

HOUSE BILL 738

N1, N2

6lr0904
CF SB 651

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 Young~~, Conaway, Embry, McComas, Moreno, Nkongolo, Simmons, Stinnett, Taylor, and Woods**

Introduced and read first time: February 3, 2026

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2026

CHAPTER _____

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 transfer-on-death deeds~~ executed prior to the effective date of this Act
11 for a transferor who dies on or after the effective date of this Act; and generally
12 relating to ~~life estate deeds with powers~~ transfer-on-death deeds.

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,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Estates and Trusts
2 Section 9–201(a) and (b) and 9–209(a)
3 Annotated Code of Maryland
4 (2022 Replacement Volume and 2025 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Estates and Trusts
7 Section 9–209(e) and (f) and 9–212
8 Annotated Code of Maryland
9 (2022 Replacement Volume and 2025 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Real Property
12 Section 3–104
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2025 Supplement)

15 BY adding to
16 Article – Real Property
17 Section 14–1001 through ~~14–1013~~ 14–1014 to be under the new subtitle “Subtitle 10.
18 Maryland Transfer–on–Death Deed Act”
19 Annotated Code of Maryland
20 (2023 Replacement Volume and 2025 Supplement)

21 BY adding to
22 Article – Tax – Property
23 Section 12–108(ii), 13–207(a)(27), and 13–414
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2025 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Tax – Property
28 Section 13–207(a)(25) and (26)
29 Annotated Code of Maryland
30 (2019 Replacement Volume and 2025 Supplement)

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

33 **Article – Estates and Trusts**

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

35 **1–402.**

1 **(A) A TRANSFER-ON-DEATH DEED MADE IN ACCORDANCE WITH THE**
2 **REQUIREMENTS OF TITLE 14, SUBTITLE 10 OF THE REAL PROPERTY ARTICLE IS**
3 **EFFECTIVE ACCORDING TO THE PROVISIONS OF THAT SUBTITLE.**

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

7 9-201.

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

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

11 (1) An annuity or insurance policy;

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

13 (3) A security registered in beneficiary form;

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

16 (5) Any other nonprobate transfer at death.

17 9-209.

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

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

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

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

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

1 9–212.

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

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

7 **Article – Real Property**

8 3–104.

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

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

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

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

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

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

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

29 **(II) PROVIDED THAT THERE IS NOT A REVOCATION OF A**
30 **TRANSFER–ON–DEATH DEED DESIGNATING A BENEFICIARY RECORDED**
31 **SUBSEQUENT TO THE RECORDATION OF A TRANSFER–ON–DEATH DEED, OWNERSHIP**
32 **OF A PROPERTY THAT IS THE SUBJECT OF THE TRANSFER–ON–DEATH DEED MAY BE**

1 TRANSFERRED IN THE ASSESSMENT RECORDS TO THE DESIGNATED BENEFICIARY
2 ONLY FOLLOWING THE DEATH OF THE TRANSFEROR NAMED ON THE
3 TRANSFER-ON-DEATH DEED.

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

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

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

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

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

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

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

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

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

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

35 (iii) A collecting agent presented with a certificate issued under this
36 paragraph within 45 days after issuance shall endorse the deed as required under

1 paragraph (1)(ii) or (2)(ii) of this subsection on payment of all charges set forth in the
2 certificate and any applicable transfer or recordation taxes.

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

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

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

10 2. A person who acquires the property with knowledge of the
11 charge or assessment.

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

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

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

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

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

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

31 B. The State Tax Sale Ombudsman.

32 3. The collector of taxes for the county or municipal
33 corporation to which the taxes, assessments, or charges are due shall provide the heir or
34 legatee of a decedent to whom property is transferred under subparagraph 2 of this
35 subparagraph with the toll-free telephone number and website address of the State Tax

1 Sale Ombudsman and a brief description of the services and programs available through
2 the Ombudsman's office.

3 4. When an heir or a legatee of a decedent enters into a
4 payment plan with a county, a municipal corporation, or the State Tax Sale Ombudsman
5 under subparagraph 2 of this subparagraph, the collector of taxes for the county or
6 municipal corporation or the State Tax Sale Ombudsman shall provide the heir or legatee
7 with an affidavit of the payment plan, which the heir or legatee shall provide to the Clerk
8 of the Circuit Court to record an instrument transferring ownership to the heir or legatee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 B. The State Tax Sale Ombudsman.

