

SENATE BILL 146

N1, N2
SB 853/22 – JPR

3lr1014
CF 3lr0643

By: **Senator Beidle**

Introduced and read first time: January 16, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Real Property Transfer-on-Death (TOD) Act**

3 FOR the purpose of altering the Maryland Uniform Disclaimer of Property Interests Act to
4 provide for the disclaimer of nonprobate transfers at death; providing for the
5 creation, revocation, recordation, and effects of a transfer-on-death deed for real
6 property; requiring the Administrative Office of the Courts to develop an
7 informational sheet regarding transfer-on-death deeds; providing example forms for
8 the creation and revocation of a transfer-on-death deed; altering certain recording
9 requirements for the clerks of the circuit court; exempting a
10 transfer-on-death deed from certain property transfer taxes; providing for the
11 interpretation of this Act; providing for the retroactive application of this Act to
12 transfer-on-death deeds executed prior to the effective date of this Act; and
13 generally relating to transfer-on-death deeds.

14 BY adding to

15 Article – Estates and Trusts

16 Section 1–402 to be under the amended subtitle “Subtitle 4. Nontestamentary
17 Transfers”

18 Annotated Code of Maryland

19 (2022 Replacement Volume and 2022 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Estates and Trusts

22 Section 9–201(a) and (b) and 9–209(a)

23 Annotated Code of Maryland

24 (2022 Replacement Volume and 2022 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Estates and Trusts

27 Section 9–209(e) and (f) and 9–212

28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2022 Replacement Volume and 2022 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Real Property
4 Section 3–104
5 Annotated Code of Maryland
6 (2015 Replacement Volume and 2022 Supplement)

7 BY adding to
8 Article – Real Property
9 Section 14–801 through 14–814 to be under the new subtitle “Subtitle 8. Maryland
10 Real Property Transfer–on–Death (TOD) Act”
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2022 Supplement)

13 BY adding to
14 Article – Tax – Property
15 Section 12–108(ii), 13–207(a)(27), and 13–414
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2022 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Tax – Property
20 Section 13–207(a)(25) and (26)
21 Annotated Code of Maryland
22 (2019 Replacement Volume and 2022 Supplement)

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

25 **Article – Estates and Trusts**

26 Subtitle 4. [Multiple–Party Accounts] **NONTESTAMENTARY TRANSFERS.**

27 **1–402.**

28 **(A) A TRANSFER–ON–DEATH DEED MADE IN ACCORDANCE WITH THE**
29 **REQUIREMENTS OF TITLE 14, SUBTITLE 8 OF THE REAL PROPERTY ARTICLE IS**
30 **EFFECTIVE ACCORDING TO THE PROVISIONS OF THAT SUBTITLE.**

31 **(B) TRANSFERS OF REAL PROPERTY UNDER TITLE 14, SUBTITLE 8 OF THE**
32 **REAL PROPERTY ARTICLE ARE EFFECTIVE AS PROVIDED UNDER THAT SUBTITLE**
33 **AND ARE NOT TESTAMENTARY.**

34 9–201.

1 (a) In this subtitle the following words have the meanings indicated.

2 (b) “Beneficiary designation” means an instrument, other than an instrument
3 creating a trust, naming the beneficiary of:

4 (1) An annuity or insurance policy;

5 (2) An account with a designation for payment on death;

6 (3) A security registered in beneficiary form;

7 (4) A pension, profit-sharing, retirement, or other employment-related
8 benefit plan; or

9 (5) Any other nonprobate transfer at death.

10 9–209.

11 (a) Subject to subsections (b) through (k) of this section, delivery of a disclaimer
12 may be effected by personal delivery, first-class mail, or any other method likely to result
13 in its receipt.

14 (e) In the case of an interest created by a beneficiary designation [made] **THAT**
15 **IS DISCLAIMED** before [the time] the designation becomes irrevocable, [a] **THE** disclaimer
16 shall be delivered to the person making the beneficiary designation.

17 (f) In the case of an interest created by a beneficiary designation [made] **THAT**
18 **IS DISCLAIMED** after [the time] the designation becomes irrevocable[, a]:

19 (1) **THE disclaimer OF AN INTEREST IN PERSONAL PROPERTY** shall be
20 delivered to the person obligated to distribute the interest; **AND**

21 (2) **THE DISCLAIMER OF AN INTEREST IN REAL PROPERTY MUST BE**
22 **RECORDED IN THE LAND RECORDS OF THE COUNTY WHERE THE REAL PROPERTY**
23 **THAT IS THE SUBJECT OF THE DISCLAIMER IS LOCATED.**

24 9–212.

25 (a) If an instrument transferring an interest in or power over property subject to
26 a disclaimer is required or permitted by law to be filed, recorded, or registered, the
27 disclaimer may be filed, recorded, or registered.

28 (b) [Failure] **EXCEPT AS PROVIDED UNDER § 9–209(F)(2) OF THIS SUBTITLE,**
29 **FAILURE** to file, record, or register the disclaimer does not affect its validity.

30 **Article – Real Property**

1 3-104.

2 (a) (1) (I) [The] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
 3 **PARAGRAPH, THE** Clerk of the Circuit Court may record an instrument that effects a
 4 change of ownership if the instrument is:

5 [(i)] 1. Endorsed with the certificate of the collector of taxes of the
 6 county in which the property is assessed, required under subsection (b) of this section;

7 [(ii) 1.] 2. A. Accompanied by a complete intake sheet; or

8 [2.] B. Endorsed by the assessment office for the county as
 9 provided in subsection (g)(8) of this section; and

10 [(iii)] 3. Accompanied by a copy of the instrument, and any survey,
 11 for submission to the Department of Assessments and Taxation.

