

HOUSE BILL 738

N1, N2

(6lr0904)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced 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**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

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

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.

Italics indicate opposite chamber/conference committee amendments.



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

3 BY adding to

4 Article – Estates and Trusts

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

7 Annotated Code of Maryland

8 (2022 Replacement Volume and 2025 Supplement)

9 BY repealing and reenacting, without amendments,

10 Article – Estates and Trusts

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

12 Annotated Code of Maryland

13 (2022 Replacement Volume and 2025 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Estates and Trusts

16 Section 9–209(e) and (f) and 9–212

17 Annotated Code of Maryland

18 (2022 Replacement Volume and 2025 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Real Property

21 Section 3–104

22 Annotated Code of Maryland

23 (2023 Replacement Volume and 2025 Supplement)

24 BY adding to

25 Article – Real Property

26 Section 14–1001 through ~~14–1013~~ 14–1014 to be under the new subtitle “Subtitle 10.
27 Maryland Transfer-on-Death Deed Act”

28 Annotated Code of Maryland

29 (2023 Replacement Volume and 2025 Supplement)

30 BY adding to

31 Article – Tax – Property

32 Section 12–108(ii), 13–207(a)(27), and 13–414

33 Annotated Code of Maryland

34 (2019 Replacement Volume and 2025 Supplement)

35 BY repealing and reenacting, with amendments,

36 Article – Tax – Property

37 Section 13–207(a)(25) and (26)

38 Annotated Code of Maryland

39 (2019 Replacement Volume and 2025 Supplement)

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

3 **Article – Estates and Trusts**

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

5 **1–402.**

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

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

12 9–201.

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

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

16 (1) An annuity or insurance policy;

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

18 (3) A security registered in beneficiary form;

19 (4) A pension, profit–sharing, retirement, or other employment–related
20 benefit plan; or

21 (5) Any other nonprobate transfer at death.

22 9–209.

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

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

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

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

5 (2) THE DISCLAIMER OF AN INTEREST IN REAL PROPERTY MUST BE
 6 RECORDED IN THE LAND RECORDS OF THE COUNTY WHERE THE REAL PROPERTY
 7 THAT IS THE SUBJECT OF THE DISCLAIMER IS LOCATED.

8 9–212.

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

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

14 Article – Real Property

15 3–104.

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

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

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

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

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

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

30 (2) (I) [The] EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF
 31 THIS PARAGRAPH, THE Supervisor of Assessments shall transfer ownership of property

1 in the assessment records, effective as of the date of recordation, on receipt from the clerk
2 of the circuit court of a copy of the instrument, the completed intake sheet, and any survey
3 submitted under paragraph (1) of this subsection or documents received through an
4 electronic recordation system.

5 **(II) PROVIDED THAT THERE IS NOT A REVOCATION OF A**
6 **TRANSFER-ON-DEATH DEED DESIGNATING A BENEFICIARY RECORDED**
7 **SUBSEQUENT TO THE RECORDATION OF A TRANSFER-ON-DEATH DEED, OWNERSHIP**
8 **OF A PROPERTY THAT IS THE SUBJECT OF THE TRANSFER-ON-DEATH DEED MAY BE**
9 **TRANSFERRED IN THE ASSESSMENT RECORDS TO THE DESIGNATED BENEFICIARY**
10 **ONLY FOLLOWING THE DEATH OF THE TRANSFEROR NAMED ON THE**
11 **TRANSFER-ON-DEATH DEED.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 2. A person who acquires the property with knowledge of the
20 charge or assessment.

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

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

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

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

33 2. The requirements for payment of real property taxes in
34 subsection (b) of this section do not apply to grants of land that transfer residential real
35 property from the estate of a decedent to an heir or a legatee of the decedent, if the heir or

1 legatee of the decedent enters into a payment plan to pay all public taxes, assessments, and
2 charges currently due and owed on the property with:

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

5 B. The State Tax Sale Ombudsman.

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

12 4. When an heir or a legatee of a decedent enters into a
13 payment plan with a county, a municipal corporation, or the State Tax Sale Ombudsman
14 under subparagraph 2 of this subparagraph, the collector of taxes for the county or
15 municipal corporation or the State Tax Sale Ombudsman shall provide the heir or legatee
16 with an affidavit of the payment plan, which the heir or legatee shall provide to the Clerk
17 of the Circuit Court to record an instrument transferring ownership to the heir or legatee.