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

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

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

7 (ii) The collector of taxes for the county or municipal corporation or
8 the State Tax Sale Ombudsman shall provide the grantee with an affidavit of the payment
9 plan, which the grantee shall provide to the Clerk of the Circuit Court to record an
10 instrument transferring ownership to the grantee.

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

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

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

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

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

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

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

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

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

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

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

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

17 2. A certification by a party named in the instrument that
18 the instrument was prepared by that party.

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

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

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

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

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

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

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

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

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

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

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

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

19 (iv) A power of attorney;

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

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

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

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

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

29 (3) A complete intake sheet shall:

30 (i) Describe the property by at least one of the following property
31 identifiers:

- 1 1. The property tax account identification number, if any, or
2 in Montgomery County, any parcel identifier required under § 3–501 of this title, if different
3 from the tax account number;
- 4 2. The street address, if any;
- 5 3. If the property is a lot within a subdivided tract, the lot
6 and block designation, or in Baltimore City, the current land record block number;
- 7 4. If the property is part of a tract that has been subdivided
8 informally and there is neither an assigned tax account identification number for the parcel
9 nor a lot and block designation, then the street address, if any, or the amount of acreage;
10 or
- 11 5. If the property consists of multiple parcels, the
12 designation “various lots of ground” or the abbreviation “VAR. L.O.G.”;
- 13 (ii) Name each grantor, donor, mortgagor, and assignor and each
14 grantee, donee, mortgagee, and assignee;
- 15 (iii) State the type of instrument;
- 16 (iv) State the amount of consideration payable, including the amount
17 of any mortgage or deed of trust indebtedness assumed, or the principal amount of debt
18 secured;
- 19 (v) State the amount of recording charges due, including the land
20 records surcharge and any transfer and recordation taxes;
- 21 (vi) Identify, by citation or explanation, each claimed exemption from
22 recording taxes;
- 23 (vii) For an instrument effecting a change in ownership, state a tax
24 bill mailing address; and
- 25 (viii) Indicate the person to whom the instrument is to be returned.
- 26 (4) An intake sheet may request any other information that the
27 Administrative Office of the Courts considers necessary in expediting transfers of property
28 or recording and indexing of instruments.
- 29 (5) A clerk may not charge any fee for recording an intake sheet.
- 30 (6) **(I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
31 **PARAGRAPH,** A clerk may not refuse to record an instrument that does not effect a change
32 of ownership on the assessment books solely because it is not accompanied by an intake
33 sheet.

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

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

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

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

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

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

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

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

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

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

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

31 (iii) ~~1. THIS SUBPARAGRAPH DOES NOT APPLY TO A~~
32 ~~TRANSFER-ON-DEATH DEED.~~

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

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

4 **14-1001.**

5 (A) IN THIS SUBTITLE THE FOLLOWING TERMS HAVE THE MEANINGS
 6 INDICATED.

7 (B) "BENEFICIARY" MEANS A PERSON THAT RECEIVES REAL PROPERTY
 8 UNDER A TRANSFER-ON-DEATH DEED.

9 (C) "DESIGNATED BENEFICIARY" MEANS A PERSON DESIGNATED TO
 10 RECEIVE REAL PROPERTY IN A TRANSFER-ON-DEATH DEED.

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

14 (2) "JOINT OWNER" INCLUDES:

15 (I) A JOINT TENANT; AND

16 (II) ~~AN OWNER OF COMMUNITY PROPERTY WITH A RIGHT OF~~
 17 ~~SURVIVORSHIP; AND~~

18 ~~(III)~~ A TENANT BY THE ENTIRETY.