12 (II) **THE REQUIREMENTS OF SUBPARAGRAPH (I)1 AND 2B OF**
 13 **THIS PARAGRAPH DO NOT APPLY TO THE RECORDATION OF A**
 14 **TRANSFER-ON-DEATH DEED OR A REVOCATION OF A TRANSFER-ON-DEATH DEED**
 15 **EXECUTED IN ACCORDANCE WITH TITLE 14, SUBTITLE 8 OF THIS ARTICLE.**

16 (2) (I) [The] **EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF**
 17 **THIS PARAGRAPH, THE** Supervisor of Assessments shall transfer ownership of property
 18 in the assessment records, effective as of the date of recordation, upon receipt from the
 19 Clerk of the Circuit Court of a copy of the instrument, the completed intake sheet, and any
 20 survey submitted under paragraph (1) of this subsection.

21 (II) **PROVIDED THAT THERE IS NOT A REVOCATION OF A**
 22 **TRANSFER-ON-DEATH DEED DESIGNATING A BENEFICIARY RECORDED**
 23 **SUBSEQUENT TO THE RECORDATION OF A TRANSFER-ON-DEATH DEED, OWNERSHIP**
 24 **OF A PROPERTY THAT IS THE SUBJECT OF THE TRANSFER-ON-DEATH DEED MAY BE**
 25 **TRANSFERRED IN THE ASSESSMENT RECORDS TO THE DESIGNATED BENEFICIARY**
 26 **ONLY FOLLOWING THE DEATH OF THE TRANSFEROR NAMED ON THE**
 27 **TRANSFER-ON-DEATH DEED.**

28 (b) (1) (i) Except as provided in subsection (c) of this section, property may
 29 not be transferred on the assessment books or records until:

30 1. All public taxes, assessments, and charges currently due
 31 and owed on the property have been paid to the treasurer, tax collector, or director of
 32 finance of the county in which the property is assessed; and

33 2. All taxes on personal property in the county due by the

1 transferor have been paid when all land owned by the transferor in the county is being
2 transferred.

3 (ii) The certificate of the collecting agent designated by law, showing
4 that all taxes, assessments, and charges have been paid, shall be endorsed on the deed, and
5 the endorsement shall be sufficient authority for transfer on the assessment books.

6 (2) (i) Except as provided in subsection (c) of this section, in Allegany,
7 Cecil, Charles, Dorchester, Harford, Howard, Kent, Queen Anne's, Somerset, and St.
8 Mary's counties no property may be transferred on the assessment books or records until:

9 1. All public taxes, assessments, any charges due a
10 municipal corporation, and charges due on the property have been paid as required by law;
11 and

12 2. All taxes on personal property in the county due by the
13 transferor have been paid when all land owned by the transferor in the county and
14 municipal corporation is being transferred.

15 (ii) The certificate of the collecting agent and municipal corporation
16 designated by law showing that all taxes, assessments, and charges have been paid, shall
17 be endorsed on the deed and the endorsement shall be sufficient authority for transfer on
18 the assessment books.

19 (c) (1) (i) The requirements for prepayment of personal property taxes in
20 subsection (b) of this section do not apply to grants of land made:

21 1. By or on behalf of any mortgagee, lien creditor, trustee of
22 a deed of trust, judgment creditor, trustee in bankruptcy or receiver, and any other
23 court-appointed officer in an insolvency or liquidation proceeding; or

24 2. By a deed in lieu of foreclosure to any holder of a mortgage
25 or deed of trust or to the holder's assignee or designee.

26 (ii) Notwithstanding any other provision of law, and except as
27 provided in subparagraph (iii) of this paragraph, after the recordation of a deed or other
28 instrument that effects a grant of land described in subparagraph (i) of this paragraph, the
29 land shall be free and clear of, and unencumbered by, any lien or claim of lien for any
30 unpaid taxes on personal property.

31 (iii) Subparagraph (ii) of this paragraph does not apply to:

32 1. Any lien for unpaid taxes on personal property that
33 attached to the land by recording and indexing a notice as provided in § 14-804(b) of the
34 Tax – Property Article prior to the recording of the mortgage, lien, deed of trust, or other
35 encumbrance giving rise to the grant of land described in subparagraph (i) of this
36 paragraph; or

1 2. Unpaid taxes on personal property owned by the
2 transferee or subsequent owner of the land after a grant of land described in subparagraph
3 (i) of this paragraph.

4 (iv) This paragraph does not affect the rights of the personal property
5 tax lienholder to make a claim to any surplus proceeds from a judicial sale of land resulting
6 in a grant of land described in subparagraph (i) of this paragraph.

7 (2) Subsection (b) of this section does not apply in Charles, St. Mary's,
8 Dorchester, Harford, Howard, Kent, Prince George's, Worcester, Carroll, Montgomery,
9 Frederick and Washington counties to any deed executed as a mere conduit or for
10 convenience in holding and passing title, known popularly as a straw deed or, as provided
11 in § 4–108 of this article, a deed making a direct grant in lieu of a straw deed, or to a deed
12 which is a supplementary instrument merely confirming, correcting, or modifying a
13 previously recorded deed, if there is no actual consideration paid or to be paid for the
14 execution of the supplementary instrument.

15 (3) Subsection (b) of this section does not apply in Baltimore City and Anne
16 Arundel, Baltimore, Carroll, Frederick, St. Mary's, or Washington counties to any deed
17 transferring property to the county when the controller or treasurer of the county has
18 certified that the conveyance does not impair the security for any public taxes, assessments,
19 and charges due on the remaining property of the grantor.

20 (4) (i) Property may be transferred on the assessment books or records
21 in July, August, or September if instead of paying the taxes required under subsection (b)(1)
22 of this section on a property transfer by assumption, a lender or the attorney handling the
23 transfer of title files with the county treasurer, tax collector, or director of finance of the
24 county in which the property is assessed a statement that certifies that the lender
25 maintains a real estate tax escrow account.

26 (ii) Upon receipt of the statement required in subparagraph (i) of
27 this paragraph, the county treasurer, tax collector, or director of finance shall endorse on
28 the deed an appropriate certification and the endorsement shall be sufficient authority for
29 transfer on the assessment books.

30 (5) At the time of transfer of real property subject to a semiannual payment
31 schedule for the payment of property taxes, only those semiannual payments that are due
32 for the current taxable year under § 10–204.3 of the Tax – Property Article must be paid
33 prior to the transfer of the property.

