Revoking Transfer on Death Deeds – Step by Step Guide

The “Revocable Transfer on Death Deed,” also called “TOD Deed” or “beneficiary deed,” is a simple way to leave a residence to your beneficiaries without the need for probate. The current owner or “transferor” names the intended heirs as “beneficiaries.” The deed has no effect until the transferor dies, so you can change your mind at any time by recording a Revocation of Transfer on Death Deed.

As of Jan. 1, 2022, both TOD deeds and Revocations must be signed by two witnesses.

Templates and Forms

- Revoke (Cancel) Your Transfer on Death Deed – PDF (https://saclaw.org/wp-content/uploads/2023/04/form-revocation-TOD-deed.pdf)

Related Guides

Creating a Transfer on Death Deed

Use our guide Transfer on Death Deed: Naming Beneficiaries (https://saclaw.org/resource_library/transfer-on-death-tod-deed-naming-beneficiaries-and-revoking-tod-deeds/) for information about how to set up a TOD deed.

Removing Transferor’s Name after a Death

Beneficiaries who are transferring real estate into their name should use our guide Transferring Title to Beneficiaries after a Transfer on Death Deed Takes Effect (http://saclaw.org/tod-deed-affidavit) .

Steps to Revoke your TOD Deed

You can revoke a TOD deed at any time for any reason. If you sell the property, the deed is automatically revoked. To revoke it without selling the property, fill out and record a “Revocation of Revocable Transfer on Death (TOD) Deed.”

Download the “Revocation of Revocable Transfer on Death (TOD) Deed” form from the link above.

1 Locate your TOD Deed for the Property

You will need information from your TOD deed to complete Step 2.

If you do not have a copy of your TOD deed, you can purchase one from the Recorder’s Office. In Sacramento, this costs $1 per page. You can contact the Sacramento office at (916) 874-6334 or visit one of the office locations (see the Sacramento County Clerk/Recorder’s website (https://www.saccounty.gov/#gsc.tab=0) for addresses and more information).

2 Fill Out the TOD Revocation (Do Not Sign)

The revocation can be typed, filled out online then printed, or neatly handwritten in dark blue or black ink. You will need the following information from the TOD deed:

- Assessor’s Parcel Number.
- The legal description of the property. This must match the TOD deed ***exactly***. Attach the legal description as an exhibit if it is too long for the page.
- Your name as spelled on the TOD deed.
- The date you signed the TOD deed, the date you recorded the TOD deed, and the book/reel and page/image numbers stamped on the upper right of the TOD deed. (If your county uses instrument numbers, you will need that number. Sacramento County now uses instrument numbers, but used book and page numbers in the past. Copy whichever is on your TOD deed.
- Names of “beneficiaries” (your intended heirs), and their relationship to you, as written on your TOD deed.

A sample completed “Revocation of Revocable Transfer on Death (TOD) Deed” with more detailed instructions is available at the end of this guide.

3 Sign in Front of a Notary; Have Two Witnesses Sign

You will need to sign the Revocation in front of a notary. The notary will charge a fee for this service. You can find notaries at many banks, mailing services, and title companies.

Two witnesses need to sign. Their signatures do not need to be notarized. They must either witness you signing, or witness you acknowledging the form. (In other words, you must tell them, in person, what the form is and that you have signed it.)

4 Record the Revocation at the Recorder's Office within 60 Days of Notarizing It

You must record a TOD Deed Revocation within 60 days of notarizing it or it becomes invalid. This is the easiest way for TOD Deed Revocations to fail.

Record the Revocation in the county where the property is located. The Recorder's Office charges a recording fee and additional fees as set by state law. Current Sacramento fees are available at the County Clerk/Recorder's website (https://ccr.saccounty.gov/content/ccr/us/en/fees.html#gsc.tab=0) .

For help

Senior Legal Hotline
Toll Free: (800) 222-1753; Sacramento County: (916) 551-2140
Legal Services of Northern California (https://lsnc.net/)
Free legal assistance for Sacramento residents age 60 and over on almost any civil issue, including property transfers and deeds.

Capitol Pro Bono (https://capitalprobono.org/)
916-551-2102
Free estate planning assistance for low-income residents.

For More Information

On the Web:

