

HOUSE BILL 738

N1, N2

6lr0904
CF 6lr2022

By: **Delegates Phillips, Hill, Addison, Amprey, Boafo, Boyce, Coley, Fennell, Forbes, Holmes, Ivey, A. Johnson, Kaufman, McCaskill, Mireku-North, Pasteur, Ross, Ruff, Smith, Taveras, Toles, Turner, Wells, White Holland, Wilkins, Williams, Wims, and Young**

Introduced and read first time: February 3, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Transfer-on-Death Deed – Establishment**

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; providing example forms for the creation and revocation of a
7 transfer-on-death deed; altering certain recording requirements for the clerks of the
8 circuit court; exempting a certain transfer-on-death deed from certain property
9 transfer taxes; providing for the retroactive application of this Act to life estate deeds
10 with powers executed prior to the effective date of this Act for a transferor who dies
11 on or after the effective date of this Act; and generally relating to life estate deeds
12 with powers.

13 BY adding to

14 Article – Estates and Trusts

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

17 Annotated Code of Maryland

18 (2022 Replacement Volume and 2025 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – Estates and Trusts

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

22 Annotated Code of Maryland

23 (2022 Replacement Volume and 2025 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Estates and Trusts

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–209(e) and (f) and 9–212
2 Annotated Code of Maryland
3 (2022 Replacement Volume and 2025 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Real Property
6 Section 3–104
7 Annotated Code of Maryland
8 (2023 Replacement Volume and 2025 Supplement)

9 BY adding to
10 Article – Real Property
11 Section 14–1001 through 14–1013 to be under the new subtitle “Subtitle 10.
12 Maryland Transfer–on–Death Deed Act”
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2025 Supplement)

15 BY adding to
16 Article – Tax – Property
17 Section 12–108(ii), 13–207(a)(27), and 13–414
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2025 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Tax – Property
22 Section 13–207(a)(25) and (26)
23 Annotated Code of Maryland
24 (2019 Replacement Volume and 2025 Supplement)

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

27 **Article – Estates and Trusts**

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

29 **1–402.**

30 **(A) A TRANSFER–ON–DEATH DEED MADE IN ACCORDANCE WITH THE**
31 **REQUIREMENTS OF TITLE 14, SUBTITLE 10 OF THE REAL PROPERTY ARTICLE IS**
32 **EFFECTIVE ACCORDING TO THE PROVISIONS OF THAT SUBTITLE.**

33 **(B) TRANSFERS OF REAL PROPERTY UNDER TITLE 14, SUBTITLE 10 OF THE**
34 **REAL PROPERTY ARTICLE ARE EFFECTIVE AS PROVIDED UNDER THAT SUBTITLE**
35 **AND ARE NOT TESTAMENTARY.**

1 9–201.

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

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

5 (1) An annuity or insurance policy;

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

7 (3) A security registered in beneficiary form;

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

10 (5) Any other nonprobate transfer at death.

11 9–209.

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

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

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

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

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

25 9–212.

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

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

1 **Article – Real Property**

2 3–104.

3 (a) (1) **(I)** ~~[The]~~ **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
 4 **PARAGRAPH, THE** clerk of the circuit court may record an instrument that effects a change
 5 of ownership if the instrument is:

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

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

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

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

13 **(II) THE REQUIREMENTS OF SUBPARAGRAPH (I)1 AND 2B OF**
 14 **THIS PARAGRAPH DO NOT APPLY TO THE RECORDATION OF A TRANSFER–ON–DEATH**
 15 **DEED OR A REVOCATION OF A TRANSFER–ON–DEATH DEED EXECUTED IN**
 16 **ACCORDANCE WITH TITLE 14, SUBTITLE 10 OF THIS ARTICLE.**

17 (2) **(I)** ~~[The]~~ **EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF**
 18 **THIS PARAGRAPH, THE** Supervisor of Assessments shall transfer ownership of property
 19 in the assessment records, effective as of the date of recordation, on receipt from the clerk
 20 of the circuit court of a copy of the instrument, the completed intake sheet, and any survey
 21 submitted under paragraph (1) of this subsection or documents received through an
 22 electronic recordation system.

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

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

32 1. All public taxes, assessments, and charges currently due
 33 and owed on the property have been paid to the treasurer, tax collector, or director of

1 finance of the county in which the property is assessed; and

2 2. All taxes on personal property in the county due by the
3 transferor have been paid when all land owned by the transferor in the county is being
4 transferred.

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

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

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

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

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

21 (3) (i) On request, the treasurer, tax collector, or director of finance for
22 a county shall issue to the requester a certificate clearly enumerating by type and amount
23 any public taxes, assessments, and charges due to the county or municipality against a
24 property located in the county or municipality.

25 (ii) A certificate issued under this paragraph shall bar any charge or
26 assessment against the property levied on a bona fide purchaser for value with no notice of
27 the charge or assessment prior to the purchase of the property.

