

REVOCABLE TRANSFER ON DEATH DEED

It is always recommended to seek the guidance of legal counsel before making changes to your deed

IDENTIFYING INFORMATION

Owner or Owners Making This Deed:

Printed Name

Printed Name

Mailing Address

Mailing Address

IDENTIFYING PROPERTY INFORMATION

Legal description of the property (schedule A must be attached): _____

Property address

Book _____ Page _____ Date Recorded _____ in the Orange County Clerk's Office

PRIMARY BENEFICIARY

I designate the following beneficiary if the beneficiary survives me.

Printed name

Date

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

Date

Mailing address, if available

Printed name

Date

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 MAKING THIS DEED

Signature

Date

Signature

Date

**NOTARY
ACKNOWLEDGMENT**

State of _____

County of _____

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

Notary Public

SIGNATURE OF WITNESSES

By signing as a witness, I acknowledge that _____ signed in my presence and in the presence of the other witness. I also acknowledge that the principal has stated that the Revocable Transfer on Death Deed reflects his/her/their wishes and that he/she/they signed it voluntarily. I am not named herein as an agent or as a permissible recipient of gifts.

Signature of witness 1

Signature of witness 2

Date

Date

Print Name

Print Name

Address

Address

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.

What is a "schedule A" and why do I need to attach it?

A schedule A is a legal description attached to all deeds that describes where a property is located. It needs to be attached so that a proper legal description of the property is present.

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 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.

More questions?

Our office is unable to provide legal advice. You must contact an attorney with any further questions.

Elder Abuse Hotline

If you suspect you or someone you know may be the victim of elder abuse please call the number below.

1-844-697-3505