

HOUSE BILL 946

N2, N1

3lr1385

By: **Delegates Carr, Gutierrez, and Waldstreicher**

Introduced and read first time: February 7, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Uniform Real Property Transfer on Death Act**

3 FOR the purpose of establishing the Maryland Uniform Real Property Transfer on
4 Death Act; providing for the construction of this Act; authorizing an individual
5 to transfer certain property to one or more beneficiaries effective at the
6 transferor's death by a transfer on death deed; establishing that a transfer on
7 death deed is revocable and nontestamentary; providing that the capacity
8 required to make or revoke a transfer on death deed is the same as that
9 required to make a will; establishing the requirements of a transfer on death
10 deed; providing that notice, delivery, acceptance, or consideration are not
11 required for a transfer on death deed; providing for the revocation of a transfer
12 on death deed; providing for the effect of a transfer on death deed during the life
13 of the transferor; providing for the effect of a transfer on death deed at the
14 death of the transferor; authorizing a beneficiary to make a certain disclaimer;
15 providing for certain creditor claims and statutory allowances; providing for the
16 application of this Act; providing for the citation to the Act; providing certain
17 statutory forms that may be used to create a transfer on death deed and a
18 revocation of a transfer on death deed; defining certain terms; and generally
19 relating to transferring real estate on death.

20 BY adding to

21 Article – Estates and Trusts

22 Section 18–101 through 18–202 to be under the new title “Title 18. Maryland
23 Uniform Real Property Transfer on Death Act”

24 Annotated Code of Maryland

25 (2011 Replacement Volume and 2012 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

28 **Article – Estates and Trusts**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **TITLE 18. MARYLAND UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT.**

2 **SUBTITLE 1. GENERAL PROVISIONS.**

3 **18-101.**

4 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
5 **INDICATED UNLESS THE CONTEXT OTHERWISE REQUIRES.**

6 **(B) “BENEFICIARY” MEANS A PERSON THAT RECEIVES PROPERTY**
7 **UNDER A TRANSFER ON DEATH DEED.**

8 **(C) “DESIGNATED BENEFICIARY” MEANS A PERSON DESIGNATED TO**
9 **RECEIVE PROPERTY UNDER A TRANSFER ON DEATH DEED.**

10 **(D) (1) “JOINT OWNER” MEANS AN INDIVIDUAL WHO OWNS**
11 **PROPERTY CONCURRENTLY WITH ONE OR MORE OTHER INDIVIDUALS WITH A**
12 **RIGHT OF SURVIVORSHIP.**

13 **(2) “JOINT OWNER” INCLUDES A JOINT TENANT AND TENANT BY**
14 **THE ENTIRETY.**

15 **(3) “JOINT OWNER” DOES NOT INCLUDE A TENANT IN COMMON**
16 **OR OWNER OF COMMUNITY PROPERTY WITHOUT A RIGHT OF SURVIVORSHIP.**

17 **(E) “PROPERTY” MEANS AN INTEREST IN REAL PROPERTY LOCATED IN**
18 **THE STATE THAT IS TRANSFERABLE ON THE DEATH OF THE OWNER.**

19 **(F) “TRANSFER ON DEATH DEED” MEANS A DEED AUTHORIZED UNDER**
20 **THIS TITLE.**

21 **(G) “TRANSFEROR” MEANS AN INDIVIDUAL WHO MAKES A TRANSFER ON**
22 **DEATH DEED.**

23 **18-102.**

24 **THIS TITLE DOES NOT AFFECT ANY METHOD OF TRANSFERRING**
25 **PROPERTY OTHERWISE ALLOWED UNDER THE LAW OF THE STATE.**

26 **18-103.**

1 AN INDIVIDUAL MAY TRANSFER PROPERTY TO ONE OR MORE
2 BENEFICIARIES EFFECTIVE AT THE DEATH OF THE TRANSFEROR BY A
3 TRANSFER ON DEATH DEED.

4 18-104.

5 A TRANSFER ON DEATH DEED IS REVOCABLE EVEN IF THE DEED OR
6 ANOTHER INSTRUMENT CONTAINS A CONTRARY PROVISION.

7 18-105.

8 A TRANSFER ON DEATH DEED IS NONTESTAMENTARY.

9 18-106.