19 (3) "JOINT OWNER" DOES NOT INCLUDE A TENANT IN COMMON ~~OR~~
 20 ~~OWNER OF COMMUNITY PROPERTY WITHOUT A RIGHT OF SURVIVORSHIP.~~

21 (E) "PROPERTY" MEANS AN INTEREST IN REAL PROPERTY LOCATED IN THE
 22 STATE THAT IS TRANSFERABLE ON THE DEATH OF THE OWNER.

23 (F) "TRANSFEROR" MEANS AN INDIVIDUAL WHO MAKES A
 24 TRANSFER-ON-DEATH DEED.

25 (G) "TRANSFER-ON-DEATH DEED" MEANS A DEED AUTHORIZED UNDER
 26 THIS SUBTITLE.

27 **14-1002.**

1 THIS SUBTITLE DOES NOT:

2 (1) AFFECT ANY METHOD OF TRANSFERRING PROPERTY OTHERWISE
3 ALLOWED UNDER THE LAWS OF THE STATE; OR

4 (2) LIMIT THE RIGHT OF ANY PERSON TO MAINTAIN A CIVIL ACTION
5 FOR DAMAGES OR OTHER REMEDIES OTHERWISE AVAILABLE UNDER ANY OTHER
6 PROVISION OF LAW.

7 14-1003.

8 (A) AN OWNER OF PROPERTY MAY TRANSFER THE PROPERTY TO ONE OR
9 MORE BENEFICIARIES EFFECTIVE AT THE TRANSFEROR'S DEATH BY A
10 TRANSFER-ON-DEATH DEED.

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

15 (2) IF THE TRANSFER-ON-DEATH DEED DOES NOT INDICATE A FORM
16 OF TENANCY, TITLE TO THE PROPERTY SHALL BE CONVEYED TO THE DESIGNATED
17 BENEFICIARIES ON THE DEATH OF THE OWNER OR, IF THERE ARE MULTIPLE
18 OWNERS, ON THE DEATH OF THE LAST SURVIVING OWNER, AS JOINT TENANTS WITH
19 RIGHTS OF SURVIVORSHIP.

20 14-1004.

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

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

24 (C) THE CAPACITY REQUIRED TO MAKE OR REVOKE A
25 TRANSFER-ON-DEATH DEED IS THE SAME AS THE CAPACITY REQUIRED TO MAKE A
26 WILL.

27 14-1005.

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

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

3 **14-1006.**

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

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

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

11 **(2) CONSIDERATION.**

12 **14-1007.**

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

14 **(1) AFFECT AN INTEREST OR A RIGHT OF THE TRANSFEROR OR ANY**
15 **OTHER OWNER, INCLUDING THE RIGHT TO TRANSFER OR ENCUMBER THE**
16 **PROPERTY;**

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

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

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

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

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

29 **14-1008.**

1 (A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ~~PRIOR TO THE DEATH~~
2 ~~OF THE TRANSFEROR,~~ THE TRANSFEROR MAY REVOKE A PREVIOUSLY RECORDED
3 TRANSFER-ON-DEATH DEED, OR ANY PART OF THAT RECORDED
4 TRANSFER-ON-DEATH DEED, BY RECORDING IN THE LAND RECORDS OF THE
5 COUNTY IN WHICH THE PROPERTY IS LOCATED AN EXECUTED AND ACKNOWLEDGED:

6 (1) TRANSFER-ON-DEATH DEED THAT REVOKES THE DEED OR PART
7 OF THE DEED EXPRESSLY OR BY INCONSISTENCY AND THAT IS RECORDED BEFORE
8 THE DEATH OF THE TRANSFEROR;

9 (2) INSTRUMENT OF REVOCATION THAT EXPRESSLY REVOKES THE
10 DEED OR PART OF THE DEED AND THAT IS RECORDED BEFORE THE DEATH OF THE
11 TRANSFEROR; OR

12 (3) INTER VIVOS DEED THAT ~~EXPRESSLY~~ REVOKES THE
13 TRANSFER-ON-DEATH DEED OR PART OF THE DEED EXPRESSLY OR BY
14 INCONSISTENCY AND THAT IS DELIVERED BEFORE THE DEATH OF THE
15 TRANSFEROR.