28 (iii) A collecting agent presented with a certificate issued under this
29 paragraph within 45 days after issuance shall endorse the deed as required under
30 paragraph (1)(ii) or (2)(ii) of this subsection on payment of all charges set forth in the
31 certificate and any applicable transfer or recordation taxes.

32 (iv) A county or municipality may collect a fee of up to \$55 for the
33 issuance of a certificate under this paragraph.

34 (v) The payment of a fee and the issuance of a certificate under this
35 paragraph may not preclude a claim by a county or municipality to payment of a charge or
36 assessment against:

1 1. The owner of the property at the time of the issuance of
2 the certificate; or

3 2. A person who acquires the property with knowledge of the
4 charge or assessment.

5 (vi) Each treasurer, tax collector, or director of finance of a county
6 shall adopt procedures to implement the requirements of this paragraph, including
7 procedures for obtaining a statement on a certificate issued under this paragraph of all
8 taxes, assessments, and charges due to a municipality on the transfer of ownership of a
9 property.

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

12 A. By or on behalf of any mortgagee, lien creditor, trustee of
13 a deed of trust, judgment creditor, trustee in bankruptcy or receiver, and any other
14 court-appointed officer in an insolvency or liquidation proceeding; or

15 B. By a deed in lieu of foreclosure to any holder of a mortgage
16 or deed of trust or to the holder's assignee or designee.

17 2. The requirements for payment of real property taxes in
18 subsection (b) of this section do not apply to grants of land that transfer residential real
19 property from the estate of a decedent to an heir or a legatee of the decedent, if the heir or
20 legatee of the decedent enters into a payment plan to pay all public taxes, assessments, and
21 charges currently due and owed on the property with:

22 A. The county or municipal corporation to which the taxes,
23 assessments, and charges are due; or

24 B. The State Tax Sale Ombudsman.

25 3. The collector of taxes for the county or municipal
26 corporation to which the taxes, assessments, or charges are due shall provide the heir or
27 legatee of a decedent to whom property is transferred under subparagraph 2 of this
28 subparagraph with the toll-free telephone number and website address of the State Tax
29 Sale Ombudsman and a brief description of the services and programs available through
30 the Ombudsman's office.

31 4. When an heir or a legatee of a decedent enters into a
32 payment plan with a county, a municipal corporation, or the State Tax Sale Ombudsman
33 under subparagraph 2 of this subparagraph, the collector of taxes for the county or
34 municipal corporation or the State Tax Sale Ombudsman shall provide the heir or legatee
35 with an affidavit of the payment plan, which the heir or legatee shall provide to the Clerk
36 of the Circuit Court to record an instrument transferring ownership to the heir or legatee.

1 (ii) Notwithstanding any other provision of law, and except as
2 provided in subparagraph (iii) of this paragraph, after the recordation of a deed or other
3 instrument that effects a grant of land described in subparagraph (i)1 of this paragraph,
4 the land shall be free and clear of, and unencumbered by, any lien or claim of lien for any
5 unpaid taxes on personal property.

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

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

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

15 (iv) This paragraph does not affect the rights of the personal property
16 tax lienholder to make a claim to any surplus proceeds from a judicial sale of land resulting
17 in a grant of land described in subparagraph (i)1 of this paragraph.

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

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

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

37 (ii) Upon receipt of the statement required in subparagraph (i) of
38 this paragraph, the county treasurer, tax collector, or director of finance shall endorse on

1 the deed an appropriate certification and the endorsement shall be sufficient authority for
2 transfer on the assessment books.

3 (5) (i) Except as provided in subparagraph (ii) of this paragraph, at the
4 time of transfer of real property subject to a semiannual payment schedule for the payment
5 of property taxes, only those semiannual payments that are due for the current taxable
6 year under § 10–204.3 of the Tax – Property Article must be paid prior to the transfer of
7 the property.

8 (ii) The semiannual payments that are due for the current taxable
9 year under § 10–204.3 of the Tax – Property Article are not required to be paid before the
10 transfer of the property if:

11 1. The property is residential real property that is being
12 transferred from the estate of a decedent to an heir or a legatee of the decedent; and

13 2. The heir or legatee of the decedent enters into a payment
14 plan to pay all public taxes, assessments, and charges currently due and owed on the
15 property with:

16 A. The county or municipal corporation to which the taxes,
17 assessments, and charges are due; or

18 B. The State Tax Sale Ombudsman.

19 (iii) The collector of taxes for the county or municipal corporation to
20 which the taxes, assessments, or charges are due shall provide the heir or legatee of a
21 decedent to whom property is transferred under subparagraph (ii) of this paragraph with
22 the toll-free telephone number and website address of the State Tax Sale Ombudsman and
23 a brief description of the services and programs available through the Ombudsman's office.

24 (iv) When an heir or a legatee of a decedent enters into a payment
25 plan with a county, a municipal corporation, or the State Tax Sale Ombudsman under
26 subparagraph (ii) of this paragraph, the collector of taxes for the county or municipal
27 corporation or the State Tax Sale Ombudsman shall provide the heir or legatee with an
28 affidavit of the payment plan, which the heir or legatee shall provide to the Clerk of the
29 Circuit Court to record an instrument transferring ownership to the heir or legatee.