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

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

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

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

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

35 (2) Subsection (b) of this section does not apply in Charles, St. Mary's,
36 Dorchester, Harford, Howard, Kent, Prince George's, Worcester, Carroll, Montgomery,
37 Frederick and Washington counties to any deed executed as a mere conduit or for

1 convenience in holding and passing title, known popularly as a straw deed or, as provided
2 in § 4–108 of this article, a deed making a direct grant in lieu of a straw deed, or to a deed
3 which is a supplementary instrument merely confirming, correcting, or modifying a
4 previously recorded deed, if there is no actual consideration paid or to be paid for the
5 execution of the supplementary instrument.

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

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

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

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

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

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

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

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

36 B. The State Tax Sale Ombudsman.

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

6 (iv) When an heir or a legatee of a decedent enters into a payment
7 plan with a county, a municipal corporation, or the State Tax Sale Ombudsman under
8 subparagraph (ii) of this paragraph, the collector of taxes for the county or municipal
9 corporation or the State Tax Sale Ombudsman shall provide the heir or legatee with an
10 affidavit of the payment plan, which the heir or legatee shall provide to the Clerk of the
11 Circuit Court to record an instrument transferring ownership to the heir or legatee.

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

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

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

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

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

29 1. Be printed in not less than 8 point type and in black letters
30 and be on white paper of sufficient weight and thickness to be clearly readable. If the deed
31 or other instrument is wholly typewritten or typewritten on a printed form, the typewriting
32 shall be in black letters, in not less than elite type and on white paper of sufficient weight
33 or thickness as to be clearly readable. The foregoing provisions do not apply to manuscript
34 covers or backs customarily used on documents offered for recordation. The recording
35 charge for any instrument not conforming to these requirements shall be three times the
36 normal amount charged. In any clerk's office where the deeds or other instruments are
37 scanned, no instrument on which a rider has been placed or attached in a manner
38 obscuring, hiding, or covering any other part of the instrument may be offered or received
39 for record. No instrument not otherwise readily subject to scanning may be offered or
40 received for record until three times the normal recording charge is paid to the clerk and

1 unless an affidavit, black type on white paper, is attached and made a part of the document
2 stating the kind of instrument, the date, the parties to the transaction, description of the
3 property, and all other pertinent data; and

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

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

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

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

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

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

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

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

25 2. A certification by a party named in the instrument that
26 the instrument was prepared by that party.

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

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

33 (3) Every deed or other instrument recorded in Talbot County shall have
34 written, typed, or printed on its back, to be readily visible when folded for filing in the

1 appropriate drawer or file, the name of every party to the deed or other instrument and the
2 nature or character of the instrument.

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

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

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

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

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

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

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

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

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

29 (iv) A power of attorney;

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

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

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

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

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

6 (3) A complete intake sheet shall:

7 (i) Describe the property by at least one of the following property
8 identifiers:

9 1. The property tax account identification number, if any, or
10 in Montgomery County, any parcel identifier required under § 3–501 of this title, if different
11 from the tax account number;

12 2. The street address, if any;

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

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

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

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

23 (iii) State the type of instrument;

24 (iv) State the amount of consideration payable, including the amount
25 of any mortgage or deed of trust indebtedness assumed, or the principal amount of debt
26 secured;

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

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

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

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

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

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

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

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

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

17 (8) **(i) THIS PARAGRAPH DOES NOT APPLY TO A**
18 **TRANSFER-ON-DEATH DEED EXECUTED IN ACCORDANCE WITH TITLE 14, SUBTITLE**
19 **10 OF THIS ARTICLE.**

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

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

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

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

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

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

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

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

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

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

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

13 **14-1001.**

14 (A) IN THIS SUBTITLE THE FOLLOWING TERMS HAVE THE MEANINGS
15 INDICATED.

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

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

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

23 (2) "JOINT OWNER" INCLUDES:

24 (I) A JOINT TENANT; AND

25 (II) ~~AN OWNER OF COMMUNITY PROPERTY WITH A RIGHT OF~~
26 ~~SURVIVORSHIP; AND~~

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

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

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

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

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

7 14-1002.

8 THIS SUBTITLE DOES NOT:

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

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

14 14-1003.

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

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

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

27 14-1004.

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

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

3 **(C) THE CAPACITY REQUIRED TO MAKE OR REVOKE A**
4 **TRANSFER-ON-DEATH DEED IS THE SAME AS THE CAPACITY REQUIRED TO MAKE A**
5 **WILL.**

6 **14-1005.**

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

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

11 **14-1006.**

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

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

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

19 **(2) CONSIDERATION.**

20 **14-1007.**

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

22 **(1) AFFECT AN INTEREST OR A RIGHT OF THE TRANSFEROR OR ANY**
23 **OTHER OWNER, INCLUDING THE RIGHT TO TRANSFER OR ENCUMBER THE**
24 **PROPERTY;**

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

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

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

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

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

10 14-1008.

