



TRANSFER ON DEATH DEED WORKSHEET

What Is a Transfer on Death Deed?

A transfer on death deed is a simple, inexpensive way to transfer real estate to someone else upon your death. It does not involve going through probate court, which can be a lengthy and costly process. It works similarly to a life insurance policy or a payable on death account at a bank because the asset passes to your named beneficiary upon your death outside the probate system.

When to Use a Transfer on Death Deed

You may want to use a transfer on death deed when you own real property, such as a house or land, and you want to give that property to someone else when you die.

Things to Know About Using a Transfer on Death Deed

- A transfer on death deed does not affect any of your property rights during your lifetime. It only takes effect after your death. You can sell the property, use it as collateral on a loan, get property tax exemptions, and enjoy all the other property rights you currently have.
- The named beneficiary has no legal right to the property until your death. If you decide to sell the property, the named beneficiary cannot stop you from doing so. The sale simply “voids” the transfer on death deed and it is as if the transfer on death deed never existed.
- You can only give someone the portion of the property that you own. For example, if you and your spouse own the property in equal shares and you file a transfer on death deed giving the property to someone, like a child or a friend, that person only gets your share of the property. Your spouse still has their share.
- A transfer on death deed trumps a will.
 - If you have a will that gives the property to someone else, this transfer on death deed “trumps” the will. The beneficiary named in the transfer on death deed gets the property, not the person named in your will.
 - If you make a will at some point in the future that gives the property to a different person than the beneficiary listed in this transfer on death deed, that provision does not override the deed. The beneficiary named in this transfer on death deed still gets the property. If you change your mind about who you want to get the property, you need to complete a revocation of the transfer on death deed or file an updated transfer on death deed.
- A transfer on death deed does not protect the property from creditor claims. You may use a transfer on death deed even if there is a debt or lien, such as a mortgage, against the property. However, upon your death, your beneficiary takes the property subject to all mortgages, liens and claims and will be responsible for paying those debts on the property. Also, if the property owner dies and has other unpaid debts, the property could be tied up in probate court until those debts are resolved.
- The transfer on death deed beneficiary must survive you by at least 120 hours. If not, the property is treated as if the transfer on death deed did not exist.
- A transfer on death deed cannot be created by a person acting under a property owner’s power of attorney, however, that person can cancel the transfer on death deed.

1. **Property Owner(s) (Transferors) Making this Deed.** *Enter your first, middle (if any), and last name here, along with your mailing address. If more than one person owns the property, all owners must list this information.*

Property Owner's Name

Mailing Address:

Address 1

Address 2

City State Zip

Second Owner's Name (If Applicable)

Mailing Address:

Address 1

Address 2

City State Zip

2. **Legal Description of the Property.** *The legal description is not the mailing or physical address of the property. The legal description is listed on the deed to the property, which you should have gotten when you became an owner. If you don't know it, we can look this up at the county clerk's office in the county where the property is located.*

3. **Commonly known address of the Property (if any).** *This is the physical address of the property. Include county.*

Address City County State Zip

4. **Primary and Alternate Beneficiaries.**

A "beneficiary" is the person who you want to own the property when you die.

If you are married, do you want your interest in the home to go to your surviving spouse?

Yes

No

Do you want to name an Alternate Beneficiary if your spouse predeceases you? Or if there is no second owner?

Yes

No

Transfer on Death Deed

When we are both deceased, we want the following person(s) to own our property. This person(s) may or may not be our child, descendant, or a member of our family. If more than one alternate beneficiary is listed, they will own the property in equal shares.

Alternate Beneficiary

Mailing Address:

Address 1

Address 2

City State Zip

Alternate Beneficiary (Optional)

Mailing Address:

Address 1

Address 2

City State Zip

Alternate Beneficiary

Mailing Address:

Address 1

Address 2

City State Zip

Alternate Beneficiary (Optional)

Mailing Address:

Address 1

Address 2

City State Zip