30 (6) (i) The requirements for payment of real property taxes in
31 subsection (b) of this section do not apply to a grant of land that is subject to a payment
32 plan for property taxes with a county, a municipal corporation, or the State Tax Sale
33 Ombudsman if the grantee enters into an agreement with the county, municipal
34 corporation, or the State Tax Sale Ombudsman to assume the grantor's obligations under
35 the payment plan.

36 (ii) The collector of taxes for the county or municipal corporation or
37 the State Tax Sale Ombudsman shall provide the grantee with an affidavit of the payment

1 plan, which the grantee shall provide to the Clerk of the Circuit Court to record an
2 instrument transferring ownership to the grantee.

3 (d) (1) Every deed or other instrument offered for recordation shall have the
4 name of each person typed or printed directly above or below the signature of the person.

5 (2) If a typed or printed name is not provided as required in this subsection,
6 the clerk shall make reasonable efforts to determine the correct name under which the deed
7 or other instrument shall be indexed.

8 (e) (1) (i) Any printed deed or other instrument offered for recordation
9 shall:

10 1. Be printed in not less than 8 point type and in black letters
11 and be on white paper of sufficient weight and thickness to be clearly readable. If the deed
12 or other instrument is wholly typewritten or typewritten on a printed form, the typewriting
13 shall be in black letters, in not less than elite type and on white paper of sufficient weight
14 or thickness as to be clearly readable. The foregoing provisions do not apply to manuscript
15 covers or backs customarily used on documents offered for recordation. The recording
16 charge for any instrument not conforming to these requirements shall be three times the
17 normal amount charged. In any clerk's office where the deeds or other instruments are
18 scanned, no instrument on which a rider has been placed or attached in a manner
19 obscuring, hiding, or covering any other part of the instrument may be offered or received
20 for record. No instrument not otherwise readily subject to scanning may be offered or
21 received for record until three times the normal recording charge is paid to the clerk and
22 unless an affidavit, black type on white paper, is attached and made a part of the document
23 stating the kind of instrument, the date, the parties to the transaction, description of the
24 property, and all other pertinent data; and

25 2. Include at least a 3-inch margin at the top of the first page
26 and 1-inch margins on the left and right sides of each page of the instrument for official
27 use.

28 (ii) After any document has been recorded in one county, a certified
29 copy of the recorded document may be recorded in any other county.

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

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

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

1 (f) (1) (i) In this paragraph, “under the attorney’s supervision” includes
2 review of an instrument by the certifying attorney.

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

6 1. The certification of an attorney admitted to the Bar of this
7 State that the instrument has been prepared by the attorney or under the attorney’s
8 supervision; or

9 2. A certification by a party named in the instrument that
10 the instrument was prepared by that party.

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

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

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

21 (4) **(I) THIS PARAGRAPH DOES NOT APPLY TO A**
22 **TRANSFER-ON-DEATH DEED EXECUTED IN ACCORDANCE WITH THE REQUIREMENTS**
23 **OF TITLE 14, SUBTITLE 10 OF THIS ARTICLE.**

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

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

33 **(II)** Notwithstanding any other provision of this section, in Frederick
34 County the certificate of the Treasurer and the appropriate municipal tax collector, if the
35 property is within an incorporated town or city, showing that every tax has been paid shall
36 be endorsed on the deed. The endorsement is sufficient authority for transfer on the

1 assessment books or land records.

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

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

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

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

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

11 (iv) A power of attorney;

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

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

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

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

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

21 (3) A complete intake sheet shall:

22 (i) Describe the property by at least one of the following property
23 identifiers:

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

27 2. The street address, if any;

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

30 4. If the property is part of a tract that has been subdivided

1 informally and there is neither an assigned tax account identification number for the parcel
2 nor a lot and block designation, then the street address, if any, or the amount of acreage;
3 or

4 5. If the property consists of multiple parcels, the
5 designation “various lots of ground” or the abbreviation “VAR. L.O.G.”;

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

8 (iii) State the type of instrument;

9 (iv) State the amount of consideration payable, including the amount
10 of any mortgage or deed of trust indebtedness assumed, or the principal amount of debt
11 secured;

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

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

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

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

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

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

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

27 **(II) A CLERK MAY REFUSE TO RECORD A TRANSFER-ON-DEATH**
28 **DEED EXECUTED IN ACCORDANCE WITH TITLE 14, SUBTITLE 10 OF THIS ARTICLE IF**
29 **IT IS NOT ACCOMPANIED BY AN INTAKE SHEET.**

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

1 (8) (i) **THIS PARAGRAPH DOES NOT APPLY TO A**
2 **TRANSFER-ON-DEATH DEED EXECUTED IN ACCORDANCE WITH TITLE 14, SUBTITLE**
3 **10 OF THIS ARTICLE.**

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

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

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

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

14 **[(iii)] (IV)** An endorsement under this paragraph is sufficient to
15 authorize the recording of the deed or other instrument by the clerk of the appropriate
16 court.

