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How to Revoke a New York Transfer on Death Deed

Revocation of Transfer on Death Deed — New York Real Property Law § 424

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

About this form. Use this form to **cancel** a recorded New York Transfer on Death deed. The revocation must be acknowledged before a notary **and recorded before your death** in the same county where the TOD deed was recorded. Tearing up or crossing out a recorded TOD deed does not revoke it.

1. **Owners and property**
   Enter each owner's name and mailing address and copy the legal description from the TOD deed. Add the recording date and reference of the TOD deed you are revoking.

2. **Joint owners**
   A revocation is effective only for the owners who sign it. A TOD deed made by joint owners is revoked only if all living joint owners sign.

3. **Sign before witnesses and a notary**
   Do **not** sign ahead of time. Bring a current government-issued photo ID. The statutory form includes two witness lines. **First Choice can provide both witnesses for an additional fee.**

4. **Record it**
   Record the revocation with the County Clerk where the TOD deed was recorded, in each county where the property is located.

After It's Recorded

- Keep a copy of the recorded revocation with your important papers.
- If you want different beneficiaries, you can instead sign and record a new Transfer on Death Deed; it revokes the old one to the extent they are inconsistent.

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Have questions about this form? To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**, 2315 Capitol Avenue, Sacramento, CA 95816. **Attorneys licensed in New York.** Main headquarters in Sacramento, California.

This form is provided as a free convenience. First Choice Mobile Notary & Apostille is not a law firm, and a notary public cannot give legal advice or help you decide what to write on this form. These instructions are general information only and are not legal advice. If you have questions about your situation, consult a licensed New York attorney.

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RECORD AND RETURN TO:

Space above this line reserved
for the County Clerk / City Register

Tax Map Designation —

Section/District | Block | Lot | County / Town

REVOCATION OF TRANSFER ON DEATH DEED

New York Real Property Law § 424(16)

NOTICE TO OWNER
This revocation must be recorded before you die, or it will not be effective. This revocation is effective only as to the interests in the property of owners who sign this revocation.

IDENTIFYING INFORMATION

Owner or Owners of Property Making This Revocation:

Printed name | *Mailing address*

Printed name | *Mailing address*

Legal description of the property:

Property address:

City / Town / Village: County:

Prior deed recorded in Liber / Page or CRFN

Transfer on Death Deed being revoked was recorded on

in Liber / Page or CRFN

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REVOCATION

I revoke all my previous transfers of this property by transfer on death deed.

SIGNATURE OF OWNER OR OWNERS MAKING THIS REVOCATION

Signature _____ Date _____

Signature _____ Date _____

SIGNATURE OF WITNESSES

Each witness was present at the same time and witnessed the signing of this document.

Witness signature _____ Date _____

Witness printed name and address _____

Witness signature _____ Date _____

Witness printed name and address _____

NOTARY ACKNOWLEDGMENT

ACKNOWLEDGMENT IN NEW YORK (Real Property Law § 309-a)

State of New York)
) ss.:
County of _____)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____

Signature and office of individual taking acknowledgment

Notary Public, State of New York; Qualified in _____ County

Registration No. _____; Commission Expires _____

(Notary stamp)

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ACKNOWLEDGMENT OUTSIDE NEW YORK (Real Property Law § 309-b)

Use this certificate instead of the New York certificate if the document is signed outside New York State.

State (or District / Country) of _____)
) ss.:
County of _____)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in

_____.

insert the city or other political subdivision and the state or country or other place the acknowledgment was taken

_____
Signature and office of individual taking acknowledgment

(Notary seal or stamp)

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COMMON QUESTIONS ABOUT THE USE OF THIS FORM

(back of form — Real Property Law § 424(16))

How do I use this form to revoke a Transfer on Death (TOD) deed?

Complete this form. Have it acknowledged before a notary public. Record the form in the public records in the county clerk's office of the county where the property is located. The form must be acknowledged and recorded before your death, or it has no effect.

How do I find the "legal description" of the property?

This information may be on the TOD deed. It may also be available in the county clerk's office of the county where the property is located. If you are not absolutely sure, consult a lawyer.

How do I "record" the form?

Take the completed and acknowledged form to the county clerk's office of the county where the property is located. Follow the instructions given by the county clerk to make the form part of the official property records. If the property is located in more than one county, you should record the form in each of those counties.

I am being pressured to complete this form. What should I do?

Do not complete this form under pressure. Seek help from a trusted family member, friend, or lawyer.

I have other questions about this form. What should I do?

This form is designed to fit some but not all situations. If you have other questions, consult a lawyer.

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