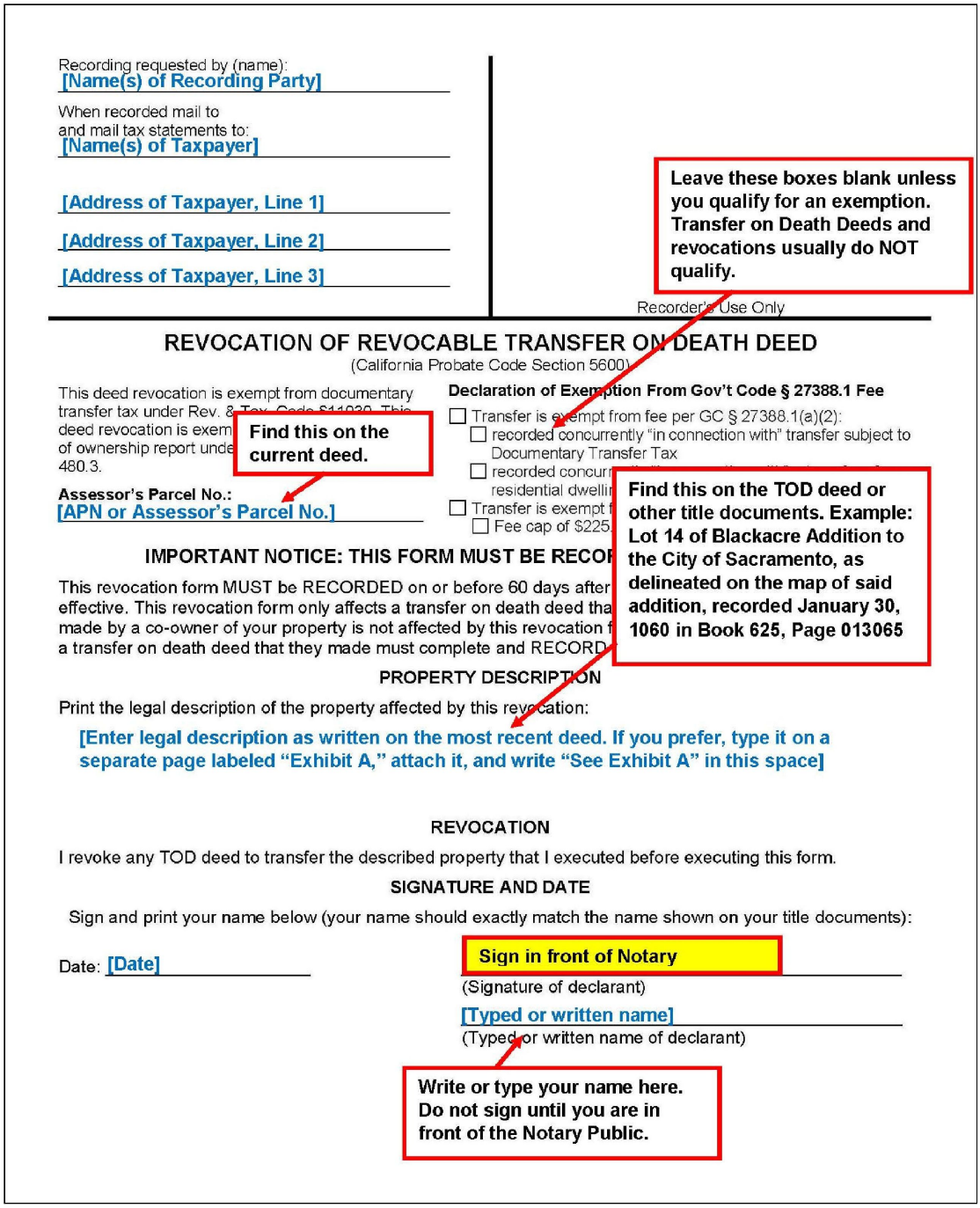
California Advocates for Nursing Home Reform (CANHR)
"Transferring Your Home with a Transfer on Death Deed (TOD) – What You Need to Know"
(https://canhr.org/transferring-your-home-with-a-transfer-on-death-deed-tod-what-you-need-to-know/)
Links several resources discussing advantages and disadvantages of TOD deeds, including a webinar for estate planning attorneys. CANHR also has a referral service to help you find attorneys specializing in elder law.

At the Law Library:

California Estate Planning (KFC 195 .A16 C3)
This book, published by CEB, discusses TOD deeds some of their tax and other implications, and possible alternatives in chapter 7.
Electronic Access: On the Law Library's computers, using *OnLaw*.

Samples

Revocation of Revocable Transfer on Death (TOD) Deed



Recording requested by (name):
[Name(s) of Recording Party]

When recorded mail to
and mail tax statements to:
[Name(s) of Taxpayer]

[Address of Taxpayer, Line 1]

[Address of Taxpayer, Line 2]

[Address of Taxpayer, Line 3]

Leave these boxes blank unless you qualify for an exemption. Transfer on Death Deeds and revocations usually do NOT qualify.

Recorder's Use Only

REVOCATION OF REVOCABLE TRANSFER ON DEATH DEED
(California Probate Code Section 5600)

This deed revocation is exempt from documentary transfer tax under Rev. & Tax. Code §11930. This deed revocation is exempt of ownership report under 480.3.

Declaration of Exemption From Gov't Code § 27388.1 Fee

☐ Transfer is exempt from fee per GC § 27388.1(a)(2):
☐ recorded concurrently "in connection with" transfer subject to Documentary Transfer Tax
☐ recorded concurrently "in connection with" transfer of a residential dwelling
☐ Transfer is exempt from fee
☐ Fee cap of $225

Find this on the current deed.

Assessor's Parcel No.:
[APN or Assessor's Parcel No.]

Find this on the TOD deed or other title documents. Example: Lot 14 of Blackacre Addition to the City of Sacramento, as delineated on the map of said addition, recorded January 30, 1060 in Book 625, Page 013065

IMPORTANT NOTICE: THIS FORM MUST BE RECOR

This revocation form MUST be RECORDED on or before 60 days after effective. This revocation form only affects a transfer on death deed tha made by a co-owner of your property is not affected by this revocation f a transfer on death deed that they made must complete and RECORD

PROPERTY DESCRIPTION

Print the legal description of the property affected by this revocation:

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

REVOCATION

I revoke any TOD deed to transfer the described property that I executed before executing this form.

SIGNATURE AND DATE

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

Date: [Date]

Sign in front of Notary

(Signature of declarant)

[Typed or written name]

(Typed or written name of declarant)

Write or type your name here. Do not sign until you are in front of the Notary Public.

Revocation of Revocable Transfer on Death (TOD) Deed (page 1)

WITNESSES

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

Witness #1
Date: **[Date witnesses sign]**
Print and sign your name:

_____

[Typed or Written Name of Witness 1]

Witness #2
Date: **[Date witnesses sign]**
Print and sign your name:

_____

[Typed or Written Name of Witness 2]

You and both witnesses must all be in the same room when they sign the Revocation, but their signatures do not need to be notarized. They can sign

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____
who proved to me on the basis of satisfactory evidence to be the person(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 authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal. **(Seal)**

Signature _____

Revocation of Revocable Transfer on Death (TOD) Deed (page 2)

~~~~ ~~~~
~~~~