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

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

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

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

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

28 **SUBTITLE 10. MARYLAND TRANSFER-ON-DEATH DEED ACT.**

29 **14-1001.**

30 **(A) IN THIS SUBTITLE THE FOLLOWING TERMS HAVE THE MEANINGS**
31 **INDICATED.**

1 **(B) “BENEFICIARY” MEANS A PERSON THAT RECEIVES REAL PROPERTY**
2 **UNDER A TRANSFER-ON-DEATH DEED.**

3 **(C) “DESIGNATED BENEFICIARY” MEANS A PERSON DESIGNATED TO**
4 **RECEIVE REAL PROPERTY IN A TRANSFER-ON-DEATH DEED.**

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

8 **(2) “JOINT OWNER” INCLUDES:**

9 **(I) A JOINT TENANT;**

10 **(II) AN OWNER OF COMMUNITY PROPERTY WITH A RIGHT OF**
11 **SURVIVORSHIP; AND**

12 **(III) A TENANT BY THE ENTIRETY.**

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

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

17 **(F) “TRANSFEROR” MEANS AN INDIVIDUAL WHO MAKES A**
18 **TRANSFER-ON-DEATH DEED.**

19 **(G) “TRANSFER-ON-DEATH DEED” MEANS A DEED AUTHORIZED UNDER**
20 **THIS SUBTITLE.**

21 **14-1002.**

22 **THIS SUBTITLE DOES NOT:**

23 **(1) AFFECT ANY METHOD OF TRANSFERRING PROPERTY OTHERWISE**
24 **ALLOWED UNDER THE LAWS OF THE STATE; OR**

25 **(2) LIMIT THE RIGHT OF ANY PERSON TO MAINTAIN A CIVIL ACTION**
26 **FOR DAMAGES OR OTHER REMEDIES OTHERWISE AVAILABLE UNDER ANY OTHER**
27 **PROVISION OF LAW.**

28 **14-1003.**

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

4 14-1004.

5 (A) A TRANSFER-ON-DEATH DEED IS NONTESTAMENTARY.

6 (B) A TRANSFER-ON-DEATH DEED IS REVOCABLE EVEN IF THE DEED OR
7 ANOTHER INSTRUMENT CONTAINS A CONTRARY PROVISION.

8 (C) THE CAPACITY REQUIRED TO MAKE OR REVOKE A
9 TRANSFER-ON-DEATH DEED IS THE SAME AS THE CAPACITY REQUIRED TO MAKE A
10 WILL.

11 14-1005.

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

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

16 14-1006.

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

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

22 (1) NOTICE OR DELIVERY TO OR ACCEPTANCE BY A DESIGNATED
23 BENEFICIARY DURING THE TRANSFEROR'S LIFE; OR

24 (2) CONSIDERATION.

25 14-1007.

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

27 (1) AFFECT AN INTEREST OR A RIGHT OF THE TRANSFEROR OR ANY

1 OTHER OWNER, INCLUDING THE RIGHT TO TRANSFER OR ENCUMBER THE
2 PROPERTY;

3 (2) AFFECT AN INTEREST OR A RIGHT OF A TRANSFEREE, EVEN IF THE
4 TRANSFEREE HAS ACTUAL OR CONSTRUCTIVE NOTICE OF THE
5 TRANSFER-ON-DEATH DEED;

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

9 (4) AFFECT THE TRANSFEROR'S OR DESIGNATED BENEFICIARY'S
10 ELIGIBILITY FOR ANY FORM OF PUBLIC ASSISTANCE;

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

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

15 14-1008.

16 (A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, PRIOR TO THE DEATH
17 OF THE TRANSFEROR, THE TRANSFEROR MAY REVOKE A PREVIOUSLY RECORDED
18 TRANSFER-ON-DEATH DEED, OR ANY PART OF THAT RECORDED
19 TRANSFER-ON-DEATH DEED, BY RECORDING IN THE LAND RECORDS OF THE
20 COUNTY IN WHICH THE PROPERTY IS LOCATED AN EXECUTED AND ACKNOWLEDGED:

21 (1) TRANSFER-ON-DEATH DEED THAT REVOKES THE DEED OR PART
22 OF THE DEED EXPRESSLY OR BY INCONSISTENCY;

23 (2) INSTRUMENT OF REVOCATION THAT EXPRESSLY REVOKES THE
24 DEED OR PART OF THE DEED; OR

25 (3) INTER VIVOS DEED THAT EXPRESSLY REVOKES THE
26 TRANSFER-ON-DEATH DEED OR PART OF THE DEED.