34 (d) Every deed or other instrument offered for recordation shall have the name of
35 each person typed or printed directly above or below the signature of the person. If a typed
36 or printed name is not provided as required in this subsection, the clerk shall make
37 reasonable efforts to determine the correct name under which the deed or other instrument
38 shall be indexed.

1 (e) (1) Any printed deed or other instrument offered for recordation shall be
2 printed in not less than eight-point type and in black letters and be on white paper of
3 sufficient weight and thickness to be clearly readable. If the deed or other instrument is
4 wholly typewritten or typewritten on a printed form, the typewriting shall be in black
5 letters, in not less than elite type and upon white paper of sufficient weight or thickness as
6 to be clearly readable. The foregoing provisions do not apply to manuscript covers or backs
7 customarily used on documents offered for recordation. The recording charge for any
8 instrument not conforming to these requirements shall be treble the normal charge. In any
9 clerk's office where the deeds or other instruments are photostated or microfilmed, no
10 instrument on which a rider has been placed or attached in a manner obscuring, hiding, or
11 covering any other part of the instrument may be offered or received for record. No
12 instrument not otherwise readily subject to photostating or microfilming may be offered or
13 received for record until treble the normal recording charge is paid to the clerk and unless
14 an affidavit, black type on white paper, is attached and made a part of the document stating
15 the kind of instrument, the date, the parties to the transaction, description of the property,
16 and all other pertinent data. After any document has been recorded in one county, a
17 certified copy of the recorded document may be recorded in any other county.

18 (2) A certified copy of any document from a state, commonwealth, territory,
19 or possession of the United States, or the District of Columbia that would otherwise be
20 recordable under Maryland law may be recorded in this State, if the document contains:

21 (i) An original certification made by the clerk or other governmental
22 official having responsibility for the certification or authentication of recorded documents
23 in the jurisdiction where the document is recorded; and

24 (ii) An indication of the recording reference and court or other public
25 registry where the original document is recorded.

26 (f) (1) (i) In this paragraph, "under the attorney's supervision" includes
27 review of an instrument by the certifying attorney.

28 (ii) A deed other than a mortgage, a deed of trust, an assignment of
29 rents, an assignment of a lease for security purposes, or an assignment or a release of a
30 mortgage or a deed of trust may not be recorded unless it bears:

31 1. The certification of an attorney admitted to the Bar of this
32 State that the instrument has been prepared by the attorney or under the attorney's
33 supervision; or

34 2. A certification by a party named in the instrument that
35 the instrument was prepared by that party.

36 (iii) A mortgage, a deed of trust, an assignment of rents, an
37 assignment of a lease for security purposes, or an assignment or a release of a mortgage or
38 a deed of trust prepared by any attorney or one of the parties named in the instrument may
39 be recorded without the certification required under subparagraph (ii) of this paragraph.

1 (2) Every deed recorded in Prince George's County shall contain a reference
2 to the election district in which the property described in the deed is located.

3 (3) Every deed or other instrument recorded in Talbot County shall have
4 written, typed, or printed on its back, to be readily visible when folded for filing in the
5 appropriate drawer or file, the name of every party to the deed or other instrument and the
6 nature or character of the instrument.

7 (4) **(I) THIS PARAGRAPH DOES NOT APPLY TO A**
8 **TRANSFER-ON-DEATH DEED EXECUTED IN ACCORDANCE WITH THE REQUIREMENTS**
9 **OF TITLE 14, SUBTITLE 8 OF THIS ARTICLE.**

10 **(II)** No deed granting property lying within the boundaries of any
11 sanitary district operated by the County Commissioners of Worcester County may be
12 accepted by the Clerk of the Circuit Court for recording unless the deed is marked by the
13 county to indicate that every assessment or charge currently due and owed to the county
14 with respect to the property described in the deed has been paid.

15 (5) **(I)** In Frederick County, if the property to be transferred is a
16 subdivision, which is being dissected from a larger tract of land, then every public tax,
17 assessment, and charge due on the larger tract shall be paid before the property is
18 transferred on the assessment books or land records.

19 **(II)** Notwithstanding any other provision of this section, in Frederick
20 County the certificate of the Treasurer and the appropriate municipal tax collector, if the
21 property is within an incorporated town or city, showing that every tax has been paid shall
22 be endorsed on the deed. The endorsement is sufficient authority for transfer on the
23 assessment books or land records.

24 (6) Every deed granting a right-of-way or other easement to a public
25 utility, public agency, or a department or agency of the State shall contain an accurate and
26 definite description as well as a reference to the liber and folio where the servient land was
27 granted and a recitation of the grantors, grantees, and the date of the reference deed.

28 (g) (1) This subsection does not apply to:

29 (i) An assignment of a mortgage or if presented for recordation, an
30 assignment of a deed of trust;

31 (ii) A release of a deed of trust or mortgage;

32 (iii) A substitution of trustees on a deed of trust;

33 (iv) A power of attorney;

1 (v) A financing statement or an amendment, continuation, release,
2 or termination of a financing statement recorded in land records; or

3 (vi) A restrictive covenant modification executed under § 3-112 of
4 this subtitle.

5 (2) Except as provided in paragraph (1) of this subsection, each deed or
6 other instrument affecting property and presented for recordation shall be:

7 (i) Accompanied by a complete intake sheet, on the form that the
8 Administrative Office of the Courts provides; or

9 (ii) Endorsed as provided under paragraph (8) of this subsection.

