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Statement by Honorable Eugenia Thornton, Kent County (Delaware) Recorder of Deeds to the Maryland House Judiciary Committee in Support of HB 0738, Establishing Real Property Transfer-on-Death Deeds

Dear Chair Sandy Bartlett, Vice Chair Debra Davis, and Members of the House Judiciary Committee,

Thank you for the opportunity to provide information in favor of HB 0738 on February 25, 2026.

We enacted a very similar Uniform Real Property Transfer on Death Deed Act in Delaware with an effective date of December 4, 2025. Since then, my office has already recorded 179 Transfer on Death Deeds (TODDs) as of February 15, 2026. The other two counties in Delaware are also recording a lot of these deeds. **People love this law!**

We have two types of people who record Transfer on Death Deeds (TODDs):

- People who have a Will, but do not want heirs to wait for the Probate process. These individuals also appreciate that the TODD is recorded in public records, so it cannot be lost or altered; it remains in the property's chain of custody forever.
- People who cannot afford an attorney, do not trust attorneys, or have jobs that pay hourly and cannot get off work to see an attorney. For these people, the TODD is a Godsend. They can leave their property as they please for very low cost (\$88 in my office for the first 5 pages). Their heirs can begin to create generational wealth. The TODD also will help with affordable housing, since it helps to eliminate "Heirs Properties" and "Tangled Titles," that can cause houses to sit vacant, or occupied by people whose names are not on the deed, falling down because there is no clear owner to get a loan to fix the property or qualify for government support to fix the property. The property cannot be sold with a cloudy title. TODDs have been shown in Cook County, IL, to help prevent these problems.

For TODDs recorded in our office, we want Grantors to explain why the name(s) on the TODD do not match the name(s) on the last recorded deed. This is often due to marriage, divorce, or, more commonly, the death of the joint owner (spouse). We quickly discovered that surviving spouses do not always report deaths to our Register of Wills.

If they have not already done so, we require Grantors to report the death, placing the county tax records solely in their name, and obtain a "folio number" from the Register of Wills, which updates the County's Tax Database. We write that reference number on our TODD form for quick reference. We think this will help prevent "Heirs Properties" in the future.

Because our law only took effect a few months ago, we have not processed a TODD after death. However, we are acutely aware that "pre-proofing" the TODD at the front end will facilitate post-death processing.

We ask Lawyers, if they retype our form, which many of them do, to include a 'Being Clause' which explains any name changes.

We receive many compliments on the TODD. People thank us. Before enactment, TODDs had the support of AARP and many non-profits. When this law was passed in our State House in June, it did so with zero "nay" votes.

I have extensive information about Heir's Property, Tangled Titles, how TODDs can be used in Estate Planning, how TODDs can create generational wealth in places like Chicago and the Mississippi Delta--and much more on my website: www.kentcountyde.gov/My-Government/Departments/Deeds-Office/Transfer-on-Death-Deeds

I was born in the Union Hospital in Elkton and lived in Cecil County until I was 16. My grandfather, John W. McCool, built the section of Route 40 between Elkton and Havre de Grace. He was appointed as the State Librarian. As a member of the MD National Guard, my father guarded the Susquehanna Bridge during World War II. My mother and I are both graduates of Washington College in Chestertown.

I have deep Maryland roots and would be happy to work with your Recorders once your bill is enacted.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Eugenia Thornton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Hon. Eugenia Thornton
Recorder of Deeds