County of Orange – Office of the County Clerk

Kelly A. Eskew
County Clerk

Instructions for the Recording of Transfer on Death Deeds

On July 19, 2024, New York State enacted Real Property Law § 424, entitled "Transfer on Death Deed". This statute was intended to address deed theft, fraud involving the partition of heirs' property, and other title-related schemes. Because no legislative history is available and the statute does not explicitly address several procedural matters, the Orange County Clerk's Office is providing these Instructions.[1]

A **Transfer on Death Deed** ("TODD") is a deed authorized under Real Property Law § 424. It is a deed that, upon death of the property owner, transfers title to designated real property to a named beneficiary without the need for probate. The deed is recorded during the owner's lifetime but does not become effective until the owner's death. The New York State Department of Taxation and Finance has advised that "TODDs may be recorded in the same manner as other types of deeds. However, they **do not** need to be accompanied by Form RP-5217 or TP-584."[2]

A recorded TODD may be revoked in any of the following ways:

(1) By executing, acknowledging and recording a **Revocation of Transfer on Death Deed** in each county where the property is located.
(2) By executing, acknowledging and recording a new TODD disposing of the same property in each county where the property is located.
(3) By transferring the property during the owner's lifetime by a recorded deed that expressly revokes the previously recorded TODD.

A **Revocation of Transfer on Death Deed** is an instrument that may be recorded at any time by the property owner to revoke a previously filed TODD.

A beneficiary may renounce all or part of the beneficiary's interest in the same manner as if the interest was transferred in a will. A **Renunciation of Transfer on Death Deed** is an instrument that may be recorded by the beneficiary to renounce all or part of the beneficiary's interest under a previously recorded TODD.

A **Notice of Transfer on Death Deed** is an instrument that may be recorded by the named beneficiary following the death of the property owner. The Notice does not convey title. Rather, it provides notice of the grantor's death and acknowledges that the title to the property has passed to the named beneficiary by operation of law upon the grantor's death.

Recording Standards

Unless otherwise provided by Real Property Law § 424, Transfer on Death Deeds, Revocations of Transfer on Death Deeds, Renunciations of Transfer on Death Deeds and Notices of Transfer on Death Deeds are subject to the same recording standards applicable to other instruments affecting real property, including the requirements of Real Property Law § 291 and the recording standards adopted by the Orange County Clerk's Office.

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[1] These Instructions reflect the practices of the Orange County Clerk's Office and does not apply to any other jurisdiction. This Office can offer no legal advice to individuals seeking to record any of the listed documents.

[2] https://www.tax.ny.gov/pit/property/new-homebuyers/rp5217-qanda.htm#:~:text=A3:%20Form%20RP-5217-PDF

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NOTICE OF TRANSFER ON DEATH DEED

Transferor:
Name: _____
Date of Death: _____

Beneficiary:
Name:_____
Address:_____

Property
This Notice relates to the following real property located in the County of Orange, State of New York:
Street Address (if applicable):

Tax Map Parcel No:

Prior Transfer on Death Deed
The undersigned states that:

1. The above-named Transferor executed a Transfer on Death Deed pursuant to Real Property Law § 424.
2. The Transfer on Death Deed was recorded in the Office of the Orange County Clerk.

Recording Date: _____
Liber/Book: _____ Page: _____ Instrument No. _____

Notice

1. The above-named Transferor is deceased.
2. Pursuant to Real Property Law § 424, title to the above-described real property transferred by operation of law upon the death of the Transferor to the named beneficiary designated in the recorded Transfer on Death Deed.
3. This Notice is recorded for notice purposes only and does not independently convey title to the property.

Dated: _____

Beneficiary:

_____

(Signature) (Print Name)

STATE OF NEW YORK)
)
COUNTY OF ORANGE)

On the __ day of _____ 20__, before me, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names are subscribed to the within instrument and acknowledged to me that this individual executed the same in his/her/their capacity, and that by his/her/their capacity on the instrument the individual(s) or the person upon behalf of which the individual(s) acted executed the instrument.

_____
Notary Public

Optional Attachments:
☐ Certified Copy of Death Certificate
☐ Copy of Recorded Transfer on Death Deed
☐ Legal Description (Exhibit A)

This form is provided as a convenience. The Orange County Clerk's Office does not determine the legal sufficiency or legal effect of any instrument presented for recording.