10 (3) A complete intake sheet shall:

11 (i) Describe the property by at least one of the following property
12 identifiers:

13 1. The property tax account identification number, if any, or
14 in Montgomery County, any parcel identifier required under § 3-501 of this title, if different
15 from the tax account number;

16 2. The street address, if any;

17 3. If the property is a lot within a subdivided tract, the lot
18 and block designation, or in Baltimore City, the current land record block number;

19 4. If the property is part of a tract that has been subdivided
20 informally and there is neither an assigned tax account identification number for the parcel
21 nor a lot and block designation, then the street address, if any, or the amount of acreage;
22 or

23 5. If the property consists of multiple parcels, the
24 designation "various lots of ground" or the abbreviation "VAR. L.O.G.";

25 (ii) Name each grantor, donor, mortgagor, and assignor and each
26 grantee, donee, mortgagee, and assignee;

27 (iii) State the type of instrument;

28 (iv) State the amount of consideration payable, including the amount
29 of any mortgage or deed of trust indebtedness assumed, or the principal amount of debt
30 secured;

31 (v) State the amount of recording charges due, including the land
32 records surcharge and any transfer and recordation taxes;

1 (vi) Identify, by citation or explanation, each claimed exemption from
2 recording taxes;

3 (vii) For an instrument effecting a change in ownership, state a tax
4 bill mailing address; and

5 (viii) Indicate the person to whom the instrument is to be returned.

6 (4) An intake sheet may request any other information that the
7 Administrative Office of the Courts considers necessary in expediting transfers of property
8 or recording and indexing of instruments.

9 (5) A clerk may not charge any fee for recording an intake sheet.

10 (6) **(I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
11 **PARAGRAPH, A** clerk may not refuse to record an instrument that does not effect a change
12 of ownership on the assessment books solely because it is not accompanied by an intake
13 sheet.

14 **(II) A CLERK MAY REFUSE TO RECORD A TRANSFER-ON-DEATH**
15 **DEED EXECUTED IN ACCORDANCE WITH TITLE 14, SUBTITLE 8 OF THIS ARTICLE IF**
16 **IT IS NOT ACCOMPANIED BY AN INTAKE SHEET.**

17 (7) A clerk may refuse to record a deed or instrument that effects a change
18 of ownership on the assessment rolls if the instrument is not accompanied by a complete
19 intake sheet or endorsed as transferred on the assessment books by the assessment office
20 for the county where the property is located.

21 (8) **(i) THIS PARAGRAPH DOES NOT APPLY TO A**
22 **TRANSFER-ON-DEATH DEED EXECUTED IN ACCORDANCE WITH TITLE 14, SUBTITLE**
23 **8 OF THIS ARTICLE.**

24 **(II)** If a deed or other instrument that effects a change in ownership
25 is submitted for transfer on the assessment books without an intake sheet, the person
26 offering the deed or other instrument shall mail or deliver to the person having charge of
27 the assessment books the information required on the intake sheet.

28 **[(ii)] (III)** When property is transferred on the assessment books
29 under this paragraph:

30 1. The transfer shall be to the grantee or assignee named in
31 the deed or other instrument; and

32 2. The person recording the transfer shall evidence the fact
33 of the transfer on the deed or other instrument.

1 [(iii)] (IV) An endorsement under this paragraph is sufficient to
2 authorize the recording of the deed or other instrument by the clerk of the appropriate
3 court.

4 (9) A clerk may not record an instrument that effects a real property lease
5 dealing in natural gas and oil unless the instrument is accompanied by a complete intake
6 sheet.

7 (10) (i) An intake sheet shall be recorded immediately after the
8 instrument it accompanies.

9 (ii) The intake sheet is not part of the instrument and does not
10 constitute constructive notice as to the contents of the instrument.

11 (iii) **1. THIS SUBPARAGRAPH DOES NOT APPLY TO A**
12 **TRANSFER-ON-DEATH DEED.**

13 **2.** The lack of an intake sheet does not affect the validity of
14 any conveyance, lien, or lien priority based on recordation of an instrument.

15 **SUBTITLE 8. MARYLAND REAL PROPERTY TRANSFER-ON-DEATH (TOD) ACT.**

16 **14-801.**

17 (A) IN THIS SUBTITLE THE FOLLOWING TERMS HAVE THE MEANINGS
18 INDICATED.

19 (B) “BENEFICIARY” MEANS AN INDIVIDUAL WHO RECEIVES REAL
20 PROPERTY UNDER A TRANSFER-ON-DEATH DEED.

21 (C) “DESIGNATED BENEFICIARY” MEANS AN INDIVIDUAL DESIGNATED TO
22 RECEIVE REAL PROPERTY IN A TRANSFER-ON-DEATH DEED.

23 (D) (1) “FIDUCIARY” HAS THE MEANING STATED UNDER § 15-101 OF THE
24 ESTATES AND TRUSTS ARTICLE.

25 (2) “FIDUCIARY” INCLUDES AN ATTORNEY IN FACT.

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

28 (F) “TRANSFER-ON-DEATH DEED” MEANS A DEED AUTHORIZED UNDER
29 THIS SUBTITLE.

1 **(G) "TRANSFEROR" MEANS AN INDIVIDUAL WHO MAKES A**
2 **TRANSFER-ON-DEATH DEED.**

3 **14-802.**

4 **THIS SUBTITLE DOES NOT:**

5 **(1) AFFECT ANY METHOD OF TRANSFERRING PROPERTY OTHERWISE**
6 **ALLOWED UNDER THE LAWS OF THE STATE;**

7 **(2) LIMIT THE RIGHT OF ANY PERSON TO MAINTAIN A CIVIL ACTION**
8 **FOR DAMAGES OR OTHER REMEDIES OTHERWISE AVAILABLE UNDER ANY OTHER**
9 **PROVISION OF LAW; OR**

10 **(3) APPLY TO PROPERTY THAT IS HELD AS JOINT TENANTS, TENANTS**
11 **IN COMMON, OR TENANTS BY THE ENTIRETY.**

12 **14-803.**

13 **AN INDIVIDUAL SOLE OWNER OF PROPERTY MAY TRANSFER THE PROPERTY**
14 **TO A BENEFICIARY EFFECTIVE AT THE TRANSFEROR'S DEATH BY A PROPERTY**
15 **TRANSFER-ON-DEATH DEED.**

16 **14-804.**

17 **(A) A TRANSFER-ON-DEATH DEED IS NONTESTAMENTARY.**

18 **(B) A TRANSFER-ON-DEATH DEED IS REVOCABLE BY A TRANSFEROR EVEN**
19 **IF THE DEED OR OTHER INSTRUMENT CONTAINS A CONTRARY PROVISION.**

