

TRANSFER ON DEATH DEED (REVOCABLE)

NOTICE TO OWNER: You are encouraged to read and understand the requirements for completing and recording this form. Consider seeking legal advice to ensure this deed meets your needs and complies with Delaware law. This deed must be recorded with the Recorder of Deeds before your death to be effective.

Parcel Number: _____

**Prepared By &
Return to:**
(Name/Address) _____

PART A - OWNER(S)/GRANTOR INFORMATION

Name of Owner(s):		Name of Owner(s):	
Address		Address	
City		City	
State	Zip	State	Zip

PART B – BENEFICIARY/GRANTEE INFORMATION

Beneficiary Name		Beneficiary Name	
Address		Address	
City		City	
State	Zip	State	Zip

ALTERNATE BENEFICIARY/GRANTEE INFORMATION (OPTIONAL) *If no primary beneficiary survives me, I designate the following alternate beneficiary

Beneficiary Name		Beneficiary Name	
Address		Address	
City		City	
State	Zip	State	Zip

PART C – PROPERTY INFORMATION: You must attach a legal description of the Property to this Transfer-on-Death Deed as an Exhibit that is hereby incorporated by reference

Parcel Number	County	
Address		
City	State	Zip
Deed Book & Page # or Instrument Number		

PART D - TRANSFER ON DEATH: Upon my death, my interest in the property described herein shall transfer to the beneficiary or beneficiaries designated in this deed. Prior to my death, I retain the full right to revoke this deed by recording a duly executed revocation instrument in the official records of the Recorder of Deeds. ***I acknowledge that the instruction to transfer of property to the beneficiary/grantee in this deed controls over any contrary instruction in my will that is prepared before or after this deed.*** I further understand that if my probate estate is insufficient to satisfy an allowed claim against the estate or to provide any statutory allowance to a surviving spouse or child, the estate may enforce such liability against the property transferred under this deed. The witnesses and notary public cannot be relatives or beneficiaries of the Owner(s) or named Beneficiaries.

Owner(s)/Grantor's Signature & Date	Owner(s)/Grantor's Printed Name/Title
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Owner(s)/Grantor's Signature & Date	Owner(s)/Grantor's Printed Name/Title
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WITNESS TO THIS DEED: We hereby affirm that we witnessed the signing of this deed by the owner or owners identified herein, and that, to the best of our knowledge, each was of sound mind and memory at the time of execution and acted free from undue influence or coercion by any person, including the undersigned witnesses.

First Witness Name		Second Witness Name	
Address		Address	
City		City	
State	Zip	State	Zip
Signature & Date		Signature & Date	

ACKNOWLEDGEMENT: State of _____, County of _____

BE IT REMEMBERED, that on this _____ day of _____, 20____ before me, the undersigned Notary Public, personally appeared _____, known to me (or satisfactorily proven) to be the Owner(s)/Grantor(s) whose name(s) are subscribed to this instrument, and acknowledged that they executed the same for the purposes therein contained.

On the same date, also personally appeared _____ and _____, known to me (or satisfactorily proven) to be the two witnesses whose signatures appear on this instrument, and they acknowledged that they witnessed the execution of the deed by the Owner(s)/Grantor(s).

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

COMMON QUESTIONS ABOUT THE USE OF THIS FORM

What does the Transfer on Death (TOD) deed do? A TOD deed allows property to pass directly to the person you name as beneficiary upon your death. This means the property does not go through probate. However, the property is still subject to any mortgages, liens, or other claims that exist at that time. The deed does nothing while you are alive — you remain the owner and can sell, mortgage, or make otherwise permissible changes to the property at any time. If you no longer own the property at the time of your death, the TOD deed has no effect.

Which controls at my death, my will or the TOD deed? If you have both a will and a TOD Deed, the TOD deed takes precedence. Even if your will gives different instructions, this deed determines who receives the described property upon your death.

How do I make a TOD deed? You must complete this form in full, sign it, and have it properly notarized. The deed must then be recorded with the Recorder of Deeds in each county where the property is located. The deed has no effect unless it is signed, notarized, and recorded prior to your death. (Example: If live in lower Smyrna and part of your property is in New Castle County and Kent County you will need to file this in both counties)

Is the “legal description” of the property necessary? Yes. The Recorder of Deeds cannot accept the form without a complete legal description.

How do I find the “legal description” of the property? The legal description is usually on the deed you received when you acquired the property. If you have misplaced your deed or did not receive a copy, you may obtain one from the Recorder of Deeds office in the county where the property is located. Copies are typically available online for a fee, or you may visit the Recorder of Deeds office in person to request a copy.

Can I change my mind before I record the TOD deed? Yes. If the deed has not been recorded, you may destroy it. Once the deed has been recorded, additional steps are required to revoke it. A Revocation of TOD Deed must be completed, notarized, and recorded with the Recorder of Deeds in the county where the property is located.

How do I “record” the TOD deed? Submit the completed, signed and notarized form to the Recorder of Deeds office in the county where the property is located. If the property spans more than one county, the deed must be recorded in each county. When this document is recorded, it becomes part of the official land records for your property.

Can I later revoke the TOD deed if I change my mind? Yes. The property owner may revoke the deed at any time during their lifetime. Beneficiaries have no authority to prevent revocation.

How do I revoke the TOD deed after it is recorded? A: There are three methods:

1. Complete, notarize, and record a revocation form.
2. Complete, notarize, and record a new TOD deed for the same property.
3. Transfer the property during your lifetime through a new recorded deed that expressly revokes the TOD deed.

Can I revoke a TOD deed through my will? No. A will does not override or revoke a TOD deed.

I am being pressured to complete this form. What should I do? This form should only be completed voluntarily. Do not complete or sign this form under pressure or undue influence. If you feel pressured, you may wish to speak with a trusted family member or friend. For guidance on your rights, you should consult an attorney.

Do I need to tell the beneficiaries about the TOD deed? No. There is no legal requirement to notify beneficiaries. However, some owners choose to share this information to avoid confusion or disputes in the future. Notifying beneficiaries can help ensure that they are aware of your intentions, but the decision is entirely up to you.

I have other questions about this form. What should I do? This form is not designed to fit everyone’s needs in every situation. The Recorder of Deeds cannot provide legal advice. Because estate planning needs vary, it is highly recommended that you consult an attorney to determine how this form may affect your overall estate plan.