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How to Complete the Georgia TOD Beneficiary Acceptance Affidavit

O.C.G.A. § 44-17-2 • Formatted for recording

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR DEED.

About this form. If you were named as a beneficiary in a Georgia transfer-on-death deed, you must **accept** the property after the owner dies by recording this sworn affidavit with a certified death certificate. **Georgia gives you nine months from the date of death.** If you miss the deadline, the property goes back to the owner's estate and may have to go through probate.

1. **Recording information (top of first page)**
   Enter who prepared the deed and where the Clerk should mail it after recording. Leave the box on the right blank for the Clerk.
2. **Identify the TOD deed**
   Enter the owner's name and the date, Deed Book, Page and county of the recorded TOD deed.
3. **Death and marital status**
   Enter the date and place of death and check whether you were married to the owner.
4. **Describe the property**
   Copy the legal description from the TOD deed.
5. **Sign before a notary**
   You swear to the statements, so sign only in front of the notary. Bring a current government-issued photo ID and the certified death certificate.

Signing requirements: Signed and sworn by the beneficiary before a notary public, then recorded with a certified death certificate within nine months of death.

After It's Signed

- Record this affidavit and a certified copy of the death certificate with the Clerk of Superior Court in the county where the property is located.
- Do not wait: record it well before the nine-month deadline. Title companies will also check that it was recorded on time.

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Have questions about accepting a TOD Deed? To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**.

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After recording, return to:

This instrument prepared by:

Space above 3" reserved for Clerk's recording use

Tax parcel ID number

STATE OF GEORGIA
COUNTY OF

AFFIDAVIT OF BENEFICIARY ACCEPTANCE OF TRANSFER-ON-DEATH DEED

O.C.G.A. § 44-17-2

Personally appeared before me, the undersigned officer duly authorized to administer oaths,

Name of affiant (grantee beneficiary) | Telephone

Address of affiant

who, being first duly sworn, deposes and says:

1. Transfer-on-death deed. I am a designated grantee beneficiary under the transfer-on-death deed signed by

Name of record owner (decedent)

Date of TOD deed | Deed Book | Page | County

2. Death of the record owner. I verify that the record owner died on the date below. A certified copy of the death certificate is attached and recorded with this affidavit.

Date of death | Place of death (city, county, state)

3. Marital status. At the time of the record owner's death, the record owner and I (check one):

- ☐ were married to each other.
- ☐ were not married to each other.

4. Real estate. The interest in real estate that I accept is located in the county stated above and is described as follows:

Street address (if any)

Legal description (attach as Exhibit A if more space is needed)

5. Acceptance. I accept the interest in real estate described above as a grantee beneficiary under the transfer-on-death deed. To my knowledge, the transfer-on-death deed was not revoked before the death of the record owner. I understand this affidavit must be recorded within nine months after the record owner's death.

6. Other beneficiaries. Other grantee beneficiaries named in the deed, and whether each survived the record owner:

SIGNATURE OF AFFIANT

Sign only in front of the notary.

X _____ _____

Signature of affiant Date

Printed name of affiant

NOTARY JURAT

State of Georgia
County of _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____, by _____ (name of affiant), who proved to me on the basis of satisfactory evidence to be the person who appeared before me.

_____ (Seal)

Signature of notary public

_____

Printed name of notary public

Notary seal

Notary Public, _____ County, Georgia

My commission expires: _____