20 **(C) THE CAPACITY REQUIRED TO MAKE OR REVOKE A**
21 **TRANSFER-ON-DEATH DEED IS THE SAME AS THE CAPACITY REQUIRED TO MAKE A**
22 **WILL.**

23 **14-805.**

24 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**
25 **TRANSFER-ON-DEATH DEED SHALL COMPLY WITH § 4-101 OF THIS ARTICLE.**

26 **(B) A TRANSFER-ON-DEATH DEED SHALL STATE THAT THE TRANSFER TO**
27 **THE DESIGNATED BENEFICIARY IS TO OCCUR AT THE TRANSFEROR'S DEATH.**

28 **14-806.**

1 **(A) A TRANSFER-ON-DEATH DEED IS EFFECTIVE IF, PRIOR TO THE DEATH**
2 **OF THE TRANSFEROR, IT IS RECORDED IN THE LAND RECORDS OF THE COUNTY**
3 **WHERE THE PROPERTY IS LOCATED IN ACCORDANCE WITH § 3-104 OF THIS**
4 **ARTICLE.**

5 **(B) A TRANSFER-ON-DEATH DEED IS EFFECTIVE WITHOUT:**

6 **(1) NOTICE OR DELIVERY TO OR ACCEPTANCE BY A DESIGNATED**
7 **BENEFICIARY DURING THE TRANSFEROR'S LIFE; OR**

8 **(2) CONSIDERATION.**

9 **14-807.**

10 **DURING A TRANSFEROR'S LIFE, A TRANSFER-ON-DEATH DEED DOES NOT:**

11 **(1) AFFECT AN INTEREST OR A RIGHT OF THE TRANSFEROR OR ANY**
12 **OTHER OWNER, INCLUDING THE RIGHT TO TRANSFER OR ENCUMBER THE**
13 **PROPERTY;**

14 **(2) AFFECT AN INTEREST OR A RIGHT OF A TRANSFEREE, EVEN IF THE**
15 **TRANSFEREE HAS ACTUAL OR CONSTRUCTIVE NOTICE OF THE**
16 **TRANSFER-ON-DEATH DEED;**

17 **(3) AFFECT AN INTEREST OR A RIGHT OF A SECURED OR UNSECURED**
18 **CREDITOR OR FUTURE CREDITOR OF THE TRANSFEROR, EVEN IF THE CREDITOR HAS**
19 **ACTUAL OR CONSTRUCTIVE NOTICE OF THE TRANSFER-ON-DEATH DEED;**

20 **(4) AFFECT THE TRANSFEROR'S OR DESIGNATED BENEFICIARY'S**
21 **ELIGIBILITY FOR ANY FORM OF PUBLIC ASSISTANCE;**

22 **(5) CREATE A LEGAL OR EQUITABLE INTEREST IN FAVOR OF ANY**
23 **DESIGNATED BENEFICIARY; OR**

24 **(6) SUBJECT THE PROPERTY TO CLAIMS OR PROCESS OF A CREDITOR**
25 **OF ANY DESIGNATED BENEFICIARY.**

26 **14-808.**

27 **(A) (1) PRIOR TO THE DEATH OF A TRANSFEROR, THE TRANSFEROR OR**
28 **THE TRANSFEROR'S FIDUCIARY MAY REVOKE A PREVIOUSLY RECORDED**
29 **TRANSFER-ON-DEATH DEED, OR ANY PART OF THAT RECORDED**

1 TRANSFER-ON-DEATH DEED, BY RECORDING IN THE LAND RECORDS OF THE
2 COUNTY IN WHICH THE PROPERTY IS LOCATED AN EXECUTED AND ACKNOWLEDGED:

3 (I) TRANSFER-ON-DEATH DEED THAT REVOKES THE DEED OR
4 PART OF THE DEED EXPRESSLY OR BY INCONSISTENCY;

5 (II) REVOCATION DOCUMENT THAT EXPRESSLY REVOKES THE
6 DEED OR PART OF THE DEED; OR

7 (III) INTER VIVOS DEED THAT EXPRESSLY OR BY
8 INCONSISTENCY REVOKES A TRANSFER-ON-DEATH DEED OR PART OF THE
9 TRANSFER-ON-DEATH DEED.

10 (2) IN ORDER TO BE EFFECTIVE, A DOCUMENT DESCRIBED UNDER
11 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE EXECUTED SUBSEQUENT TO THE
12 TRANSFER-ON-DEATH DEED THAT THE DOCUMENT REVOKES.

13 (B) AFTER A TRANSFER-ON-DEATH DEED IS RECORDED, IT MAY NOT BE
14 REVOKED BY:

15 (1) A REVOCATORY ACT ON THE DEED; OR

16 (2) A TESTAMENTARY DOCUMENT EXECUTED BY THE TRANSFEROR,
17 EVEN IF THE TESTAMENTARY DOCUMENT IS EXECUTED AFTER THE DATE OF
18 RECORDATION OF THE TRANSFER-ON-DEATH DEED.

19 (C) THIS SECTION DOES NOT LIMIT THE EFFECT OF AN INTER VIVOS
20 TRANSFER OF THE PROPERTY.

21 14-809.

22 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN THE TRANSFER-ON-DEATH
23 DEED OR IN THIS SECTION, THIS SECTION APPLIES ON THE DEATH OF A TRANSFEROR
24 TO PROPERTY THAT IS THE SUBJECT OF A TRANSFER-ON-DEATH DEED OWNED BY
25 THE TRANSFEROR AT DEATH, SUBJECT TO THE LIMITATIONS UNDER:

26 (I) TITLE 3, SUBTITLE 1 OF THE ESTATES AND TRUSTS
27 ARTICLE (INTESTATE SUCCESSION);

28 (II) TITLE 3, SUBTITLE 3 OF THE ESTATES AND TRUSTS
29 ARTICLE (STATUTORY SHARE OF PRETERMITTED CHILD AND ISSUE);

