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How to Complete Your New York Transfer on Death Deed

Revocable 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. A Transfer on Death (TOD) deed lets you name who receives your New York real estate when you die, **without probate**. It has no effect during your lifetime: you keep full ownership and can sell, mortgage or revoke it at any time. New York requires a TOD deed to be signed before **two witnesses who are present at the same time**, acknowledged before a **notary public**, and recorded before your death.

1. **Owners and property**
   Enter each owner's printed name and mailing address. Copy the **legal description** exactly from your current deed, and add the tax map designation (Section, Block, Lot) in the header.

2. **Name your beneficiaries**
   List your primary beneficiaries and, if you wish, alternates. Two or more beneficiaries receive equal shares, and a beneficiary who dies before you does not receive anything.

3. **Sign before two witnesses and a notary**
   Do **not** sign ahead of time. Both witnesses must be present together when you sign. Bring a current government-issued photo ID. **First Choice can provide both witnesses for an additional fee.**

4. **Record it before your death**
   Record the deed with the County Clerk in each county where the property is located (in New York City, the City Register). **An unrecorded TOD deed has no effect.** Many county clerks do not require the transfer tax forms (TP-584, RP-5217) for a TOD deed; check with your county clerk.

After It's Recorded

- Keep a copy of the recorded deed with your important papers, and consider telling your beneficiaries where it is.
- The beneficiary receives the property subject to any mortgage or lien. For 18 months after your death, the property can be reached by your estate's creditors if the estate is insufficient.
- If you own the property jointly with a right of survivorship, it passes first to the surviving joint owner(s). The TOD deed takes effect when the last joint owner dies.
- To cancel it, record a Revocation of Transfer on Death Deed (available on our website), a new TOD deed, or a deed transferring the property. A will cannot revoke it.

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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

REVOCABLE TRANSFER ON DEATH DEED

New York Real Property Law § 424(15)

NOTICE TO OWNER

You should carefully read all information on the other side of this form. You may want to consult a lawyer before using this form.

This form must be recorded before your death, or it will not be effective.

IDENTIFYING INFORMATION

Owner or Owners Making This Deed:

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

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PRIMARY BENEFICIARY

I designate the following beneficiary if the beneficiary survives me.

Printed name	Mailing address, if available

ALTERNATE BENEFICIARY — Optional

If my primary beneficiary does not survive me, I designate the following alternate beneficiary if that beneficiary survives me.

Printed name	Mailing address, if available

TRANSFER ON DEATH

At my death, I transfer my interest in the described property to the beneficiaries as designated above. Before my death, I have the right to revoke this deed.

SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED

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

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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)

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(15))

What does the Transfer on Death (TOD) deed do?

When you die, this deed transfers the described property, subject to any liens or mortgages (or other encumbrances) on the property at your death. Probate is not required. The TOD deed has no effect until you die. You can revoke it at any time. You are also free to transfer the property to someone else during your lifetime. If you do not own any interest in the property when you die, this deed will have no effect.

How do I make a TOD deed?

Complete this form. Have it acknowledged before a notary public. Record the form in each county where any part of the property is located. The form has no effect unless it is acknowledged and recorded before your death.

Is the "legal description" of the property necessary?

Yes.

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

This information may be on the deed you received when you became an owner of the property. This information 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.

Can I change my mind before I record the TOD deed?

Yes. If you have not yet recorded the deed and want to change your mind, simply tear up or otherwise destroy the deed.

How do I "record" the TOD deed?

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 in more than one county, you should record the deed in each county.

Can I later revoke the TOD deed if I change my mind?

Yes. You can revoke the TOD deed. No one, including the beneficiaries, can prevent you from revoking the deed.

How do I revoke the TOD deed after it is recorded?

There are three ways to revoke a recorded TOD deed: (1) Complete and acknowledge a revocation form and record it in each county where the property is located. (2) Complete and acknowledge a new TOD deed that disposes of the same property and record it in each county where the property is located. (3) Transfer the property to someone else during your lifetime by a recorded deed that expressly revokes the TOD deed. You may not revoke the TOD deed by will.

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.

Do I need to tell the beneficiaries about the TOD deed?

No, but it is recommended. Secrecy can cause later complications and might make it easier for others to commit fraud.

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, you are encouraged to consult a lawyer.

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