go. The File the original and ask them to return a copy of the original with the recording information on it to the owner.
  - **Do Not File the Instructions**: If you file the instructions, it may cause confusion and will also cost you more money.