30 (III) TITLE 3, SUBTITLE 4 OF THE ESTATES AND TRUSTS

1 **ARTICLE (ELECTIVE SHARE OF SURVIVING SPOUSE);**

2 **(IV) § 4-105(B)(3) AND (4) OF THE ESTATES AND TRUSTS**
3 **ARTICLE (REVOCATION BY DIVORCE);**

4 **(V) § 4-403 OF THE ESTATES AND TRUSTS ARTICLE (LAPSE);**

5 **(VI) § 11-112 OF THE ESTATES AND TRUSTS ARTICLE**
6 **(DISQUALIFICATION FROM INHERITING PROPERTY OR AN INTEREST IN PROPERTY**
7 **FOR FELONIOUSLY AND INTENTIONALLY KILLING, CONSPIRING TO KILL, OR**
8 **PROCURING THE KILLING OF A DECEDENT); AND**

9 **(VII) TITLE 10, SUBTITLE 8 OF THE COURTS ARTICLE**
10 **(SIMULTANEOUS DEATH).**

11 **(2) (I) THE INTEREST IN THE PROPERTY IS TRANSFERRED TO A**
12 **DESIGNATED BENEFICIARY IN ACCORDANCE WITH THE TRANSFER-ON-DEATH DEED**
13 **ON THE DEATH OF THE TRANSFEROR IF THE BENEFICIARY SURVIVES THE**
14 **TRANSFEROR.**

15 **(II) IF THE DESIGNATED BENEFICIARY DOES NOT SURVIVE THE**
16 **TRANSFEROR AND THE TRANSFEROR HAS PROVIDED FOR AN ALTERNATE**
17 **DESIGNATED BENEFICIARY IN THE TRANSFER-ON-DEATH DEED, THE INTEREST IN**
18 **THE PROPERTY IS TRANSFERRED TO A SURVIVING ALTERNATE DESIGNATED**
19 **BENEFICIARY IN ACCORDANCE WITH THE TRANSFER-ON-DEATH DEED ON THE**
20 **DEATH OF THE TRANSFEROR.**

21 **(III) THE INTEREST OF ANY DESIGNATED BENEFICIARY WHO**
22 **FAILS TO SURVIVE THE TRANSFEROR LAPSES.**

23 **(IV) A TRANSFER-ON-DEATH DEED MAY PROVIDE FOR**
24 **SUCCESSIVE ALTERNATE DESIGNATED BENEFICIARIES.**

25 **(B) (1) SUBJECT TO TITLE 3, SUBTITLE 2 OF THIS ARTICLE, A**
26 **BENEFICIARY TAKES THE PROPERTY TRANSFERRED BY THE**
27 **TRANSFER-ON-DEATH DEED SUBJECT TO ALL CONVEYANCES, ENCUMBRANCES,**
28 **ASSIGNMENTS, CONTRACTS, MORTGAGES, LIENS, AND OTHER INTERESTS TO WHICH**
29 **THE PROPERTY IS SUBJECT AT THE TRANSFEROR'S DEATH.**

30 **(2) FOR PURPOSES OF THIS SUBSECTION, THE DELIVERY OF THE**
31 **TRANSFER-ON-DEATH DEED IS DEEMED TO HAVE OCCURRED AT THE**
32 **TRANSFEROR'S DEATH.**

1 (C) A TRANSFER-ON-DEATH DEED TRANSFERS PROPERTY WITHOUT
2 COVENANT OR WARRANTY OF TITLE EVEN IF THE TRANSFER-ON-DEATH DEED
3 CONTAINS A CONTRARY PROVISION.

4 14-810.

5 ANY BENEFICIARY MAY DISCLAIM ALL OR PART OF THE BENEFICIARY'S
6 INTEREST AS PROVIDED UNDER THE MARYLAND UNIFORM DISCLAIMER OF
7 PROPERTY INTERESTS ACT, TITLE 9, SUBTITLE 2 OF THE ESTATES AND TRUSTS
8 ARTICLE.

9 14-811.

10 THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL DEVELOP AND MAKE
11 AVAILABLE TO THE PUBLIC AN INFORMATIONAL DOCUMENT REASONABLY
12 CALCULATED TO BE UNDERSTOOD BY A LAYPERSON THAT EXPLAINS
13 TRANSFER-ON-DEATH DEEDS.

14 14-812.

15 (A) THIS SUBTITLE GOVERNS THE EFFECT OF THE FORM DEED PROVIDED
16 IN THIS SECTION OR ANY OTHER INSTRUMENT USED TO CREATE A
17 TRANSFER-ON-DEATH DEED.

18 (B) THE FOLLOWING FORM MAY BE USED TO CREATE A
19 TRANSFER-ON-DEATH DEED:

20 **REVOCABLE TRANSFER-ON-DEATH (TOD) DEED**

21 **NOTICE TO OWNER**

22 **YOU MAY WANT TO CONSULT A LAWYER BEFORE USING THIS FORM.**

23 **THIS FORM MUST BE RECORDED IN EACH COUNTY (OR BALTIMORE CITY) IN**
24 **WHICH THE PROPERTY IS LOCATED BEFORE YOUR DEATH, OR IT WILL NOT BE**
25 **EFFECTIVE.**

26 **A TRANSFER-ON-DEATH DEED MAY ONLY BE EXECUTED BY THE SOLE**
27 **OWNER OF REAL PROPERTY.**

28 **IDENTIFYING INFORMATION**

29 **OWNER MAKING THIS DEED:**

1 _____
2 **PRINTED NAME** **MAILING ADDRESS**

3 **LEGAL DESCRIPTION OF THE PROPERTY:**
4 _____

5 **PRIMARY BENEFICIARY**

6 **I DESIGNATE THE FOLLOWING BENEFICIARY IF THE BENEFICIARY SURVIVES**
7 **ME.**

8 _____
9 **PRINTED NAME** **MAILING ADDRESS, IF AVAILABLE**

10 **ALTERNATE BENEFICIARY – OPTIONAL**

11 **IF MY PRIMARY BENEFICIARY DOES NOT SURVIVE ME, I DESIGNATE THE**
12 **FOLLOWING ALTERNATE BENEFICIARY IF THAT BENEFICIARY SURVIVES ME.**

