

# Instruction Sheet

Recording requested by (name):

[Name(s) of owner]

Your name

When recorded mail to  
and mail tax statements to:

[Name(s) of owners]

[Mailing Address of owners]

[Mailing Address of owners]

[Mailing Address City, State, ZIP]

Name and address of person  
who should receive the  
stamped copy of this document  
when recorded, as well as tax  
statements.

For recorder's use

## REVOCABLE TRANSFER ON DEATH (TOD) DEED

(California Probate Code Section 5642)

This document is exempt from documentary transfer tax under Rev. & Tax. Code § 11930. This document is exempt from preliminary change of ownership report under Rev. & Tax. Code § 480.3.

### Declaration of Exemption From GC § 27388.1 Fee

- Transfer is exempt from fee per GC § 27388.1(a)(2):
- transfer is subject to Documentary Transfer Tax
  - transfer of residential dwelling to owner-occupier
- Transfer is exempt from fee per GC 27388.1(a)(1):
- \$225.00 fee cap.  not related to real property

**Assessor's Parcel No. (APN):**

[Assessor's Parcel No.]

This can be found on the  
current deed or the tax bill.

### IMPORTANT NOTICE: THIS DEED MUST BE RECORDED ON OR BEFORE 60 DAYS AFTER THE DATE IT IS SIGNED AND NOTARIZED

Use this deed to transfer the residential property described below directly to your named beneficiaries when you die. YOU SHOULD CAREFULLY READ ALL OF THE INFORMATION ON THE OTHER PAGES OF THIS FORM. You may wish to consult an attorney before using this deed. It may have results that you do not want. Provide only the information asked for in the form. DO NOT INSERT ANY OTHER INFORMATION OR INSTRUCTIONS. This form MUST be RECORDED on or before 60 days after the date it is signed and notarized or it will not be effective.

### PROPERTY DESCRIPTION

Print the legal description of the residential property affected by this deed:

[Enter legal description as written on deed. If you prefer, type or photocopy the description on a separate page labeled "Exhibit A," attach it, and enter "See Exhibit A" in this space].

Copy this  
from the deed  
to the  
property

### BENEFICIARY(IES)

Name the person(s) or entity(ies) who will receive the described property on your death.

IF YOU ARE NAMING A PERSON, state the person's FULL NAME (DO NOT use general terms like "my children"). You may also wish to state the RELATIONSHIP that the person has to you (spouse, son, daughter, friend, etc.), but this is not required.

IF YOU ARE NAMING A TRUST, state the full name of the trust, the name of the trustee(s), and the date shown on the signature page of the trust.

IF YOU ARE NAMING A PRIVATE OR PUBLIC ENTITY, state the name of the entity as precisely as you can.

[Name(s) and (optional) relationship of beneficiaries, eg. "my son James Smith" or "my friend Samantha Jones"]

## TRANSFER ON DEATH

I transfer all of my interest in the described property to the named beneficiary(ies) on my death. I may revoke this deed. When recorded, this deed revokes any TOD deed that I made before signing this deed.

Sign and print your name below (your name should exactly match the name shown on your title documents):

Date and sign the TOD deed in front of a notary public.

Date: \_\_\_\_\_

(Signature of Declarant)

    Your name    

(Print Name)

NOTE: This deed only transfers MY ownership share of the property. The deed does NOT transfer the share of any co-owner of the property. Any co-owner who wants to name a TOD beneficiary must execute and RECORD a SEPARATE deed.

### WITNESSES

To be valid, this deed must be signed by two persons, both present at the same time, who witness your signing of the deed or your acknowledgment that it is your deed. The signatures of the witnesses do not need to be acknowledged by a notary public.

**Witness #1**

Date: \_\_\_\_\_

**Witness #2**

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of witness #1

\_\_\_\_\_  
Signature of witness #2

\_\_\_\_\_  
Typed or written name

You and both witnesses must be physically together when they sign.  
This can be with the notary or later.