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

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

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

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

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

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

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

30 14-1009.

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

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

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

9 (III) SECTION 4-105(B)(3) AND (4) OF THE ESTATES AND
10 TRUSTS ARTICLE (REVOCATION BY SUBSEQUENT MARRIAGE FOLLOWED BY A CHILD
11 OR BY DIVORCE);

12 (IV) SECTION 4-403 OF THE ESTATES AND TRUSTS ARTICLE
13 (LAPSE);

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

18 (VI) TITLE 10, SUBTITLE 8 OF THE COURTS ARTICLE
19 (SIMULTANEOUS DEATH).

20 (2) (I) THE INTEREST IN THE PROPERTY IS TRANSFERRED TO A
21 DESIGNATED BENEFICIARY IN ACCORDANCE WITH THE TRANSFER-ON-DEATH DEED
22 ON THE DEATH OF THE TRANSFEROR IF THE BENEFICIARY SURVIVES THE
23 TRANSFEROR.

24 (II) IF THE DESIGNATED BENEFICIARY DOES NOT SURVIVE THE
25 TRANSFEROR AND THE TRANSFEROR HAS PROVIDED FOR AN ALTERNATE
26 DESIGNATED BENEFICIARY IN THE TRANSFER-ON-DEATH DEED, THE INTEREST IN
27 THE PROPERTY IS TRANSFERRED TO A SURVIVING ALTERNATE DESIGNATED
28 BENEFICIARY IN ACCORDANCE WITH THE TRANSFER-ON-DEATH DEED ON THE
29 DEATH OF THE TRANSFEROR.

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

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

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

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

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

13 ~~(D) IF THE TRANSFEROR HAS IDENTIFIED TWO OR MORE DESIGNATED~~
14 ~~BENEFICIARIES TO RECEIVE CONCURRENT INTERESTS IN THE PROPERTY, THE~~
15 ~~CONCURRENT INTERESTS ARE TRANSFERRED TO THE BENEFICIARIES AS JOINT~~
16 ~~TENANTS WITH A RIGHT OF SURVIVORSHIP.~~

17 ~~(E)~~ (1) IF A TRANSFEROR IS A JOINT OWNER AND IS SURVIVED BY ONE OR
18 MORE JOINT OWNERS, THE PROPERTY THAT IS THE SUBJECT OF THE
19 TRANSFER-ON-DEATH DEED BELONGS TO THE SURVIVING JOINT OWNER OR
20 OWNERS WITH RIGHT OF SURVIVORSHIP.

21 (2) IF A TRANSFEROR IS A JOINT OWNER AND IS THE LAST SURVIVING
22 JOINT OWNER, THE TRANSFER-ON-DEATH DEED IS EFFECTIVE ON THE DEATH OF
23 THE LAST SURVIVING JOINT OWNER.

24 14-1010.

25 ANY BENEFICIARY MAY DISCLAIM ALL OR PART OF THE BENEFICIARY'S
26 INTEREST AS PROVIDED UNDER THE MARYLAND UNIFORM DISCLAIMER OF
27 PROPERTY INTERESTS ACT, TITLE 9, SUBTITLE 2 OF THE ESTATES AND TRUSTS
28 ARTICLE.

29 14-1011.

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

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

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

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

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

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

12 "FORM TRANSFER-ON-DEATH DEED

13 NOTICE TO OWNER

14 YOU SHOULD CAREFULLY READ ALL INFORMATION ON ~~THE OTHER SIDE OF~~
 15 THIS FORM AND THE "COMMON QUESTIONS ABOUT THE USE OF THIS FORM"
 16 DOCUMENT.