13 _____
14 **PRINTED NAME** **MAILING ADDRESS, IF AVAILABLE**

15 **TRANSFER ON DEATH**

16 **AT MY DEATH, I TRANSFER MY INTEREST IN THE DESCRIBED PROPERTY TO**
17 **THE BENEFICIARIES AS DESIGNATED ABOVE.**

18 **BEFORE MY DEATH, I HAVE THE RIGHT TO REVOKE THIS DEED.**

19 **SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED**

20 _____ **(SEAL)** _____
21 **SIGNATURE** **DATE**

22 _____
23 **PRINTED NAME**

24 **ACKNOWLEDGMENT**

25 **STATE OF** _____ **COUNTY OF** _____

1 THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON THE ___ DAY OF ___, 20__ BY

2 _____

3 SIGNATURE OF NOTARIAL OFFICER

4 TITLE OF OFFICE

5 STAMP

6 MY COMMISSION EXPIRES: _____

7 **PREPARER**

8 I HEREBY CERTIFY THAT THIS REVOCABLE TRANSFER-ON-DEATH DEED WAS
9 PREPARED BY _____, (OWNER/PRIMARY BENEFICIARY/ALTERNATE
10 BENEFICIARY), A PARTY TO THIS INSTRUMENT.

11 SIGNATURE: _____

12 PRINTED NAME: _____

13 (c) THE FOLLOWING INFORMATIONAL SHEET MAY BE USED TO EXPLAIN
14 THE FORM TRANSFER-ON-DEATH DEED:

15 **COMMON QUESTIONS ABOUT THE USE OF THIS FORM**

16 THIS INFORMATIONAL SHEET SHOULD NOT BE RECORDED WITH
17 A TRANSFER-ON-DEATH DEED AT THE OFFICE OF LAND RECORDS.

18 WHAT DOES THE TRANSFER-ON-DEATH (TOD) DEED DO? WHEN YOU DIE,
19 THIS DEED TRANSFERS THE DESCRIBED PROPERTY, SUBJECT TO ANY LIENS OR
20 MORTGAGES (OR OTHER ENCUMBRANCES) ON THE PROPERTY AT YOUR DEATH.
21 PROBATE IS NOT REQUIRED. THE TOD DEED HAS NO EFFECT UNTIL YOU DIE. YOU
22 CAN REVOKE IT AT ANY TIME. YOU ARE ALSO FREE TO TRANSFER THE PROPERTY TO
23 SOMEONE ELSE DURING YOUR LIFETIME. IF YOU DO NOT OWN ANY INTEREST IN THE
24 PROPERTY WHEN YOU DIE, THIS DEED WILL HAVE NO EFFECT.

25 HOW DO I MAKE A TOD DEED? COMPLETE THIS FORM. HAVE IT
26 ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR OTHER INDIVIDUAL AUTHORIZED
27 UNDER LAW TO TAKE ACKNOWLEDGMENTS. RECORD THE FORM IN EACH COUNTY
28 WHERE ANY PART OF THE PROPERTY IS LOCATED. THE FORM HAS NO EFFECT
29 UNLESS IT IS ACKNOWLEDGED AND RECORDED BEFORE YOUR DEATH.

1 **IS THE “LEGAL DESCRIPTION” OF THE PROPERTY NECESSARY? YES.**

2 **HOW DO I FIND THE “LEGAL DESCRIPTION” OF THE PROPERTY? THIS**
3 **INFORMATION MAY BE ON THE DEED YOU RECEIVED WHEN YOU BECAME AN OWNER**
4 **OF THE PROPERTY. THIS INFORMATION MAY ALSO BE AVAILABLE IN THE OFFICE OF**
5 **THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY WHERE THE PROPERTY IS**
6 **LOCATED. IF YOU ARE NOT ABSOLUTELY SURE, CONSULT A LAWYER.**

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

10 **HOW DO I “RECORD” THE TOD DEED? TAKE THE COMPLETED AND**
11 **ACKNOWLEDGED FORM TO THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY**
12 **WHERE THE PROPERTY IS LOCATED. FOLLOW THE INSTRUCTIONS GIVEN BY THE**
13 **CLERK’S OFFICE TO MAKE THE FORM PART OF THE OFFICIAL PROPERTY RECORDS.**
14 **IF THE PROPERTY IS IN MORE THAN ONE COUNTY, YOU SHOULD RECORD THE DEED**
15 **IN EACH COUNTY.**

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

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

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

30 **DO I NEED TO TELL THE BENEFICIARIES ABOUT THE TOD DEED? NO, BUT IT**
31 **IS RECOMMENDED. SECRECY CAN CAUSE LATER COMPLICATIONS AND MIGHT MAKE**
32 **IT EASIER FOR OTHERS TO COMMIT FRAUD.**

33 **I HAVE OTHER QUESTIONS ABOUT THIS FORM. WHAT SHOULD I DO? THIS**
34 **FORM IS DESIGNED TO FIT SOME BUT NOT ALL SITUATIONS. IF YOU HAVE OTHER**

1 **QUESTIONS, YOU ARE ENCOURAGED TO CONSULT A LAWYER.**

2 **14-813.**

3 **(A) THIS SUBTITLE GOVERNS THE EFFECT OF THE FORM PROVIDED UNDER**
4 **THIS SECTION, OR ANY OTHER INSTRUMENT USED TO REVOKE A**
5 **TRANSFER-ON-DEATH DEED.**

6 **(B) THE FOLLOWING FORM MAY BE USED TO CREATE AN INSTRUMENT OF**
7 **REVOCATION UNDER THIS SUBTITLE:**

8 **REVOCATION OF TRANSFER-ON-DEATH (TOD) DEED**

9 **NOTICE TO OWNER**

10 **THIS REVOCATION MUST BE RECORDED IN EACH COUNTY (OR BALTIMORE**
11 **CITY) IN WHICH THE PROPERTY IS LOCATED BEFORE YOU DIE OR IT WILL NOT BE**
12 **EFFECTIVE. THIS REVOCATION IS EFFECTIVE ONLY AS TO THE INTERESTS IN THE**
13 **PROPERTY OF THE OWNER WHO SIGNS THIS REVOCATION.**

