

## **FAVORABLE SB 651**

Testimony of Alan S. Bowser, Esq.  
in Support of Senate Bill 651

Real Property – Transfer-on-Death Deed – Establishment  
Senate Judicial Proceedings Committee  
Maryland Senate  
Annapolis, Maryland

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Dear Chair and Members of the Committee:

My name is Alan Bowser, and I am an attorney who has practiced for approximately thirty years in Montgomery County, Maryland and Washington, D.C. I write in strong support of Senate Bill 651, which would authorize transfer-on-death (TOD) deeds for real property in Maryland.

Over the course of my practice, I have represented many clients of modest and lower income. For a significant number of them, their home is their primary – and sometimes only – substantial asset. At the same time, these clients often face routine financial pressures: mortgage payments, medical expenses, insurance, utilities, and everyday living costs. The additional legal fees, court costs, and administrative expenses associated with probate can be daunting. Even when probate is relatively straightforward, the delay and cost can impose real hardship on surviving family members.

SB 651 offers a sensible and carefully structured alternative. The legislation permits a property owner to designate a beneficiary to receive real property upon death through a recorded, revocable deed. Critically, the owner retains full control of the property during life and may revoke the designation at any time. The beneficiary acquires no present ownership interest while the owner is alive. In this way, the measure preserves the owner's autonomy and flexibility while creating a streamlined path for post-death transfer.

From a practitioner's perspective, the absence of a statutory TOD option in Maryland sometimes forces clients into less optimal planning strategies. For clients with limited resources, establishing and maintaining a revocable trust may be cost-prohibitive. Relying solely on a will, in turn, guarantees probate, even in uncomplicated estates. The availability of a TOD deed would give attorneys and clients an additional tool – one that

is straightforward, transparent, and well understood in the majority of states that have adopted similar legislation.

I am also mindful that probate serves important functions, including protection of creditors and orderly administration. This bill does not dismantle those safeguards. Rather, it provides a narrowly tailored mechanism for transferring real property outside probate while remaining subject to existing legal protections and recording requirements. It is a balanced approach that expands choice without undermining the integrity of Maryland's property system.

In my experience, many families are less concerned with sophisticated estate planning than with ensuring that a home passes efficiently and without conflict. Providing a clear statutory form and defined process reduces the risk of informal arrangements or unintended consequences. It promotes predictability and can prevent disputes among heirs.

For these reasons – grounded both in professional experience and in the practical realities faced by many Maryland families – I respectfully urge the Committee to issue a Favorable Report on SB 651. The legislation represents a prudent modernization of Maryland law and will provide meaningful, tangible benefits to constituents who can least afford unnecessary expense and delay.

Thank you for your consideration.

Respectfully submitted,

Alan Bowser  
Silver Spring, Maryland