10 THE CAPACITY REQUIRED TO MAKE OR REVOKE A TRANSFER ON DEATH
11 DEED IS THE SAME AS THE CAPACITY REQUIRED TO MAKE A WILL.

12 18-107.

13 A TRANSFER ON DEATH DEED SHALL:

14 (1) EXCEPT AS OTHERWISE PROVIDED IN ITEM (2) OF THIS
15 SECTION, CONTAIN THE ESSENTIAL ELEMENTS AND FORMALITIES OF A
16 PROPERLY RECORDABLE INTER VIVOS DEED;

17 (2) STATE THAT THE TRANSFER TO THE DESIGNATED
18 BENEFICIARY IS TO OCCUR AT THE DEATH OF THE TRANSFEROR; AND

19 (3) BE RECORDED BEFORE THE DEATH OF THE TRANSFEROR IN
20 THE PUBLIC RECORDS IN THE OFFICE OF THE CLERK FOR THE CIRCUIT COURT
21 FOR THE COUNTY WHERE THE PROPERTY IS LOCATED.

22 18-108.

23 A TRANSFER ON DEATH DEED IS EFFECTIVE WITHOUT:

24 (1) NOTICE OR DELIVERY TO OR ACCEPTANCE BY THE
25 DESIGNATED BENEFICIARY DURING THE LIFE OF THE TRANSFEROR; OR

26 (2) CONSIDERATION.

27 18-109.

1 **(A) THIS SECTION DOES NOT LIMIT THE EFFECT OF AN INTER VIVOS**
2 **TRANSFER OF THE PROPERTY.**

3 **(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN INSTRUMENT IS**
4 **EFFECTIVE TO REVOKE A RECORDED TRANSFER ON DEATH DEED, OR ANY PART**
5 **OF THE DEED, ONLY IF THE INSTRUMENT:**

6 **(1) IS ONE OF THE FOLLOWING:**

7 **(I) A TRANSFER ON DEATH DEED THAT REVOKES THE DEED**
8 **OR PART OF THE DEED EXPRESSLY OR BY INCONSISTENCY;**

9 **(II) AN INSTRUMENT OF REVOCATION THAT EXPRESSLY**
10 **REVOKES THE DEED OR PART OF THE DEED; OR**

11 **(III) AN INTER VIVOS DEED THAT EXPRESSLY REVOKES THE**
12 **TRANSFER ON DEATH DEED OR PART OF THE DEED; AND**

13 **(2) IS ACKNOWLEDGED BY THE TRANSFEROR AFTER THE**
14 **ACKNOWLEDGMENT OF THE DEED BEING REVOKED AND RECORDED BEFORE**
15 **THE DEATH OF THE TRANSFEROR IN THE PUBLIC RECORDS IN THE OFFICE OF**
16 **THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY WHERE THE DEED IS**
17 **RECORDED.**

18 **(C) IF A TRANSFER ON DEATH DEED IS MADE BY MORE THAN ONE**
19 **TRANSFEROR:**

20 **(1) REVOCATION BY A TRANSFEROR DOES NOT AFFECT THE DEED**
21 **AS TO THE INTEREST OF ANOTHER TRANSFEROR; AND**

22 **(2) A DEED OF JOINT OWNERS IS REVOKED ONLY IF THE DEED IS**
23 **REVOKED BY ALL OF THE LIVING JOINT OWNERS.**

24 **(D) AFTER A TRANSFER ON DEATH DEED IS RECORDED, THE DEED MAY**
25 **NOT BE REVOKED BY A REVOCATORY ACT ON THE DEED.**

26 **18-110.**

27 **DURING THE LIFE OF A TRANSFEROR, A TRANSFER ON DEATH DEED DOES**
28 **NOT:**

1 **(1) AFFECT AN INTEREST OR RIGHT OF THE TRANSFEROR OR**
2 **ANOTHER OWNER, INCLUDING THE RIGHT TO TRANSFER OR ENCUMBER THE**
3 **PROPERTY;**

4 **(2) AFFECT AN INTEREST OR RIGHT OF A TRANSFEREE, EVEN IF**
5 **THE TRANSFEREE HAS ACTUAL OR CONSTRUCTIVE NOTICE OF THE DEED;**