11 (A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ~~PRIOR TO THE DEATH~~
12 ~~OF THE TRANSFEROR,~~ THE TRANSFEROR MAY REVOKE A PREVIOUSLY RECORDED
13 TRANSFER-ON-DEATH DEED, OR ANY PART OF THAT RECORDED
14 TRANSFER-ON-DEATH DEED, BY RECORDING IN THE LAND RECORDS OF THE
15 COUNTY IN WHICH THE PROPERTY IS LOCATED, BEFORE THE DEATH OF THE
16 TRANSFEROR, AN EXECUTED AND ACKNOWLEDGED:

17 (1) TRANSFER-ON-DEATH DEED THAT REVOKES THE DEED OR PART
18 OF THE DEED EXPRESSLY OR BY INCONSISTENCY ~~AND THAT IS RECORDED BEFORE~~
19 ~~THE DEATH OF THE TRANSFEROR;~~

20 (2) INSTRUMENT OF REVOCATION THAT EXPRESSLY REVOKES THE
21 DEED OR PART OF THE DEED ~~AND THAT IS RECORDED BEFORE THE DEATH OF THE~~
22 ~~TRANSFEROR;~~ OR

23 (3) INTER VIVOS DEED THAT ~~EXPRESSLY~~ REVOKES THE
24 TRANSFER-ON-DEATH DEED OR PART OF THE DEED EXPRESSLY OR BY
25 INCONSISTENCY AND THAT IS DELIVERED BEFORE THE DEATH OF THE
26 TRANSFEROR.

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,
31 EVEN IF THE TESTAMENTARY DOCUMENT IS EXECUTED AFTER THE DATE OF
32 RECORDATION OF THE TRANSFER-ON-DEATH DEED.

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

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

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

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

9 14-1009.

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

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

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

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

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

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

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

29 (2) (I) THE INTEREST IN THE PROPERTY IS TRANSFERRED TO A
30 DESIGNATED BENEFICIARY IN ACCORDANCE WITH THE TRANSFER-ON-DEATH DEED

1 ON THE DEATH OF THE TRANSFEROR IF THE BENEFICIARY SURVIVES THE
2 TRANSFEROR.

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

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

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

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

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

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

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

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

1 **(2) IF A TRANSFEROR IS A JOINT OWNER AND IS THE LAST SURVIVING**
2 **JOINT OWNER, THE TRANSFER-ON-DEATH DEED IS EFFECTIVE ON THE DEATH OF**
3 **THE LAST SURVIVING JOINT OWNER.**

4 **14-1010.**

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

9 **14-1011.**

10 **(A) THIS SUBTITLE GOVERNS THE EFFECT OF THE FORM**
11 **TRANSFER-ON-DEATH DEED PROVIDED IN THIS SECTION.**

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

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

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

19 **(II) STATE THAT THE TRANSFER TO THE BENEFICIARY OCCURS**
20 **AT THE TRANSFEROR'S DEATH.**

21 **(C) THE FOLLOWING FORM MAY BE USED TO CREATE A**
22 **TRANSFER-ON-DEATH DEED:**

23 **“FORM TRANSFER-ON-DEATH DEED**

24 **NOTICE TO OWNER**

25 **YOU SHOULD CAREFULLY READ ALL INFORMATION ON ~~THE OTHER SIDE OF~~**
26 **THIS FORM AND THE “COMMON QUESTIONS ABOUT THE USE OF THIS FORM”**
27 **DOCUMENT.**

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

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

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

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

IDENTIFYING INFORMATION

OWNER(S) MAKING THIS DEED:

PRINTED NAME

MAILING ADDRESS

PRINTED NAME

MAILING ADDRESS

LEGAL DESCRIPTION OF THE PROPERTY:

BENEFICIARIES

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

PRIMARY BENEFICIARY OR BENEFICIARIES

1 I DESIGNATE THE FOLLOWING ~~BENEFICIARY IF THE BENEFICIARY SURVIVES~~
2 BENEFICIARY OR BENEFICIARIES IF THE BENEFICIARY OR BENEFICIARIES SURVIVE
3 ME.