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

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

30 (2) A TESTAMENTARY DOCUMENT EXECUTED BY THE TRANSFEROR,

1 EVEN IF THE TESTAMENTARY DOCUMENT IS EXECUTED AFTER THE DATE OF
2 RECORDATION OF THE TRANSFER-ON-DEATH DEED.

3 (C) IF A TRANSFER-ON-DEATH DEED IS MADE BY MORE THAN ONE
4 TRANSFEROR:

5 (1) REVOCATION BY A TRANSFEROR DOES NOT AFFECT THE DEED AS
6 TO THE INTEREST OF ANOTHER TRANSFEROR; AND

7 (2) A DEED BY JOINT OWNERS IS REVOKED ONLY IF IT IS REVOKED BY
8 ALL LIVING JOINT OWNERS.

9 (D) THIS SECTION DOES NOT LIMIT THE EFFECT OF AN INTER VIVOS
10 TRANSFER OF THE PROPERTY.

11 14-1009.

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

16 (I) TITLE 3, SUBTITLE 3 OF THE ESTATES AND TRUSTS
17 ARTICLE (STATUTORY SHARE OF PRETERMITTED CHILD AND ISSUE);

18 (II) TITLE 3, SUBTITLE 4 OF THE ESTATES AND TRUSTS
19 ARTICLE (ELECTIVE SHARE OF SURVIVING SPOUSE);

20 (III) SECTION 4-105(B)(3) AND (4) OF THE ESTATES AND
21 TRUSTS ARTICLE (REVOCATION BY DIVORCE);

22 (IV) SECTION 4-403 OF THE ESTATES AND TRUSTS ARTICLE
23 (LAPSE);

24 (V) SECTION 11-112 OF THE ESTATES AND TRUSTS ARTICLE
25 (DISQUALIFICATION FROM INHERITING PROPERTY OR AN INTEREST IN PROPERTY
26 FOR FELONIOUSLY AND INTENTIONALLY KILLING, CONSPIRING TO KILL, OR
27 PROCURING THE KILLING OF A DECEDENT); AND

28 (VI) TITLE 10, SUBTITLE 8 OF THE COURTS ARTICLE
29 (SIMULTANEOUS DEATH).

30 (2) (I) THE INTEREST IN THE PROPERTY IS TRANSFERRED TO A

1 DESIGNATED BENEFICIARY IN ACCORDANCE WITH THE TRANSFER-ON-DEATH DEED
2 ON THE DEATH OF THE TRANSFEROR IF THE BENEFICIARY SURVIVES THE
3 TRANSFEROR.

4 (II) IF THE DESIGNATED BENEFICIARY DOES NOT SURVIVE THE
5 TRANSFEROR AND THE TRANSFEROR HAS PROVIDED FOR AN ALTERNATE
6 DESIGNATED BENEFICIARY IN THE TRANSFER-ON-DEATH DEED, THE INTEREST IN
7 THE PROPERTY IS TRANSFERRED TO A SURVIVING ALTERNATE DESIGNATED
8 BENEFICIARY IN ACCORDANCE WITH THE TRANSFER-ON-DEATH DEED ON THE
9 DEATH OF THE TRANSFEROR.

10 (III) THE INTEREST OF ANY DESIGNATED BENEFICIARY WHO
11 FAILS TO SURVIVE THE TRANSFEROR LAPSES.

12 (IV) A TRANSFER-ON-DEATH DEED MAY PROVIDE FOR
13 SUCCESSIVE ALTERNATE DESIGNATED BENEFICIARIES.

14 (B) (1) SUBJECT TO TITLE 3, SUBTITLE 2 OF THIS ARTICLE, A
15 BENEFICIARY TAKES THE PROPERTY TRANSFERRED BY THE TRANSFER-ON-DEATH
16 DEED SUBJECT TO ALL CONVEYANCES, ENCUMBRANCES, ASSIGNMENTS,
17 CONTRACTS, MORTGAGES, LIENS, AND ANY OTHER SECURITY AGREEMENTS, AS
18 DEFINED IN § 9-102 OF THE COMMERCIAL LAW ARTICLE, THAT THE PROPERTY IS
19 SUBJECT TO AT THE TRANSFEROR'S DEATH.

20 (2) FOR PURPOSES OF THIS SUBSECTION, THE DELIVERY OF THE
21 TRANSFER-ON-DEATH DEED IS DEEMED TO HAVE OCCURRED AT THE
22 TRANSFEROR'S DEATH.

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

26 (D) IF THE TRANSFEROR HAS IDENTIFIED TWO OR MORE DESIGNATED
27 BENEFICIARIES TO RECEIVE CONCURRENT INTERESTS IN THE PROPERTY, THE
28 CONCURRENT INTERESTS ARE TRANSFERRED TO THE BENEFICIARIES AS JOINT
29 TENANTS WITH A RIGHT OF SURVIVORSHIP.

30 (E) (1) IF A TRANSFEROR IS A JOINT OWNER AND IS SURVIVED BY ONE OR
31 MORE JOINT OWNERS, THE PROPERTY THAT IS THE SUBJECT OF THE
32 TRANSFER-ON-DEATH DEED BELONGS TO THE SURVIVING JOINT OWNER OR
33 OWNERS WITH RIGHT OF SURVIVORSHIP.