6 **(3) AFFECT AN INTEREST OR RIGHT OF A SECURED OR**
7 **UNSECURED CREDITOR OR FUTURE CREDITOR OF THE TRANSFEROR, EVEN IF**
8 **THE CREDITOR HAS ACTUAL OR CONSTRUCTIVE NOTICE OF THE DEED;**

9 **(4) AFFECT THE ELIGIBILITY OF THE TRANSFEROR OR**
10 **DESIGNATED BENEFICIARY FOR A FORM OF PUBLIC ASSISTANCE;**

11 **(5) CREATE A LEGAL OR EQUITABLE INTEREST IN FAVOR OF THE**
12 **DESIGNATED BENEFICIARY; OR**

13 **(6) SUBJECT THE PROPERTY TO CLAIMS OF OR PROCESS BY A**
14 **CREDITOR OF THE DESIGNATED BENEFICIARY.**

15 **18-111.**

16 **(A) EXCEPT AS OTHERWISE PROVIDED IN THE TRANSFER ON DEATH**
17 **DEED OR IN THIS SECTION, ON THE DEATH OF THE TRANSFEROR, THE**
18 **FOLLOWING RULES APPLY TO PROPERTY THAT IS THE SUBJECT OF A TRANSFER**
19 **ON DEATH DEED AND OWNED BY THE TRANSFEROR AT DEATH:**

20 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
21 **INTEREST IN THE PROPERTY IS TRANSFERRED TO THE DESIGNATED**
22 **BENEFICIARY IN ACCORDANCE WITH THE DEED.**

23 **(2) (I) THE INTEREST OF A DESIGNATED BENEFICIARY IS**
24 **CONTINGENT ON THE DESIGNATED BENEFICIARY SURVIVING THE TRANSFEROR.**

25 **(II) THE INTEREST OF A DESIGNATED BENEFICIARY THAT**
26 **FAILS TO SURVIVE THE TRANSFEROR LAPSES.**

27 **(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION,**
28 **CONCURRENT INTERESTS ARE TRANSFERRED TO THE BENEFICIARIES IN EQUAL**
29 **AND UNDIVIDED SHARES WITH NO RIGHT OF SURVIVORSHIP.**

30 **(4) IF THE TRANSFEROR HAS IDENTIFIED TWO OR MORE**
31 **DESIGNATED BENEFICIARIES TO RECEIVE CONCURRENT INTERESTS IN THE**

1 PROPERTY, THE SHARE OF ONE THAT LAPSES OR FAILS FOR ANY REASON IS
2 TRANSFERRED TO THE OTHER, OR TO THE OTHERS IN PROPORTION TO THE
3 INTEREST OF EACH IN THE REMAINING PART OF THE PROPERTY HELD
4 CONCURRENTLY.

5 (B) (1) SUBJECT TO TITLE 3 OF THE REAL PROPERTY ARTICLE, A
6 BENEFICIARY TAKES THE PROPERTY SUBJECT TO ALL CONVEYANCES,
7 ENCUMBRANCES, ASSIGNMENTS, CONTRACTS, MORTGAGES, LIENS, AND OTHER
8 INTERESTS TO WHICH THE PROPERTY IS SUBJECT AT THE DEATH OF THE
9 TRANSFEROR.

10 (2) FOR PURPOSES OF THIS SUBSECTION AND TITLE 3 OF THE
11 REAL PROPERTY ARTICLE, THE RECORDING OF THE TRANSFER ON DEATH
12 DEED IS DEEMED TO HAVE OCCURRED AT THE DEATH OF THE TRANSFEROR.

13 (C) A TRANSFER ON DEATH DEED IS EFFECTIVE IF THE TRANSFEROR IS
14 A JOINT OWNER AND IS:

15 (1) SURVIVED BY ONE OR MORE OTHER JOINT OWNERS, AND THE
16 PROPERTY THAT IS THE SUBJECT OF A TRANSFER ON DEATH DEED BELONGS TO
17 THE SURVIVING JOINT OWNER OR OWNERS WITH RIGHT OF SURVIVORSHIP; OR

18 (2) THE LAST SURVIVING JOINT OWNER.

19 (D) A TRANSFER ON DEATH DEED TRANSFERS PROPERTY WITHOUT
20 COVENANT OR WARRANTY OF TITLE EVEN IF THE DEED CONTAINS A CONTRARY
21 PROVISION.

