

HB0738/253527/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 738
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Young**” and substitute “**Young, Conaway, Embry, McComas, Moreno, Nkongolo, Simmons, Stinnett, Taylor, and Woods**”; and in lines 9 and 10 and 11 and 12, in each instance, strike “life estate deeds with powers” and substitute “transfer-on-death deeds”.

On page 2, in line 11, strike “14–1013” and substitute “14–1014”.

AMENDMENT NO. 2

On page 13, strike beginning with “**1.**” in line 24 down through “**2.**” in line 26.

On page 14, in line 9, after “**TENANT;**” insert “**AND**”; strike beginning with “**AN**” in line 10 down through “**(III)**” in line 12; and strike beginning with “**OR**” in line 13 down through “**SURVIVORSHIP**” in line 14.

On page 15, in line 1, before “**AN**” insert “**(A)**”; and after line 3, insert:

“(B) (1) A TRANSFER-ON-DEATH DEED THAT DESIGNATES MULTIPLE BENEFICIARIES MAY TRANSFER OWNERSHIP OF THE PROPERTY TO THE BENEFICIARIES UNDER ANY FORM OF TENANCY INDICATED IN THE TRANSFER-ON-DEATH DEED.

“(2) IF THE TRANSFER-ON-DEATH DEED DOES NOT INDICATE A FORM OF TENANCY, TITLE TO THE PROPERTY SHALL BE CONVEYED TO THE DESIGNATED BENEFICIARIES ON THE DEATH OF THE OWNER OR, IF THERE ARE

MULTIPLE OWNERS, ON THE DEATH OF THE LAST SURVIVING OWNER, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP.

On page 16, in lines 16 and 17, strike “PRIOR TO THE DEATH OF THE TRANSFEROR,”; in line 22, after “INCONSISTENCY” insert “AND THAT IS RECORDED BEFORE THE DEATH OF THE TRANSFEROR”; in line 24, after the second “DEED” insert “AND THAT IS RECORDED BEFORE THE DEATH OF THE TRANSFEROR”; in line 25, strike “EXPRESSLY”; and in line 26, after the second “DEED” insert “EXPRESSLY OR BY INCONSISTENCY AND THAT IS DELIVERED BEFORE THE DEATH OF THE TRANSFEROR”.

On page 17, in line 21, after “REVOCATION” insert “BY SUBSEQUENT MARRIAGE FOLLOWED BY A CHILD OR”.

On page 18, strike beginning with “IF” in line 26 down through “(E)” in line 30.

On page 19, in line 1, after “EFFECTIVE” insert “ON THE DEATH OF THE LAST SURVIVING JOINT OWNER”; in line 23, strike “THE OTHER SIDE OF”; in line 24, after “FORM” insert “AND THE “COMMON QUESTIONS ABOUT THE USE OF THIS FORM” DOCUMENT”; after line 25, insert:

“THIS FORM IS FOR CURRENT PROPERTY OWNERS. IF NOT ALL CURRENT OWNERS ARE SIGNING THIS FORM, YOUR NAME HAS CHANGED SINCE YOU ACQUIRED THE PROPERTY, OR YOU WISH TO NAME MULTIPLE PEOPLE TO OWN THE PROPERTY IN THE FUTURE, CONSULTATION WITH A LAWYER IS STRONGLY ADVISED. USE OF THIS FORM FOR MORE COMPLEX SITUATIONS THAN PROVIDED FOR IN THE FORM MAY HAVE UNINTENDED CONSEQUENCES.”;

“TRANSFER-ON-DEATH DEED NOTIFICATION OF DEATH

THE UNDERSIGNED HEREBY AFFIRMS, UNDER THE PENALTIES OF PERJURY, THAT THE FOLLOWING IS TRUE REGARDING A TRANSFER-ON-DEATH DEED (TODD) RECORDED ON THE SUBJECT PROPERTY:

NAME OF TRANSFEROR(S): _____

RECORDING REFERENCE OF TODD:

BOOK/LIBER NUMBER: _____, **PAGE/FOLIO:** _____, **DATED THE** _____ **DAY OF** _____, **20** _____, **AND RECORDED AMONG THE LAND RECORDS OF** _____ **CITY/COUNTY.**

COMPLETE ADDRESS OF SUBJECT PROPERTY AS IT APPEARS IN RECORDS OF MARYLAND STATE DEPARTMENT OF ASSESSMENTS AND TAXATION (SDAT):

SDAT TAX IDENTIFICATION NUMBER: _____

NOTE: THE INFORMATION ABOVE MAY BE AVAILABLE ON SDAT’S WEBSITE.

TODD TRANSFEROR INFORMATION

DATE OF TRANSFEROR’S DEATH: _____

STATE WHERE DEATH CERTIFICATE ISSUED: _____

DEATH CERTIFICATE FILE OR REGISTRATION NUMBER: _____

TODD BENEFICIARY INFORMATION

NAME OF BENEFICIARY OR BENEFICIARIES IDENTIFIED ON TODD:

**MAILING ADDRESS OF BENEFICIARY WHO WILL BE RESPONSIBLE FOR REAL
PROPERTY TAXES:**

RELATIONSHIP(S) OF BENEFICIARY OR BENEFICIARIES TO TRANSFEROR:

**IF A BENEFICIARY OR BENEFICIARIES DIED AFTER THE TRANSFEROR'S DEATH,
PROVIDE THE DATE OF DEATH, DEATH CERTIFICATE STATE AND
FILE/REGISTRATION NUMBER HERE. IF THE BENEFICIARY OR BENEFICIARIES
DIED PRIOR TO THE TRANSFEROR, THEIR INTEREST IN THE PROPERTY HAS
LAPSED.**

BENEFICIARY SIGNATURE: _____

DATE: _____

BENEFICIARY SIGNATURE: _____

DATE: _____

ACKNOWLEDGMENT

STATE OF _____ COUNTY OF _____

THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 20____, BY

SIGNATURE OF NOTARIAL OFFICER

TITLE OF OFFICE

STAMP

MY COMMISSION EXPIRES: _____

CERTIFICATION OF OCCUPANCY STATUS

SELECT ONE OF THE BELOW OPTIONS THAT CORRECTLY DESCRIBES THE PROPERTY'S OCCUPANCY STATUS:

OPTION ONE:

_____ NONE OF THE BENEFICIARIES INHERITING THE SUBJECT PROPERTY UNDER THE DEED REFERENCED IN THIS NOTIFICATION LIVE AT THIS PROPERTY AS THEIR PRINCIPAL RESIDENCE.

OR

(Over)

OPTION TWO:

_____ AT LEAST ONE OF THE BENEFICIARIES INHERITING THE SUBJECT PROPERTY UNDER THE DEED REFERENCED IN THIS NOTIFICATION LIVES AT THIS PROPERTY AS THEIR PRINCIPAL RESIDENCE.

IF YOU SELECTED OPTION TWO AND YOU ARE THE BENEFICIARY OCCUPYING THE PROPERTY, PLEASE COMPLETE THE FOLLOWING:

I, _____ (PRINT NAME), DO HEREBY CERTIFY AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT I CURRENTLY LIVE AT AND WILL CONTINUE TO LIVE AT THE ABOVE-REFERENCED PROPERTY, FOLLOWING THE RECORDING OF THIS NOTIFICATION. I SHALL OCCUPY THE PROPERTY AS MY PRINCIPAL RESIDENCE FOR AT LEAST 7 OF THE NEXT 12 MONTHS.

SIGNATURE".

14-1014.".