34 (2) IF A TRANSFEROR IS A JOINT OWNER AND IS THE LAST SURVIVING

1 JOINT OWNER, THE TRANSFER-ON-DEATH DEED IS EFFECTIVE.

2 14-1010.

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

7 14-1011.

8 (A) THIS SUBTITLE GOVERNS THE EFFECT OF THE FORM
9 TRANSFER-ON-DEATH DEED PROVIDED IN THIS SECTION.

10 (B) (1) AN INDIVIDUAL MAY ESTABLISH A TRANSFER-ON-DEATH DEED
11 BY EXECUTING, ACKNOWLEDGING, AND RECORDING A FORM TRANSFER-ON-DEATH
12 DEED.

13 (2) THE FORM TRANSFER-ON-DEATH DEED SHALL:

14 (I) BE RECORDED IN ACCORDANCE WITH THE POLICIES AND
15 PROCEDURES ESTABLISHED BY THE CLERK OF THE CIRCUIT COURT BEFORE THE
16 TRANSFEROR'S DEATH; AND

17 (II) STATE THAT THE TRANSFER TO THE BENEFICIARY OCCURS
18 AT THE TRANSFEROR'S DEATH.

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

21 "FORM TRANSFER-ON-DEATH DEED

22 NOTICE TO OWNER

23 YOU SHOULD CAREFULLY READ ALL INFORMATION ON THE OTHER SIDE OF
24 THIS FORM.

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

26 THIS FORM MUST BE NOTARIZED AND RECORDED IN EACH COUNTY (OR
27 BALTIMORE CITY) IN WHICH THE PROPERTY IS LOCATED BEFORE YOUR DEATH, OR
28 IT WILL NOT BE EFFECTIVE. THE WITNESSES AND NOTARY PUBLIC CANNOT BE
29 RELATIVES OR BENEFICIARIES OF THE OWNER(S) OR NAMED BENEFICIARIES.

1 IDENTIFYING INFORMATION

2 OWNER(S) MAKING THIS DEED:

3 _____
 4 PRINTED NAME MAILING ADDRESS

5 LEGAL DESCRIPTION OF THE PROPERTY:

6 _____

7 BENEFICIARIES

8 NOTE: IF THIS FORM NAMES MULTIPLE PRIMARY BENEFICIARIES OR ALTERNATE
9 BENEFICIARIES AND DOES NOT INDICATE A DIFFERENT FORM OF OWNERSHIP, THE
10 PROPERTY WILL BE TRANSFERRED TO THEM AS JOINT TENANTS WITH RIGHTS OF
11 SURVIVORSHIP.

12 PRIMARY BENEFICIARY

13 I DESIGNATE THE FOLLOWING BENEFICIARY IF THE BENEFICIARY SURVIVES
14 ME.

15 _____
 16 PRINTED NAME MAILING ADDRESS, IF AVAILABLE

17 ALTERNATE BENEFICIARY – OPTIONAL

18 IF MY PRIMARY BENEFICIARY DOES NOT SURVIVE ME, I DESIGNATE THE
19 FOLLOWING ALTERNATE BENEFICIARY IF THAT BENEFICIARY SURVIVES ME.

20 _____
 21 PRINTED NAME MAILING ADDRESS, IF AVAILABLE

22 TRANSFER ON DEATH

23 AT MY DEATH, I TRANSFER MY INTEREST IN THE DESCRIBED PROPERTY TO
24 THE BENEFICIARIES AS DESIGNATED ABOVE.

25 BEFORE MY DEATH, I HAVE THE FULL RIGHT TO REVOKE THIS DEED.

26 SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED

1 _____ (SEAL) _____
2 SIGNATURE DATE

3 _____
4 PRINTED NAME

5 **ACKNOWLEDGMENT**

6 STATE OF _____ COUNTY OF _____

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

8 _____

9 SIGNATURE OF NOTARIAL OFFICER

10 TITLE OF OFFICE

11 STAMP

12 MY COMMISSION EXPIRES: _____”.

13 (D) THE FOLLOWING INFORMATIONAL SHEET MAY BE USED TO EXPLAIN
14 THE FORM FOR 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 DEPARTMENT OF LAND
18 RECORDS IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT.

19 SHOULD I CONSULT AN ATTORNEY PRIOR TO COMPLETING THIS FORM? IT IS
20 ALWAYS RECOMMENDED THAT YOU SPEAK WITH AN ATTORNEY BEFORE SIGNING A
21 DEED, AND THIS FORM MAY NOT BE APPROPRIATE FOR ALL CIRCUMSTANCES. THIS
22 FORM MAY NOT BE APPROPRIATE IF YOUR NAME IS NOT ON THE CURRENT DEED TO
23 THE PROPERTY, YOUR CURRENT LEGAL NAME IS DIFFERENT THAN YOUR NAME ON
24 THE CURRENT DEED, YOU OWN THE PROPERTY WITH OTHER INDIVIDUALS, OR YOU
25 WANT TO NAME MULTIPLE PEOPLE TO INHERIT YOUR PROPERTY TOGETHER.

