

Revocable Transfer on Death Deed (TOD)

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

Made the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20\_\_\_\_

**IDENTIFYING INFORMATION**

OWNER OR OWNERS MAKING THIS DEED:

\_\_\_\_\_,  
residing at:

\_\_\_\_\_,  
residing at:

LEGAL DESCRIPTION OF PROPERTY

SEE LEGAL DESCRIPTION ATTACHED HERETO AS SCHEDULE "A"  
AND MADE A PART HEREOF

PRIMARY BENEFICIARIES

I DESIGNATE THE FOLLOWING BENEFICIARIES IF THE BENEFICIARY SURVIVES ME:

\_\_\_\_\_  
residing at:

ALTERNATE BENEFICIARY-OPTION

IF MY PRIMARY BENEFICIARY DOES NOT SURVIVE ME, I DESIGNATE THE  
FOLLOWING ALTERNATE BENEFICIARY IF THAT BENEFICIARY SURVIVES ME:

\_\_\_\_\_  
residing at:

**TRANSFER ON DEATH**

Sec.:  
Blk.:  
Lot(s):

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.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day  
and year first above written.

\_\_\_\_\_  
Owner Date

\_\_\_\_\_  
Owner Date

The foregoing instrument, was signed by \_\_ (Name(s) of Witnesses) \_\_ in our presence, and we at  
their request and in their presence and in the presence of each other have subscribed our names as  
witnesses this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Signed in the presence of the Transferor

\_\_\_\_\_  
Witness: Date  
Address:

\_\_\_\_\_  
Witness: Date  
Address:

**STATE OF NEW YORK  
COUNTY OF**

**ss.:**

On the \_\_\_\_\_ day of July in the year 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_ and 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 they executed the same in their capacity(ies), and that by their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument

\_\_\_\_\_  
(Notary)

**STATE OF  
COUNTY OF**

**ss.:**

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_ before me, the undersigned personally appeared \_\_\_\_\_ and \_\_\_\_\_ 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 acknowledge to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signatures(s) on the instrument, the individual(s), or the person upon behalf of which the individual acted, executed the instrument and that such individual made such appearance before the undersigned in the (Insert the city or other political subdivision and state or country or other place the acknowledgment was taken)

\_\_\_\_\_  
(Notary)

**TRANSFER ON DEATH DEED**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
DISTRICT:  
SECTION:  
BLOCK:  
LOT:  
COUNTY:

**RETURN BY MAIL TO:**

## **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.