22 18-112.

23 A BENEFICIARY MAY DISCLAIM ALL OR PART OF THE INTEREST OF THE
24 BENEFICIARY AS PROVIDED UNDER TITLE 9, SUBTITLE 2 OF THIS ARTICLE.

25 18-113.

26 (A) TO THE EXTENT THE PROBATE ESTATE OF THE TRANSFEROR IS
27 INSUFFICIENT TO SATISFY AN ALLOWED CLAIM AGAINST THE ESTATE OR A
28 STATUTORY ALLOWANCE TO A SURVIVING SPOUSE OR CHILD, THE ESTATE MAY
29 ENFORCE THE LIABILITY AGAINST PROPERTY TRANSFERRED AT THE DEATH OF
30 THE TRANSFEROR BY A TRANSFER ON DEATH DEED.

31 (B) IF MORE THAN ONE PROPERTY IS TRANSFERRED BY ONE OR MORE
32 TRANSFER ON DEATH DEEDS, THE LIABILITY UNDER SUBSECTION (A) OF THIS

1 SECTION IS APPORTIONED AMONG THE PROPERTIES IN PROPORTION TO THEIR
2 NET VALUES AT THE DEATH OF THE TRANSFEROR.

3 (C) A PROCEEDING TO ENFORCE THE LIABILITY UNDER THIS SECTION
4 MUST BE COMMENCED NOT LATER THAN 6 MONTHS AFTER THE DEATH OF THE
5 TRANSFEROR.

6 18-114.

7 IN APPLYING AND CONSTRUING THIS TITLE, A UNIFORM ACT,
8 CONSIDERATION SHALL BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF
9 THE LAW WITH RESPECT TO THE SUBJECT MATTER OF THE TITLE AMONG THE
10 STATES THAT ENACT THE UNIFORM ACT.

11 18-115.

12 THIS TITLE MODIFIES, LIMITS, AND SUPERSEDES THE FEDERAL
13 ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, 15
14 U.S.C. SECTION 7001, ET SEQ., BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE
15 SECTION 101(C) OF THAT ACT, 15 U.S.C. SECTION 7001(C), OR AUTHORIZE
16 ELECTRONIC DELIVERY OF THE NOTICES DESCRIBED IN SECTION 103(B) OF
17 THAT ACT, 15 U.S.C. SECTION 7003(B).

18 18-116.

19 THIS TITLE MAY BE CITED AS THE MARYLAND UNIFORM REAL PROPERTY
20 TRANSFER ON DEATH ACT.

21 SUBTITLE 2. STATUTORY FORMS.

22 18-201.

23 A DOCUMENT SUBSTANTIALLY IN THE FOLLOWING FORM MAY BE USED TO
24 CREATE A STATUTORY FORM TRANSFER ON DEATH DEED THAT HAS THE
25 MEANING AND EFFECT PRESCRIBED BY THIS TITLE:

26 (FRONT OF FORM)

27 "REVOCABLE TRANSFER ON DEATH DEED

28 NOTICE TO OWNER

1 SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED

2 _____ (SEAL) _____
3 SIGNATURE DATE

4 _____ (SEAL) _____
5 SIGNATURE DATE

6 ACKNOWLEDGMENT

7 (INSERT ACKNOWLEDGMENT FOR DEED HERE)”

8 (BACK OF FORM)

9 “COMMON QUESTIONS ABOUT THE USE OF THIS FORM

10 WHAT DOES THE TRANSFER ON DEATH (TOD) DEED DO?
11 WHEN YOU DIE, THIS DEED TRANSFERS THE DESCRIBED PROPERTY, SUBJECT
12 TO ANY LIENS OR MORTGAGES (OR OTHER ENCUMBRANCES) ON THE PROPERTY
13 AT YOUR DEATH. PROBATE IS NOT REQUIRED. THE TOD DEED HAS NO EFFECT
14 UNTIL YOU DIE. YOU CAN REVOKE IT AT ANY TIME. YOU ARE ALSO FREE TO
15 TRANSFER THE PROPERTY TO SOMEONE ELSE DURING YOUR LIFETIME. IF YOU
16 DO NOT OWN ANY INTEREST IN THE PROPERTY WHEN YOU DIE, THIS DEED WILL
17 HAVE NO EFFECT.

