

Recording requested by (name):

Your name

[Name(s) of owner]

When recorded mail to
and mail tax statements to:

[Name(s) of new owners]

[Mailing Address of new owners]

[Mailing Address of new 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.

Recorder's Use Only

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 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 DTT
 - recorded concurrently "in connection with" a transfer of residential dwelling to an owner-occupier
- Transfer is exempt from fee per GC 27388.1(a)(1):
 - Fee cap of \$225.00 reached
 - Not related to real property

Assessor's Parcel No.:

[Assessor's Parcel No.]

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 property described below directly to your named beneficiaries when you die. YOU SHOULD CAREFULLY READ ALL 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.

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

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: _____

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

(Signature of declarant)

[Your name]

(Typed or written name of declarant)

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:

Print and sign your name:

Witness #2

Date:

Print and sign your name:

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

Do not record pages 3 and 4

COMMON QUESTIONS ABOUT THE USE OF THIS FORM

WHAT DOES THE TOD DEED DO? When you die, the identified property will transfer to your named beneficiary without probate. The TOD deed has no effect until you die. You can revoke it at any time.

CAN I USE THIS DEED TO TRANSFER NONRESIDENTIAL PROPERTY?

No. This deed can only be used to transfer residential property. Also, the deed cannot be used to transfer a unit in a stock cooperative or a parcel of agricultural land that is over 40 acres in size.

CAN I USE THIS DEED TO TRANSFER A MOBILEHOME? The deed can only be used to transfer a mobilehome if it is a “fixture” or improvement under Section 18551 of the Health and Safety Code. If you are unsure whether your mobilehome is a fixture, you may wish to consult an attorney. An error on this point could cause the transfer of your mobilehome to fail.

HOW DO I USE THE TOD DEED? Complete this form. Have it signed by two persons who are both present at the same time and who witness you either signing the form or acknowledging the form. Then NOTARIZE your signature (witness signatures do not need to be notarized). RECORD the form in the county where the property is located. The form MUST be recorded on or before 60 days after the date you notarize it or the deed has no effect.

IF I AM U

However,
transfer u

You are required to read pages 3 and 4 before signing. It contains crucial information about the effects of signing a TOD deed.

CAN A PERSON WHO SIGNS THE DEED AS A WITNESS ALSO BE A BENEFICIARY? Yes, but this can cause serious legal problems, including the possible invalidation of the deed. You should avoid using a beneficiary as a witness.

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 office of the county recorder for the county where the property is located. If you are not absolutely sure, consult an attorney.

HOW DO I “RECORD” THE FORM? Take the completed and notarized form to the county recorder for the county in which the property is located. Follow the instructions given by the county recorder to make the form part of the official property records.

WHAT IF I SHARE OWNERSHIP OF THE PROPERTY? This form only transfers YOUR share of the property. If a co-owner also wants to name a TOD beneficiary, that co-owner must complete and RECORD a separate form.

CAN I REVOKE THE TOD DEED IF I CHANGE MY MIND? Yes. You may revoke the TOD deed at any time. No one, including your beneficiary, can prevent you from revoking the deed.

HOW DO I REVOKE THE TOD DEED? There are three ways to revoke a recorded TOD deed: (1) Complete, have witnessed and notarized, and RECORD a revocation form. (2) Create, have witnessed and notarized, and RECORD a new TOD deed. (3) Sell or give away the property, or transfer it to a trust, before your death and RECORD the deed. A TOD deed can only affect property that you own when you die. A TOD deed cannot be revoked by will.

CAN I REVOKE A TOD DEED BY CREATING A NEW DOCUMENT THAT DISPOSES OF THE PROPERTY (FOR EXAMPLE, BY CREATING A NEW TOD DEED OR BY ASSIGNING THE PROPERTY TO A TRUST)? Yes, but only if the new document is RECORDED. To avoid any doubt, you may wish to RECORD a TOD deed revocation form before creating the new instrument. A TOD deed cannot be revoked by will, or by purporting to leave the subject property to anyone via will.

IF I SELL OR GIVE AWAY THE PROPERTY DESCRIBED IN A TOD DEED, WHAT HAPPENS WHEN I DIE? If the deed or other document used to transfer your property is RECORDED within 120 days after the TOD deed would otherwise operate, the TOD deed will have no effect. If the transfer document is not RECORDED within that time period, the TOD deed will take effect.

**Large Print Version
Available**

Prefer a larger version?
Download a large-print
version of the “Common
Questions” at
[saclaw.org/common-tod-
questions-large-text/](http://saclaw.org/common-tod-questions-large-text/)

NEXT STEPS:

1. Sign the TOD deed in front of a notary public.
2. Have your witnesses sign it, either when you sign in front of the notary, or later. All three of you must be physically together when they sign.
3. Record the deed at the Recorder's Office in the county where the property is located, *within 60 days after notarization*. If you attached the property description (instead of typing it out), be sure to include the attachment when you record the TOD Deed.
4. Fees: There are two fees: a filing fee (currently \$20/first page plus \$3/additional page in Sacramento) and (as of Jan. 1, 2018) a \$75 Building Homes and Jobs Act fee. Current Sacramento fees are available at the [Sacramento County Recorder's](http://www.ccr.saccounty.net/Pages/Fees.aspx) website at www.ccr.saccounty.net/Pages/Fees.aspx.

There are some exemptions from the \$75 fee. If you qualify, fill out the **Declaration of Exemption from Gov't Code 27388.1 Fee** box on page one of the declaration, or you will be charged. If not, leave it blank. For information on this new fee and exemptions, visit the [California Land Title Association's](http://www.clta.org/page/SB2CountyDocs) information page at www.clta.org/page/SB2CountyDocs and select your county.

5. . Remember: if you own the property with someone else, and you both want to use a TOD deed to the same beneficiaries, each of you must fill out and record your own TOD Deed.

FOR MORE INFORMATION

For more information about Transfer on Death Deeds in California, see the guide available on our website at saclaw.org/tod-deed ("Transfer on Death Deeds: Naming Beneficiaries and Revoking TOD Deeds").

On the Web:

- Sacramento County Clerk-Recorder's Office
www.ccr.saccounty.net/
- Sacramento County Assessor's Office
www.assessor.saccounty.net
- CANHR's Fact Sheet: [Transferring Your Home through a Transfer on Death Deed \(TOD\) - What You Need to Know](http://www.canhr.org/factsheets/medi-cal_fs/PDFs/FS_TOD_NeedToKnow.pdf)
http://www.canhr.org/factsheets/medi-cal_fs/PDFs/FS_TOD_NeedToKnow.pdf
- Nolo.com: Pros and cons of using a TOD deed.
<http://www.nolo.com/legal-encyclopedia/transfer-death-deeds-real-estate>

Sacramento County Public Law Library
609 9th Street, Sacramento, CA 95814
916-874-6012
saclaw.org