



STATE OF DELAWARE
COMMISSION ON UNIFORM STATE LAWS
LEGISLATIVE HALL
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February 23, 2026

SENT VIA E-MAIL

House Judiciary Committee
c/o The Honorable J. Sandy Bartlett
Delegate & Chair, House Judiciary Committee
100 Taylor House Office Building
Annapolis, MD 21401

RE: HB 738, Real Property – Transfer-on-Death Deed - Establishment

Dear House Judiciary Committee,

I am the Legislative Liaison for the Delaware Commission on Uniform State Laws and worked with Representative Kerri Evelyn Harris, former Representative Paul Baumbach, and the New Castle County and Kent County Recorder of Deeds over the course of multiple years to enact the Uniform Real Property Transfer on Death Act (“URPTODA”) and bring transfer-on-death deeds (“TOD deed”) to Delaware as another tool in the toolbox for passing on property to the next generation. URPTODA was enacted in Delaware last year with the passage of [House Substitute No. 1 for House Bill No. 147](#) with unanimous support of legislators in both chambers.

Our road to enactment of URPTODA began with an email from Ms. Natalie Buzzard to Delaware legislators and the New Castle County Recorder of Deeds seeking their support for the adoption of a law in Delaware to allow her to transfer the deed to her home on her death to help ease the process of settling her estate for her son who serves in the military. With initial leadership by the New Castle County Recorder of Deeds, we worked to review URPTODA with the relevant Sections of the Delaware State Bar Association (the Estates and Trusts Section and the Real and Personal Property Section), answering their questions and making needed modifications to enable URPTODA to function properly within Delaware law.

Our Registers of Wills opposed our initial efforts at passage during the 2023 to 2024 legislative session, arguing that TOD deeds put the elderly at risk for fraud. We were able to counter these concerns in three key ways::

- (1) The Kent County, Delaware Recorder of Deeds interviewed her counterparts in other states that had adopted URPTODA. These interviews overwhelmingly demonstrated that URPTODA had not resulted in an increase in fraud, and had provided their constituencies with a significant benefit.

- (2) The bill received the support of the Delaware branch of the AARP, which supported the enactment of URPTODA in Delaware and echoed our efforts to counter these concerns about fraud.
- (3) We had the support of everyday Delawareans who contacted their legislators urging the adoption of URPTODA. That support from Delawareans has also been seen in the first few months since URPTODA became law in Delaware, with numerous TOD deeds being filed.

In closing, while our post-enactment experience with URPTODA has been short, we are confident in the value of URPTODA as another tool in the toolbox for those who are planning their estate. And, our confidence is high based on our analysis of URPTODA and the experience of 19 other states, the District of Columbia, and the U.S. Virgin Islands who have adopted URPTODA. Add in the 10 states with substantially similar laws and there are 32 states that have adopted and implemented TOD deeds over the course of 3 decades. This level of acceptance would not occur unless the law presented a safe, effective way to transfer property. Therefore, we hope that Maryland will soon join Delaware and its other neighboring states in the enactment of URPTODA.

Sincerely,



Mark J. Cutrona
Legislative Liaison
Delaware Commission on Uniform State Laws