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

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

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

29 PLEASE ATTACH AND RECORD ADDITIONAL PAGES IF THE REQUESTED
 30 INFORMATION DOES NOT FIT ON THIS FORM.

31 IDENTIFYING INFORMATION

1 **TRANSFER ON DEATH**

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

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

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

6 _____ (SEAL) _____
7 **SIGNATURE** **DATE**

8 _____
9 **PRINTED NAME**

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

12 _____
13 **PRINTED NAME**

14 **PREPARER**

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

18 **SIGNATURE:** _____

19 **PRINTED NAME:** _____

20 **ACKNOWLEDGMENT**

21 **STATE OF _____ COUNTY OF _____**

22 **THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON THE ___ DAY OF ___, 20___, BY**

23 _____

24 **SIGNATURE OF NOTARIAL OFFICER**

25 **TITLE OF OFFICE**

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STAMP

MY COMMISSION EXPIRES: _____”.

(D) THE FOLLOWING INFORMATIONAL SHEET MAY BE USED TO EXPLAIN THE FORM FOR TRANSFER-ON-DEATH DEED:

COMMON QUESTIONS ABOUT THE USE OF THIS FORM

THIS INFORMATIONAL SHEET SHOULD NOT BE RECORDED WITH A TRANSFER-ON-DEATH DEED AT THE DEPARTMENT OF LAND RECORDS IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT.

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

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

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

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

HOW DO I FIND THE “LEGAL DESCRIPTION” OF THE PROPERTY? THIS INFORMATION MAY BE ON THE DEED YOU RECEIVED WHEN YOU BECAME AN OWNER OF THE PROPERTY AND MAY BE FOUND IN A PARAGRAPH THAT STARTS WITH THE WORDS “BEGINNING” OR “BEING”. THIS INFORMATION MAY ALSO BE AVAILABLE IN

1 THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY WHERE THE
2 PROPERTY IS LOCATED. IF YOU ARE NOT ABSOLUTELY SURE, CONSULT A LAWYER.

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

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

12 WHICH CONTROLS AT MY DEATH, MY WILL OR THE TRANSFER-ON-DEATH
13 DEED? THE TRANSFER-ON-DEATH DEED CONTROLS OVER A CONTRARY
14 INSTRUCTION IN A WILL.

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

21 DOES A TRANSFER-ON-DEATH DEED HELP AVOID INHERITANCE TAXES? NO.
22 YOUR BENEFICIARY MAY NEED TO PAY INHERITANCE TAXES AS A RESULT OF THE
23 TRANSFER-ON-DEATH DEED. IF YOU HAVE QUESTIONS RELATED TO INHERITANCE
24 TAXES, CONSULT A LAWYER.

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

28 HOW DO I REVOKE THE TRANSFER-ON-DEATH DEED AFTER IT IS RECORDED?
29 THERE ARE THREE WAYS TO REVOKE A RECORDED TRANSFER-ON-DEATH DEED: (1)
30 COMPLETE AND ACKNOWLEDGE A REVOCATION FORM, AND RECORD IT IN EACH
31 COUNTY WHERE THE PROPERTY IS LOCATED. (2) COMPLETE AND ACKNOWLEDGE A
32 NEW TRANSFER-ON-DEATH DEED THAT DISPOSES OF THE SAME PROPERTY, AND
33 RECORD IT IN EACH COUNTY WHERE THE PROPERTY IS LOCATED. (3) TRANSFER THE
34 PROPERTY TO SOMEONE ELSE DURING YOUR LIFETIME BY A RECORDED DEED THAT
35 EXPRESSLY REVOKES THE TRANSFER-ON-DEATH DEED. YOU MAY NOT REVOKE THE
36 TRANSFER-ON-DEATH DEED BY WILL.

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

4 DO I NEED TO TELL THE BENEFICIARIES ABOUT THE TRANSFER-ON-DEATH
5 DEED? NO, BUT IT IS STRONGLY RECOMMENDED. ~~SECRET~~ NON-DISCLOSURE CAN
6 CAUSE LATER COMPLICATIONS AND MIGHT MAKE IT EASIER FOR OTHERS TO
7 COMMIT FRAUD.