4 _____
5 PRINTED NAME MAILING ADDRESS, IF AVAILABLE

6 _____
7 PRINTED NAME MAILING ADDRESS, IF AVAILABLE

8 ALTERNATE BENEFICIARY – OPTIONAL

9 IF MY PRIMARY BENEFICIARY ~~DOES~~ OR BENEFICIARIES DO NOT SURVIVE ME,
10 I DESIGNATE THE FOLLOWING ALTERNATE BENEFICIARY IF THAT BENEFICIARY
11 SURVIVES ME.

12 _____
13 PRINTED NAME MAILING ADDRESS, IF AVAILABLE

14 TRANSFER ON DEATH

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

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

18 SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED

19 _____ (SEAL) _____
20 SIGNATURE DATE

21 _____
22 PRINTED NAME

23 _____ (SEAL) _____
24 SIGNATURE DATE

25 _____
26 PRINTED NAME

27 PREPARER

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

4 SIGNATURE: _____

5 PRINTED NAME: _____

6 **ACKNOWLEDGMENT**

7 STATE OF _____ COUNTY OF _____

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

9 _____

10 SIGNATURE OF NOTARIAL OFFICER

11 TITLE OF OFFICE

12 STAMP

13 MY COMMISSION EXPIRES: _____”.

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

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

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

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

27 WHAT DOES THE TRANSFER-ON-DEATH DEED DO? WHEN YOU DIE, THIS DEED
28 TRANSFERS THE DESCRIBED PROPERTY, SUBJECT TO CERTAIN SECURITY

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

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

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

13 HOW DO I FIND THE "LEGAL DESCRIPTION" OF THE PROPERTY? THIS
14 INFORMATION MAY BE ON THE DEED YOU RECEIVED WHEN YOU BECAME AN OWNER
15 OF THE PROPERTY AND MAY BE FOUND IN A PARAGRAPH THAT STARTS WITH THE
16 WORDS "BEGINNING" OR "BEING". THIS INFORMATION MAY ALSO BE AVAILABLE IN
17 THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY WHERE THE
18 PROPERTY IS LOCATED. IF YOU ARE NOT ABSOLUTELY SURE, CONSULT A LAWYER.

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

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

28 WHICH CONTROLS AT MY DEATH, MY WILL OR THE TRANSFER-ON-DEATH
29 DEED? THE TRANSFER-ON-DEATH DEED CONTROLS OVER A CONTRARY
30 INSTRUCTION IN A WILL.

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

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

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

8 HOW DO I REVOKE THE TRANSFER-ON-DEATH DEED AFTER IT IS RECORDED?
9 THERE ARE THREE WAYS TO REVOKE A RECORDED TRANSFER-ON-DEATH DEED: (1)
10 COMPLETE AND ACKNOWLEDGE A REVOCATION FORM, AND RECORD IT IN EACH
11 COUNTY WHERE THE PROPERTY IS LOCATED. (2) COMPLETE AND ACKNOWLEDGE A
12 NEW TRANSFER-ON-DEATH DEED THAT DISPOSES OF THE SAME PROPERTY, AND
13 RECORD IT IN EACH COUNTY WHERE THE PROPERTY IS LOCATED. (3) TRANSFER THE
14 PROPERTY TO SOMEONE ELSE DURING YOUR LIFETIME BY A RECORDED DEED THAT
15 EXPRESSLY REVOKES THE TRANSFER-ON-DEATH DEED. YOU MAY NOT REVOKE THE
16 TRANSFER-ON-DEATH DEED BY WILL.

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

24 COULD A TRANSFER-ON-DEATH DEED I RECORD TODAY BE AFFECTED IF I
25 DIVORCE LATER OR GET MARRIED AND HAVE CHILDREN? YES. IF YOU CREATE A
26 TRANSFER-ON-DEATH DEED THAT NAMES YOUR SPOUSE AS THE BENEFICIARY
27 WHILE YOU ARE MARRIED AND YOU LATER DIVORCE OR YOUR MARRIAGE IS
28 ANNULLED, THE TRANSFER-ON-DEATH DEED WILL BE CONSIDERED TO BE
29 AUTOMATICALLY REVOKED. ADDITIONALLY, IF YOU RECORD A
30 TRANSFER-ON-DEATH DEED NAMING ANY BENEFICIARY AND LATER MARRY AND
31 HAVE CHILDREN WITH YOUR FUTURE SPOUSE BY BIRTH, ADOPTION, OR
32 LEGITIMATION, YOUR TRANSFER-ON-DEATH DEED WILL BE CONSIDERED TO BE
33 AUTOMATICALLY REVOKED.