14 **IDENTIFYING INFORMATION**

15 **OWNER OF PROPERTY MAKING THIS REVOCATION:**

16 _____
17 **PRINTED NAME** **MAILING ADDRESS**

18 **LEGAL DESCRIPTION OF THE PROPERTY:**

19 _____

20 **REVOCATION**

21 **I REVOKE ALL MY PREVIOUS TRANSFERS OF THIS PROPERTY BY**
22 **TRANSFER-ON-DEATH DEED.**

23 **SIGNATURE OF OWNER OR OWNERS MAKING THIS REVOCATION**

24 _____ **(SEAL)** _____
25 **SIGNATURE** **DATE**

26 _____
27 **PRINTED NAME**

1 **ACKNOWLEDGMENT**

2 STATE OF _____ COUNTY OF _____

3 **THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON THE DAY OF __, 20__ BY**

4 _____

5 SIGNATURE OF NOTARIAL OFFICER

6 TITLE OF OFFICE

7 STAMP

8 MY COMMISSION EXPIRES: _____

9 **PREPARER**

10 **I HEREBY CERTIFY THAT THIS REVOCATION OF TRANSFER-ON-DEATH DEED WAS**
11 **PREPARED BY _____, (OWNER/PRIMARY BENEFICIARY/ALTERNATE**
12 **BENEFICIARY), A PARTY TO THIS INSTRUMENT.**

13 **SIGNATURE:** _____

14 **PRINTED NAME:** _____

15 **(C) THE FOLLOWING MAY BE USED AS AN INFORMATIONAL SHEET TO**
16 **EXPLAIN THE REVOCATION FORM FOR TRANSFER-ON-DEATH DEED:**

17 **COMMON QUESTIONS ABOUT REVOKING A TRANSFER-ON-DEATH**
18 **DEED**

19 **THIS INFORMATIONAL SHEET SHOULD NOT BE RECORDED WITH A**
20 **REVOCATION OF A TRANSFER-ON-DEATH DEED AT THE OFFICE OF**
21 **LAND RECORDS.**

22 **HOW DO I USE THIS FORM TO REVOKE A TRANSFER-ON-DEATH (TOD) DEED?**
23 **COMPLETE THIS FORM. HAVE IT ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR**
24 **OTHER INDIVIDUAL AUTHORIZED UNDER LAW TO TAKE ACKNOWLEDGMENTS.**
25 **RECORD THE FORM IN THE LAND RECORDS OF EACH COUNTY WHERE THE**
26 **PROPERTY IS LOCATED. THE FORM MUST BE ACKNOWLEDGED AND RECORDED**
27 **BEFORE YOUR DEATH OR IT HAS NO EFFECT.**

1 HOW DO I FIND THE “LEGAL DESCRIPTION” OF THE PROPERTY? THIS
2 INFORMATION MAY BE ON THE TOD DEED. IT MAY ALSO BE AVAILABLE IN THE LAND
3 RECORDS FOR THE COUNTY WHERE THE PROPERTY IS LOCATED. IF YOU ARE NOT
4 ABSOLUTELY SURE, CONSULT A LAWYER.

5 HOW DO I “RECORD” THE FORM? TAKE THE COMPLETED AND
6 ACKNOWLEDGED FORM TO THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY
7 WHERE THE PROPERTY IS LOCATED. FOLLOW THE INSTRUCTIONS GIVEN BY THE
8 CLERK’S OFFICE TO MAKE THE FORM PART OF THE OFFICIAL PROPERTY RECORDS.
9 IF THE PROPERTY IS LOCATED IN MORE THAN ONE COUNTY, YOU SHOULD RECORD
10 THE FORM IN EACH OF THOSE COUNTIES.

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

14 I HAVE OTHER QUESTIONS ABOUT THIS FORM. WHAT SHOULD I DO? THIS
15 FORM IS DESIGNED TO FIT SOME BUT NOT ALL SITUATIONS. IF YOU HAVE OTHER
16 QUESTIONS, CONSULT A LAWYER.

17 14-814.

18 THIS SUBTITLE MODIFIES, LIMITS, AND SUPERSEDES THE FEDERAL
19 ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, 15 U.S.C.
20 SECTION 7001, ET SEQ., BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE SECTION
21 101(C) OF THAT ACT, 15 U.S.C. SECTION 7001(C), OR AUTHORIZE ELECTRONIC
22 DELIVERY OF ANY OF THE NOTICES DESCRIBED IN SECTION 103(B) OF THAT ACT, 15
23 U.S.C. SECTION 7003(B).

24 **Article – Tax – Property**

25 12-108.

26 **(II) A REAL PROPERTY TRANSFER-ON-DEATH DEED UNDER TITLE 14 OF**
27 **THE REAL PROPERTY ARTICLE IS NOT SUBJECT TO RECORDATION TAX.**

28 13-207.

29 (a) An instrument of writing is not subject to transfer tax to the same extent that
30 it is not subject to recordation tax under:

31 (25) § 12-108(gg) of this article (Transfer of principal residence surrendered
32 in bankruptcy); [or]

1 (26) § 12-108(hh) of this article (Transfer of real property within the Laurel
2 Park racing facility site, Pimlico racing facility site, Pimlico site, or Bowie Race Course
3 Training Center property); **OR**

4 **(27) § 12-108(II) OF THIS ARTICLE (REAL PROPERTY**
5 **TRANSFER-ON-DEATH DEED).**

6 **13-414.**

7 **AN INSTRUMENT OF WRITING THAT IS EXEMPT FROM RECORDATION TAX**
8 **UNDER § 12-108(II) OF THIS ARTICLE (REAL PROPERTY TRANSFER-ON-DEATH**
9 **DEED) IS NOT SUBJECT TO COUNTY TRANSFER TAX.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act, to the extent
11 practicable, shall be interpreted and enforced by a court in accordance with existing law
12 governing life estates with powers of alienation.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to a
14 transfer-on-death deed that was made before, on, or after the effective date of this Act by
15 a transferor who dies on or after the effective date of this Act.

16 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2023.