26 WHAT DOES THE TRANSFER-ON-DEATH DEED DO? WHEN YOU DIE, THIS DEED
27 TRANSFERS THE DESCRIBED PROPERTY, SUBJECT TO CERTAIN SECURITY
28 AGREEMENTS ON THE PROPERTY, SUBJECT TO ANY LIENS, MORTGAGES, OR OTHER

1 ENCUMBRANCES ON THE PROPERTY AT YOUR DEATH. PROBATE IS NOT REQUIRED.
2 THE TRANSFER-ON-DEATH DEED HAS NO EFFECT UNTIL YOU DIE. YOU CAN REVOKE
3 IT AT ANY TIME. YOU ARE ALSO FREE TO TRANSFER THE PROPERTY TO SOMEONE
4 ELSE DURING YOUR LIFETIME. IF YOU DO NOT OWN ANY INTEREST IN THE PROPERTY
5 WHEN YOU DIE, THIS DEED WILL HAVE NO EFFECT.

6 HOW DO I MAKE A TRANSFER-ON-DEATH DEED? COMPLETE THIS FORM.
7 HAVE IT ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR OTHER INDIVIDUAL
8 AUTHORIZED UNDER LAW TO TAKE ACKNOWLEDGMENTS. RECORD THE FORM IN
9 EACH COUNTY WHERE ANY PART OF THE PROPERTY IS LOCATED. THE FORM HAS NO
10 EFFECT UNLESS IT IS ACKNOWLEDGED AND RECORDED BEFORE YOUR DEATH.

11 IS THE "LEGAL DESCRIPTION" OF THE PROPERTY NECESSARY? YES.

12 HOW DO I FIND THE "LEGAL DESCRIPTION" OF THE PROPERTY? THIS
13 INFORMATION MAY BE ON THE DEED YOU RECEIVED WHEN YOU BECAME AN OWNER
14 OF THE PROPERTY. THIS INFORMATION MAY ALSO BE AVAILABLE IN THE OFFICE OF
15 THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY WHERE THE PROPERTY IS
16 LOCATED. IF YOU ARE NOT ABSOLUTELY SURE, CONSULT A LAWYER.

17 WHAT HAPPENS IF I SELECT MULTIPLE BENEFICIARIES? IF THIS FORM NAMES
18 MULTIPLE PRIMARY AND/OR ALTERNATE BENEFICIARIES AND YOU DO NOT
19 INDICATE A DIFFERENT FORM OF OWNERSHIP, THE PROPERTY WILL BE
20 TRANSFERRED TO THEM AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP. IF YOU
21 ARE NOT SURE WHETHER THIS IS THE APPROPRIATE OWNERSHIP STRUCTURE FOR
22 YOUR BENEFICIARIES, CONSULT WITH AN ATTORNEY.

23 CAN I CHANGE MY MIND BEFORE I RECORD THE TRANSFER-ON-DEATH DEED?
24 YES. IF YOU HAVE NOT YET RECORDED THE DEED AND WANT TO CHANGE YOUR
25 MIND, SIMPLY TEAR UP OR OTHERWISE DESTROY THE DEED.

26 HOW DO I "RECORD" THE TRANSFER-ON-DEATH DEED? TAKE THE
27 COMPLETED AND ACKNOWLEDGED FORM TO THE CLERK OF THE CIRCUIT COURT
28 FOR THE COUNTY WHERE THE PROPERTY IS LOCATED. FOLLOW THE INSTRUCTIONS
29 GIVEN BY THE CLERK'S OFFICE TO MAKE THE FORM PART OF THE OFFICIAL
30 PROPERTY RECORDS. IF THE PROPERTY IS IN MORE THAN ONE COUNTY, YOU
31 SHOULD RECORD THE DEED IN EACH COUNTY.

32 CAN I LATER REVOKE THE TRANSFER-ON-DEATH DEED IF I CHANGE MY
33 MIND? YES. YOU CAN REVOKE THE TRANSFER-ON-DEATH DEED. NO ONE,
34 INCLUDING THE BENEFICIARIES, CAN PREVENT YOU FROM REVOKING THE DEED.

35 HOW DO I REVOKE THE TRANSFER-ON-DEATH DEED AFTER IT IS RECORDED?

1 **THERE ARE THREE WAYS TO REVOKE A RECORDED TRANSFER-ON-DEATH DEED: (1)**
2 **COMPLETE AND ACKNOWLEDGE A REVOCATION FORM, AND RECORD IT IN EACH**
3 **COUNTY WHERE THE PROPERTY IS LOCATED. (2) COMPLETE AND ACKNOWLEDGE A**
4 **NEW TRANSFER-ON-DEATH DEED THAT DISPOSES OF THE SAME PROPERTY, AND**
5 **RECORD IT IN EACH COUNTY WHERE THE PROPERTY IS LOCATED. (3) TRANSFER THE**
6 **PROPERTY TO SOMEONE ELSE DURING YOUR LIFETIME BY A RECORDED DEED THAT**
7 **EXPRESSLY REVOKES THE TRANSFER-ON-DEATH DEED. YOU MAY NOT REVOKE THE**
8 **TRANSFER-ON-DEATH DEED BY WILL.**