34 AS A BENEFICIARY, WHAT DO I DO ONCE THE OWNER HAS DIED? YOU WILL
35 AUTOMATICALLY RECEIVE THE PROPERTY WHEN THE OWNER DIES, UNLESS YOU
36 FOLLOW MARYLAND'S PROCEDURE TO DISCLAIM YOUR INTEREST. YOU MAY WISH

1 TO EXECUTE AND RECORD A TRANSFER-ON-DEATH NOTIFICATION OF DEATH FORM
2 TO SHOW THAT YOU ARE NOW THE RIGHTFUL OWNER OF THE PROPERTY.

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

6 14-1012.

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

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

12 “REVOCATION OF A TRANSFER-ON-DEATH DEED

13 NOTICE TO OWNER

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

18 IDENTIFYING INFORMATION

19 OWNER OR OWNERS OF PROPERTY MAKING THIS REVOCATION:

20 _____
21 PRINTED NAME MAILING ADDRESS

22 _____
23 PRINTED NAME MAILING ADDRESS

24 LEGAL DESCRIPTION OF THE PROPERTY:

25 _____
26 _____
27 _____
28 _____
29 _____

1 **REVOCAATION**

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

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

5 _____ (SEAL) _____
6 SIGNATURE DATE

7 _____
8 PRINTED NAME

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
26 TRANSFER-ON-DEATH DEED OR OTHER TRANSFER-ON-DEATH DEED? COMPLETE

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

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

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

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

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

22 14-1013.

23 (A) (1) ON THE DEATH OF A TRANSFEROR, A BENEFICIARY OR THE
24 BENEFICIARIES OF A TRANSFER-ON-DEATH DEED MAY RECORD NOTICE OF THE
25 DEATH OF A TRANSFEROR IN THE LAND RECORDS OF THE COUNTY IN WHICH THE
26 PROPERTY IS LOCATED.

27 (2) NOTICE OF THE DEATH OF THE TRANSFEROR IS NOT REQUIRED
28 TO EFFECTUATE THE TRANSFER OF THE PROPERTY, WHICH IS DEEMED TO HAVE
29 OCCURRED AT THE DEATH OF THE TRANSFEROR.

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

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

“TRANSFER-ON-DEATH DEED NOTIFICATION OF DEATH

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

NAME OF TRANSFEROR(S): _____

RECORDING REFERENCE OF TODD:

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

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

SDAT TAX IDENTIFICATION NUMBER: _____

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

TODD TRANSFEROR INFORMATION

DATE OF TRANSFEROR’S DEATH: _____

STATE WHERE DEATH CERTIFICATE ISSUED: _____

DEATH CERTIFICATE FILE OR REGISTRATION NUMBER: _____

TODD BENEFICIARY INFORMATION

NAME OF BENEFICIARY OR BENEFICIARIES IDENTIFIED ON TODD:

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

RELATIONSHIP(S) OF BENEFICIARY OR BENEFICIARIES TO TRANSFEROR:

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

BENEFICIARY SIGNATURE: _____

DATE: _____

BENEFICIARY SIGNATURE: _____

DATE: _____

ACKNOWLEDGMENT

STATE OF _____ **COUNTY OF** _____

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

SIGNATURE OF NOTARIAL OFFICER

TITLE OF OFFICE

STAMP

MY COMMISSION EXPIRES: _____

CERTIFICATION OF OCCUPANCY STATUS

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

OPTION ONE:

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

1 **OR**

2 **OPTION TWO:**

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

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

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

13 _____
14 **SIGNATURE”.**

15 **14-1014.**

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

22 **Article – Tax – Property**

23 12-108.

24 **(II) A REAL PROPERTY TRANSFER-ON-DEATH DEED UNDER TITLE 14 OF**
25 **THE REAL PROPERTY ARTICLE IS NOT SUBJECT TO RECORDATION TAX IF THE**
26 **PROPERTY IS A PRIMARY RESIDENCE OR A SECONDARY RESIDENCE OF THE**
27 **TRANSFEROR.**

28 13-207.

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

1 (25) § 12–108(gg) of this article (Transfer of principal residence surrendered
2 in bankruptcy); [or]

3 (26) § 12–108(hh) of this article (Transfer of real property within the Pimlico
4 racing facility site, Pimlico site, Bowie Race Course Training Center property, or training
5 facility site); **OR**

6 **(27) § 12–108(II) OF THIS ARTICLE (REAL PROPERTY**
7 **TRANSFER–ON–DEATH DEED).**

8 **13–414.**

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.