18 HOW DO I MAKE A TOD DEED? COMPLETE THIS FORM. HAVE IT
19 ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR OTHER INDIVIDUAL
20 AUTHORIZED BY LAW TO TAKE ACKNOWLEDGMENTS. RECORD THE FORM IN
21 EACH COUNTY WHERE ANY PART OF THE PROPERTY IS LOCATED. THE FORM
22 HAS NO EFFECT UNLESS IT IS ACKNOWLEDGED AND RECORDED BEFORE YOUR
23 DEATH.

24 IS THE “LEGAL DESCRIPTION” OF THE PROPERTY
25 NECESSARY? YES.

26 HOW DO I FIND THE “LEGAL DESCRIPTION” OF THE
27 PROPERTY? THIS INFORMATION MAY BE ON THE DEED YOU RECEIVED WHEN
28 YOU BECAME AN OWNER OF THE PROPERTY. THIS INFORMATION MAY ALSO BE
29 AVAILABLE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR THE
30 COUNTY WHERE THE PROPERTY IS LOCATED. IF YOU ARE NOT ABSOLUTELY
31 SURE, CONSULT A LAWYER.

1 **CAN I CHANGE MY MIND BEFORE I RECORD THE TOD DEED?**
2 **YES. IF YOU HAVE NOT YET RECORDED THE DEED AND WANT TO CHANGE YOUR**
3 **MIND, SIMPLY TEAR UP OR OTHERWISE DESTROY THE DEED.**

4 **HOW DO I “RECORD” THE TOD DEED? TAKE THE COMPLETED AND**
5 **ACKNOWLEDGED FORM TO THE OFFICE OF THE CLERK OF THE CIRCUIT COURT**
6 **FOR THE COUNTY WHERE THE PROPERTY IS LOCATED. FOLLOW THE**
7 **INSTRUCTIONS GIVEN BY THE CLERK OF THE CIRCUIT COURT TO MAKE THE**
8 **FORM PART OF THE OFFICIAL PROPERTY RECORDS.**

9 **IF THE PROPERTY IS IN MORE THAN ONE COUNTY, YOU SHOULD RECORD**
10 **THE DEED IN EACH COUNTY.**

11 **CAN I LATER REVOKE THE TOD DEED IF I CHANGE MY MIND?**
12 **YES. YOU CAN REVOKE THE TOD DEED. NO ONE, INCLUDING THE**
13 **BENEFICIARIES, CAN PREVENT YOU FROM REVOKING THE DEED.**

14 **HOW DO I REVOKE THE TOD DEED AFTER IT IS RECORDED?**
15 **THERE ARE THREE WAYS TO REVOKE A RECORDED TOD DEED: (1) COMPLETE**
16 **AND ACKNOWLEDGE A REVOCATION FORM, AND RECORD IT IN EACH COUNTY**
17 **WHERE THE PROPERTY IS LOCATED. (2) COMPLETE AND ACKNOWLEDGE A NEW**
18 **TOD DEED THAT DISPOSES OF THE SAME PROPERTY, AND RECORD IT IN EACH**
19 **COUNTY WHERE THE PROPERTY IS LOCATED. (3) TRANSFER THE PROPERTY TO**
20 **SOMEONE ELSE DURING YOUR LIFETIME BY A RECORDED DEED THAT**
21 **EXPRESSLY REVOKES THE TOD DEED. YOU MAY NOT REVOKE THE TOD DEED**
22 **BY WILL.**

23 **I AM BEING PRESSURED TO COMPLETE THIS FORM. WHAT**
24 **SHOULD I DO? DO NOT COMPLETE THIS FORM UNDER PRESSURE. SEEK HELP**
25 **FROM A TRUSTED FAMILY MEMBER, FRIEND, OR LAWYER.**

26 **DO I NEED TO TELL THE BENEFICIARIES ABOUT THE TOD**
27 **DEED? No, BUT IT IS RECOMMENDED. SECRECY CAN CAUSE LATER**
28 **COMPLICATIONS AND MIGHT MAKE IT EASIER FOR OTHERS TO COMMIT FRAUD.**