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

12 **DO I NEED TO TELL THE BENEFICIARIES ABOUT THE TRANSFER-ON-DEATH**
13 **DEED? NO, BUT IT IS RECOMMENDED. SECRECY CAN CAUSE LATER COMPLICATIONS**
14 **AND MIGHT MAKE IT EASIER FOR OTHERS TO COMMIT FRAUD.**

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

18 **14-1012.**

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

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

24 **“REVOCATION OF A TRANSFER-ON-DEATH DEED**

25 **NOTICE TO OWNER**

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

30 **IDENTIFYING INFORMATION**

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

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

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

5 **REVOCATION**

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

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

9 _____ **(SEAL)** _____
 10 **SIGNATURE** **DATE**

11 _____
 12 **PRINTED NAME**

13 **ACKNOWLEDGMENT**

14 **STATE OF** _____ **COUNTY OF** _____

15 **THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON THE** ___ **DAY OF** ___, **20**___, **BY**
 16 _____

17 **SIGNATURE OF NOTARIAL OFFICER**

18 **TITLE OF OFFICE**

19 **STAMP**

20 **MY COMMISSION EXPIRES:** _____

21 **“COMMON QUESTIONS ABOUT USE OF THIS FORM**

22 **THIS INFORMATIONAL SHEET SHOULD NOT BE RECORDED WITH A**
 23 **REVOCATION OF A TRANSFER-ON-DEATH DEED AT THE OFFICE OF**
 24 **LAND RECORDS.**

25 **HOW DO I USE THIS FORM TO REVOKE A RECORDED FORM**

1 TRANSFER-ON-DEATH DEED OR OTHER TRANSFER-ON-DEATH DEED? COMPLETE
2 THIS REVOCATION FORM. HAVE IT ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR
3 OTHER INDIVIDUAL AUTHORIZED UNDER LAW TO TAKE ACKNOWLEDGMENTS.
4 RECORD THE FORM IN THE LAND RECORDS OF EACH COUNTY WHERE THE
5 PROPERTY IS LOCATED. THE FORM MUST BE ACKNOWLEDGED AND RECORDED
6 BEFORE YOUR DEATH OR IT HAS NO EFFECT.

7 HOW DO I FIND THE “LEGAL DESCRIPTION” OF THE PROPERTY? THIS
8 INFORMATION MAY BE ON THE TRANSFER-ON-DEATH DEED. IT MAY ALSO BE
9 AVAILABLE IN THE LAND RECORDS FOR THE COUNTY WHERE THE PROPERTY IS
10 LOCATED. IF YOU ARE NOT ABSOLUTELY SURE, CONSULT A LAWYER.

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

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

20 I HAVE OTHER QUESTIONS ABOUT THIS FORM. WHAT SHOULD I DO? THIS
21 FORM IS DESIGNED TO FIT SOME BUT NOT ALL SITUATIONS. IF YOU HAVE OTHER
22 QUESTIONS, CONSULT A LAWYER.”.

23 14-1013.

24 THIS SUBTITLE MODIFIES, LIMITS, AND SUPERSEDES THE FEDERAL
25 ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, 15 U.S.C.
26 SECTION 7001, ET SEQ., BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE SECTION
27 101(C) OF THAT ACT, 15 U.S.C. SECTION 7001(C), OR AUTHORIZE ELECTRONIC
28 DELIVERY OF ANY OF THE NOTICES DESCRIBED IN SECTION 103(B) OF THAT ACT, 15
29 U.S.C. SECTION 7003(B).

30 Article – Tax – Property

31 12-108.

32 (II) A REAL PROPERTY TRANSFER-ON-DEATH DEED UNDER TITLE 14 OF
33 THE REAL PROPERTY ARTICLE IS NOT SUBJECT TO RECORDATION TAX IF THE
34 PROPERTY IS A PRIMARY RESIDENCE OR A SECONDARY RESIDENCE OF THE
35 TRANSFEROR.

1 13-207.

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

4 (25) § 12-108(gg) of this article (Transfer of principal residence surrendered
5 in bankruptcy); [or]

6 (26) § 12-108(hh) of this article (Transfer of real property within the Pimlico
7 racing facility site, Pimlico site, Bowie Race Course Training Center property, or training
8 facility site); OR

9 (27) § 12-108(II) OF THIS ARTICLE (REAL PROPERTY
10 TRANSFER-ON-DEATH DEED).

11 13-414.

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be interpreted
16 and enforced by a court in accordance with existing law governing life estates with powers
17 of alienation, to the extent practicable and so long as the interpretation and enforcement
18 does not conflict with the uniform application of the Uniform Real Property Transfer on
19 Death Act promulgated by the Uniform Law Commission.

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

23 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2026.