8 COULD A TRANSFER-ON-DEATH DEED I RECORD TODAY BE AFFECTED IF I
9 DIVORCE LATER OR GET MARRIED AND HAVE CHILDREN? YES. IF YOU CREATE A
10 TRANSFER-ON-DEATH DEED THAT NAMES YOUR SPOUSE AS THE BENEFICIARY
11 WHILE YOU ARE MARRIED AND YOU LATER DIVORCE OR YOUR MARRIAGE IS
12 ANNULLED, THE TRANSFER-ON-DEATH DEED WILL BE CONSIDERED TO BE
13 AUTOMATICALLY REVOKED. ADDITIONALLY, IF YOU RECORD A
14 TRANSFER-ON-DEATH DEED NAMING ANY BENEFICIARY AND LATER MARRY AND
15 HAVE CHILDREN WITH YOUR FUTURE SPOUSE BY BIRTH, ADOPTION, OR
16 LEGITIMATION, YOUR TRANSFER-ON-DEATH DEED WILL BE CONSIDERED TO BE
17 AUTOMATICALLY REVOKED.

18 AS A BENEFICIARY, WHAT DO I DO ONCE THE OWNER HAS DIED? YOU WILL
19 AUTOMATICALLY RECEIVE THE PROPERTY WHEN THE OWNER DIES, UNLESS YOU
20 FOLLOW MARYLAND'S PROCEDURE TO DISCLAIM YOUR INTEREST. YOU MAY WISH
21 TO EXECUTE AND RECORD A TRANSFER-ON-DEATH NOTIFICATION OF DEATH FORM
22 TO SHOW THAT YOU ARE NOW THE RIGHTFUL OWNER OF THE PROPERTY.

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

26 14-1012.

27 (A) THIS SUBTITLE GOVERNS THE EFFECT OF THE FORM PROVIDED UNDER
28 THIS SECTION, OR ANY OTHER INSTRUMENT USED TO REVOKE A
29 TRANSFER-ON-DEATH DEED.

30 (B) THE FOLLOWING FORM MAY BE USED TO CREATE AN INSTRUMENT OF
31 REVOCATION UNDER THIS SUBTITLE:

32 “REVOCATION OF A TRANSFER-ON-DEATH DEED

33 NOTICE TO OWNER

1 THIS REVOCATION MUST BE RECORDED IN EACH COUNTY (OR BALTIMORE
2 CITY) IN WHICH THE PROPERTY IS LOCATED BEFORE YOU DIE OR IT WILL NOT BE
3 EFFECTIVE. THIS REVOCATION IS EFFECTIVE ONLY AS TO THE INTERESTS IN THE
4 PROPERTY OF THE OWNER WHO SIGNS THIS REVOCATION.

5 IDENTIFYING INFORMATION

6 OWNER OR OWNERS OF PROPERTY MAKING THIS REVOCATION:

7 _____
8 PRINTED NAME

_____ MAILING ADDRESS

9 _____
10 PRINTED NAME

_____ MAILING ADDRESS

11 LEGAL DESCRIPTION OF THE PROPERTY:

12 _____
13 _____
14 _____
15 _____
16 _____

17 REVOCATION

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

20 SIGNATURE OF OWNER OR OWNERS MAKING THIS REVOCATION

21 _____
22 SIGNATURE

(SEAL) _____
DATE

23 _____
24 PRINTED NAME

25 _____
26 SIGNATURE

(SEAL) _____
DATE

27 _____
28 PRINTED NAME

29 ACKNOWLEDGMENT

1 STATE OF _____ COUNTY OF _____

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

3 _____

4 SIGNATURE OF NOTARIAL OFFICER

5 TITLE OF OFFICE

6 STAMP

7 MY COMMISSION EXPIRES: _____

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

9 **THIS INFORMATIONAL SHEET SHOULD NOT BE RECORDED WITH A**
10 **REVOCATION OF A TRANSFER-ON-DEATH DEED AT THE OFFICE OF**
11 **LAND RECORDS.**