29 **I HAVE OTHER QUESTIONS ABOUT THIS FORM. WHAT**
30 **SHOULD I DO? THIS FORM IS DESIGNED TO FIT SOME BUT NOT ALL**
31 **SITUATIONS. IF YOU HAVE OTHER QUESTIONS, CONSULT A QUALIFIED**
32 **LAWYER.”.**

33 **18-202.**

1 A DOCUMENT SUBSTANTIALLY IN THE FOLLOWING FORM MAY BE USED TO
2 CREATE A STATUTORY FORM REVOCATION OF TRANSFER ON DEATH DEED THAT
3 HAS THE MEANING AND EFFECT PRESCRIBED BY THIS TITLE:

4 (FRONT OF FORM)

5 "REVOCATION OF TRANSFER ON DEATH DEED

6 NOTICE TO OWNER

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

10 IDENTIFYING INFORMATION

11 OWNER OR OWNERS OF PROPERTY MAKING THIS REVOCATION:

12 _____
13 PRINTED NAME MAILING ADDRESS

14 _____
15 PRINTED NAME MAILING ADDRESS

16 LEGAL DESCRIPTION OF THE PROPERTY:

17 _____

18 REVOCATION

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

21 SIGNATURE OF OWNER OR OWNERS MAKING THIS REVOCATION

22 _____ (SEAL) _____
23 SIGNATURE DATE

24 _____ (SEAL) _____
25 SIGNATURE DATE

26 ACKNOWLEDGMENT

1 (INSERT ACKNOWLEDGMENT HERE)”

2 (BACK OF FORM)

3 “COMMON QUESTIONS ABOUT THE USE OF THIS FORM

4 HOW DO I USE THIS FORM TO REVOKE A TRANSFER ON
5 DEATH (TOD) DEED? COMPLETE THIS FORM. HAVE IT ACKNOWLEDGED
6 BEFORE A NOTARY PUBLIC OR OTHER INDIVIDUAL AUTHORIZED TO TAKE
7 ACKNOWLEDGMENTS. RECORD THE FORM IN THE PUBLIC RECORDS IN THE
8 OFFICE OF THE COUNTY RECORDER OF DEEDS OF EACH COUNTY WHERE THE
9 PROPERTY IS LOCATED. THE FORM MUST BE ACKNOWLEDGED AND RECORDED
10 BEFORE YOUR DEATH OR IT HAS NO EFFECT.

11 HOW DO I FIND THE “LEGAL DESCRIPTION” OF THE
12 PROPERTY? THIS INFORMATION MAY BE ON THE TOD DEED. IT MAY ALSO BE
13 AVAILABLE IN THE OFFICE OF THE COUNTY RECORDER OF DEEDS FOR THE
14 COUNTY WHERE THE PROPERTY IS LOCATED. IF YOU ARE NOT ABSOLUTELY
15 SURE, CONSULT A LAWYER.

16 HOW DO I “RECORD” THE FORM? TAKE THE COMPLETED AND
17 ACKNOWLEDGED FORM TO THE OFFICE OF THE COUNTY RECORDER OF DEEDS
18 OF THE COUNTY WHERE THE PROPERTY IS LOCATED. FOLLOW THE
19 INSTRUCTIONS GIVEN BY THE COUNTY RECORDER TO MAKE THE FORM PART OF
20 THE OFFICIAL PROPERTY RECORDS. IF THE PROPERTY IS LOCATED IN MORE
21 THAN ONE COUNTY, YOU SHOULD RECORD THE FORM IN EACH OF THOSE
22 COUNTIES.

23 I AM BEING PRESSURED TO COMPLETE THIS FORM. WHAT
24 SHOULD I DO? DO NOT COMPLETE THIS FORM UNDER PRESSURE. SEEK HELP
25 FROM A TRUSTED FAMILY MEMBER, FRIEND, OR LAWYER.

26 I HAVE OTHER QUESTIONS ABOUT THIS FORM. WHAT
27 SHOULD I DO? THIS FORM IS DESIGNED TO FIT SOME BUT NOT ALL
28 SITUATIONS. IF YOU HAVE OTHER QUESTIONS, CONSULT A QUALIFIED
29 LAWYER.”.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
31 construed to apply only to a transfer on death deed made before, on, or after the
32 effective date of this Act by a transferor dying on or after the effective date of this Act.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2013.