

REVOCABLE TRANSFER ON DEATH DEED

NOTICE TO OWNER

YOU SHOULD CAREFULLY READ ALL INFORMATION ON THE OTHER SIDE OF THIS FORM. YOU MAY WANT TO CONSULT A LAWYER BEFORE USING THIS FORM. THIS FORM MUST BE RECORDED BEFORE YOUR DEATH, OR IT WILL NOT BE EFFECTIVE.

IDENTIFYING INFORMATION

Owner or Owners Making This Deed:

_____	_____
Printed name	Mailing address
_____	_____
Printed name	Mailing address

Legal description of the property:

PRIMARY BENEFICIARY

I designate the following beneficiary if the beneficiary survives me.

_____	_____
Printed name	Mailing address, if available

ALTERNATE BENEFICIARY – Optional

If my primary beneficiary does not survive me, I designate the following alternate beneficiary if that beneficiary survives me.

_____	_____
Printed name	Mailing address, if available

TRANSFER ON DEATH

AT MY DEATH, I TRANSFER MY INTEREST IN THE DESCRIBED PROPERTY TO THE BENEFICIARIES AS DESIGNATED ABOVE. BEFORE MY DEATH, I HAVE THE RIGHT TO REVOKE THIS DEED.

SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED

_____	_____
Signature	Date
_____	_____
Signature	Date

SIGNATURE OF WITNESSES

_____	_____
Signature	Date
_____	_____
Signature	Date

NOTARY ACKNOWLEDGMENT

ACKNOWLEDGMENT TAKEN IN NEW YORK STATE

State of New York, County of \_\_\_\_\_, ss:

On the      day of                      , in the year                      , before me, the undersigned, personally appeared                      personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

## COMMON QUESTIONS ABOUT THE USE OF THIS FORM

### **What does the Transfer on Death (TOD) deed do?**

When you die, this deed transfers the described property, subject to any liens or mortgages (or other encumbrances) on the property at your death. Probate is not required. The TOD deed has no effect until you die. You can revoke it at any time. You are also free to transfer the property to someone else during your lifetime. If you do not own any interest in the property when you die, this deed will have no effect.

### **How do I make a TOD deed?**

Complete this form. Have it acknowledged before a notary public. Record the form in each county where any part of the property is located. The form has no effect unless it is acknowledged and recorded before your death.

### **Is the “legal description” of the property necessary?**

Yes.

### **How do I find the “legal description” of the property?**

This information may be on the deed you received when you became an owner of the property. This information may also be available in the county clerk’s office of the county where the property is located. If you are not absolutely sure, consult a lawyer.

### **Can I change my mind before I record the TOD deed?**

Yes. If you have not yet recorded the deed and want to change your mind, simply tear up or otherwise destroy the deed.

### **How do I “record” the TOD deed?**

Take the completed and acknowledged form to the county clerk’s office of the county where the property is located. Follow the instructions given by the county clerk to make the form part of the official property records. If the property is in more than one county, you should record the deed in each county.

### **Can I later revoke the TOD deed if I change my mind?**

Yes. You can revoke the TOD deed. No one, including the beneficiaries, can prevent you from revoking the deed.

### **How do I revoke the TOD deed after it is recorded?**

There are three ways to revoke a recorded TOD deed:

- (1) Complete and acknowledge a revocation form and record it in each county where the property is located.
- (2) Complete and acknowledge a new TOD deed that disposes of the same property and record it in each county where the property is located.
- (3) Transfer the property to someone else during your lifetime by a recorded deed that expressly revokes the TOD deed. You may not revoke the TOD deed by will.

### **I am being pressured to complete this form. What should I do?**

Do not complete this form under pressure. Seek help from a trusted family member, friend, or lawyer.

### **Do I need to tell the beneficiaries about the TOD deed?**

No, but it is recommended. Secrecy can cause later complications and might make it easier for others to commit fraud.

### **I have other questions about this form. What should I do?**

This form is designed to fit some but not all situations. If you have other questions, you are encouraged to consult a lawyer.

## REVOCATION OF TRANSFER ON DEATH DEED

## NOTICE TO OWNER

THIS REVOCATION MUST BE RECORDED BEFORE YOU DIE, OR IT WILL NOT BE EFFECTIVE. THIS REVOCATION IS EFFECTIVE ONLY AS TO THE INTERESTS IN THE PROPERTY OF OWNERS WHO SIGN THIS REVOCATION.

## IDENTIFYING INFORMATION

Owner or Owners of Property Making This Revocation:

Printed name

Mailing address

Printed name

Mailing address

Legal description of the property:

## REVOCATION

**I REVOKE ALL MY PREVIOUS TRANSFERS OF THIS PROPERTY BY TRANSFER ON DEATH DEED.**

**SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED**

Signature

Date \_\_\_\_\_

Signature

Date \_\_\_\_\_

## SIGNATURE OF WITNESSES

Signature

Date \_\_\_\_\_

Signature

Date \_\_\_\_\_

## NOTARY ACKNOWLEDGMENT

### ACKNOWLEDGMENT TAKEN IN NEW YORK STATE

State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

## **COMMON QUESTIONS ABOUT THE USE OF THIS FORM**

### **How do I use this form to revoke a Transfer on death (TOD) deed?**

Complete this form. Have it acknowledged before a notary public. Record the form in the public records in the county clerk's office of the county where the property is located. The form must be acknowledged and recorded before your death, or it has no effect.

### **How do I find the "legal description" of the property?**

This information may be on the TOD deed. It may also be available in the county clerk's office of the county where the property is located. If you are not absolutely sure, consult a lawyer.

### **How do I "record" the form?**

Take the completed and acknowledged form to the county clerk's office of the county where the property is located. Follow the instructions given by the county clerk to make the form part of the official property records. If the property is located in more than one county, you should record the form in each of those counties.

### **I am being pressured to complete this form. What should I do?**

Do not complete this form under pressure. Seek help from a trusted family member, friend, or lawyer.

### **I have other questions about this form. What should I do?**

This form is designed to fit some but not all situations. If you have other questions, consult a lawyer.

## ACKNOWLEDGMENT TAKEN IN NEW YORK STATE

State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

*ACKNOWLEDGMENT TAKEN OUTSIDE NEW YORK STATE*

\* State of \_\_\_\_\_, County of, ss:

\*(or insert District of Columbia, Territory, Possession or Foreign Country)

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgment was taken).