12 **HOW DO I USE THIS FORM TO REVOKE A RECORDED FORM**
13 **TRANSFER-ON-DEATH DEED OR OTHER TRANSFER-ON-DEATH DEED? COMPLETE**
14 **THIS REVOCATION FORM. HAVE IT ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR**
15 **OTHER INDIVIDUAL AUTHORIZED UNDER LAW TO TAKE ACKNOWLEDGMENTS.**
16 **RECORD THE FORM IN THE LAND RECORDS OF EACH COUNTY WHERE THE**
17 **PROPERTY IS LOCATED. THE FORM MUST BE ACKNOWLEDGED AND RECORDED**
18 **BEFORE YOUR DEATH OR IT HAS NO EFFECT.**

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

23 **HOW DO I “RECORD” THE FORM? TAKE THE COMPLETED AND**
24 **ACKNOWLEDGED FORM TO THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY**
25 **WHERE THE PROPERTY IS LOCATED. FOLLOW THE INSTRUCTIONS GIVEN BY THE**
26 **CLERK’S OFFICE TO MAKE THE FORM PART OF THE OFFICIAL PROPERTY RECORDS.**
27 **IF THE PROPERTY IS LOCATED IN MORE THAN ONE COUNTY, YOU SHOULD RECORD**
28 **THE FORM IN EACH OF THOSE COUNTIES.**

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

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

7 14-1013.

8 (A) (1) ON THE DEATH OF A TRANSFEROR, A BENEFICIARY OR THE
 9 BENEFICIARIES OF A TRANSFER-ON-DEATH DEED MAY RECORD NOTICE OF THE
 10 DEATH OF A TRANSFEROR IN THE LAND RECORDS OF THE COUNTY IN WHICH THE
 11 PROPERTY IS LOCATED.

12 (2) NOTICE OF THE DEATH OF THE TRANSFEROR IS NOT REQUIRED
 13 TO EFFECTUATE THE TRANSFER OF THE PROPERTY, WHICH IS DEEMED TO HAVE
 14 OCCURRED AT THE DEATH OF THE TRANSFEROR.

15 (3) THE CLERK OF THE COURT SHALL FORWARD NOTIFICATION OF
 16 THE DEATH OF A TRANSFEROR TO THE MARYLAND STATE DEPARTMENT OF
 17 ASSESSMENTS AND TAXATION IN THE SAME MANNER AS A DEED OR A LEASE.

18 (B) THE FOLLOWING FORM MAY BE USED AND RECORDED UNDER
 19 SUBSECTION (A) OF THIS SECTION TO PROVIDE NOTICE OF THE DEATH OF A
 20 TRANSFEROR:

21 “TRANSFER-ON-DEATH DEED NOTIFICATION OF DEATH

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

25 NAME OF TRANSFEROR(S): _____

26 RECORDING REFERENCE OF TODD:

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

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

1 _____

2 **SDAT TAX IDENTIFICATION NUMBER:** _____

3 **NOTE: THE INFORMATION ABOVE MAY BE AVAILABLE ON SDAT'S WEBSITE.**

4 **TODD TRANSFEROR INFORMATION**

5 **DATE OF TRANSFEROR'S DEATH:** _____

6 **STATE WHERE DEATH CERTIFICATE ISSUED:** _____

7 **DEATH CERTIFICATE FILE OR REGISTRATION NUMBER:** _____

8 **TODD BENEFICIARY INFORMATION**

9 **NAME OF BENEFICIARY OR BENEFICIARIES IDENTIFIED ON TODD:**

10 _____

11 _____

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

14 _____

15 _____

16 **RELATIONSHIP(S) OF BENEFICIARY OR BENEFICIARIES TO TRANSFEROR:**

17 _____

18 _____

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

23 _____

24 _____

25 **BENEFICIARY SIGNATURE:** _____

26 **DATE:** _____

27 **BENEFICIARY SIGNATURE:** _____

28 **DATE:** _____

29 **ACKNOWLEDGMENT**

30 **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 CERTIFICATION OF OCCUPANCY STATUS

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

10 OPTION ONE:

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

14 OR

15 OPTION TWO:

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

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

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

26 _____

27 SIGNATURE".

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.