

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

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.*

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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

3) **Transfer on Death:** *If the alternate beneficiary is your child (or other descendant) or your brother or sister (or other descendant of either of your parents), you must choose an option below.*

At my death, I convey to (*give*) the primary beneficiary my interest in the property to have and hold forever. If my primary beneficiary does not survive me (*dies before I do*), I grant and convey (*give*) my interest in the property to my alternate beneficiary. If my alternate beneficiary is my child (or other descendant) or my brother or sister (or other descendant of either of my parents) AND an alternate beneficiary dies before I do, I grant and convey (*give*) my share to any living alternate beneficiary AND (choose by writing your initials in ONE blank ONLY):

_____ (a) the deceased alternate beneficiary's share will pass to his/her surviving children or other descendants.

_____ (b) no one else. I do not want the deceased alternate beneficiary's surviving children or other descendants to have a share of the property. 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.

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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:

Spouse's 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*

_____ *Second Alternate Beneficiary (Optional) Print Name*

Mailing Address:

Mailing Address:

_____ *Address 1*

_____ *Address 1*

_____ *Address 2*

_____ *Address 2*

_____ *City*

_____ *State*

_____ *Zip*

_____ *City*

_____ *State*

_____ *Zip*

3) **Transfer on Death:** *If the alternate beneficiary is your child (or other descendant) or your brother or sister (or other descendant of either of your parents), you must choose an option below.*

At my death, I convey to (*give*) the primary beneficiary my interest in the property to have and hold forever. If my primary beneficiary does not survive me (*dies before I do*), I grant and convey (*give*) my interest in the property to my alternate beneficiary. If my alternate beneficiary is my child (or other descendant) or my brother or sister (or other descendant of either of my parents) AND an alternate beneficiary dies before I do, I grant and convey (*give*) my share to any living alternate beneficiary AND (choose by writing your initials in ONE blank ONLY):

_____ (a) the deceased alternate beneficiary's share will pass to his/her surviving children or other descendants.

_____ (b) no one else. I do not want the deceased alternate beneficiary's surviving children or other descendants to have a share of the property. 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.

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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 all 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

3) **Transfer on Death:** *If the primary or alternate beneficiary is your child (or other descendant) or your brother or sister (or other descendant of either of your parents), you must choose an option from each A and B below.*

At my death, I convey to (*give*) the primary beneficiary my interest in the property to have and hold forever.

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A) If at least one Primary Beneficiary Survives Me (*dies after I do*):

If my primary beneficiary is my child (or other descendant) or my brother or sister (or other descendant of either of my parents) AND a primary beneficiary dies before I do, I grant and convey (*give*) my share to any living primary beneficiary AND (choose by writing your initials in ONE blank ONLY):

_____ (a) the deceased primary beneficiary's share will pass to his/her surviving children or other descendants.

_____ (b) no one else. I do not want the deceased primary beneficiary's surviving children or other descendants to have a share of the property.

B) If NO Primary Beneficiary Survives Me (*dies after I do*):

If my primary beneficiary is my child (or other descendant) or my brother or sister (or other descendant of either of my parents) AND all primary beneficiaries die before I do, I grant and convey (*give*) my share to (choose by writing your initials in ONE blank ONLY):

_____ (a) the deceased primary beneficiary's share will pass to his/her surviving children or other descendants.

_____ (b) the alternate beneficiary or beneficiaries. I do not want the deceased primary beneficiary's surviving children or other descendants to have a share of the property. If no primary beneficiary is alive when I die and I did not choose an alternate beneficiary, this deed is canceled and has no force and effect, as if it had never been executed.

C) If an Alternate Beneficiary Does Not Survive Me (*dies before I do*):

If my alternate beneficiary is my child (or other descendant) or my brother or sister (or other descendant of either of my parents) AND an alternate beneficiary dies before I do, I grant and convey (*give*) my share to any living alternate beneficiary AND (choose by writing your initials in ONE blank ONLY):

_____ (a) the deceased alternate beneficiary's share will pass to his/her surviving children or other descendants.

_____ (b) no one else. I do not want the deceased alternate beneficiary's surviving children or other descendants to have a share of the property. 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.

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5. 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)

Owner's Printed Name

Second Owner's Printed Name (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 and Mailing Address

Name

Address 1

Address 2

City

State

Zip