

# HOUSE BILL 986

N1, N2

3lr0643  
CF SB 146

---

By: **Delegate Hill**

Introduced and read first time: February 10, 2023

Assigned to: Judiciary and Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Real Property Transfer-on-Death (TOD) Act**

3 FOR the purpose of altering the Maryland Uniform Disclaimer of Property Interests Act to  
4 provide for the disclaimer of nonprobate transfers at death; providing for the  
5 creation, revocation, recordation, and effects of a transfer-on-death deed for real  
6 property; requiring the Administrative Office of the Courts to develop an  
7 informational sheet regarding transfer-on-death deeds; providing example forms for  
8 the creation and revocation of a transfer-on-death deed; altering certain recording  
9 requirements for the clerks of the circuit court; exempting a  
10 transfer-on-death deed from certain property transfer taxes; providing for the  
11 interpretation of this Act; providing for the retroactive application of this Act to  
12 transfer-on-death deeds executed prior to the effective date of this Act; and  
13 generally relating to transfer-on-death deeds.

14 BY adding to

15 Article – Estates and Trusts

16 Section 1–402 to be under the amended subtitle “Subtitle 4. Nontestamentary  
17 Transfers”

18 Annotated Code of Maryland

19 (2022 Replacement Volume and 2022 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Estates and Trusts

22 Section 9–201(a) and (b) and 9–209(a)

23 Annotated Code of Maryland

24 (2022 Replacement Volume and 2022 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Estates and Trusts

27 Section 9–209(e) and (f) and 9–212

28 Annotated Code of Maryland

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2022 Replacement Volume and 2022 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – Real Property  
4 Section 3–104  
5 Annotated Code of Maryland  
6 (2015 Replacement Volume and 2022 Supplement)

7 BY adding to  
8 Article – Real Property  
9 Section 14–801 through 14–814 to be under the new subtitle “Subtitle 8. Maryland  
10 Real Property Transfer–on–Death (TOD) Act”  
11 Annotated Code of Maryland  
12 (2015 Replacement Volume and 2022 Supplement)

13 BY adding to  
14 Article – Tax – Property  
15 Section 12–108(ii), 13–207(a)(27), and 13–414  
16 Annotated Code of Maryland  
17 (2019 Replacement Volume and 2022 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Tax – Property  
20 Section 13–207(a)(25) and (26)  
21 Annotated Code of Maryland  
22 (2019 Replacement Volume and 2022 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
24 That the Laws of Maryland read as follows:

25 **Article – Estates and Trusts**

26 Subtitle 4. [Multiple–Party Accounts] **NONTESTAMENTARY TRANSFERS.**

27 **1–402.**

28 **(A) A TRANSFER–ON–DEATH DEED MADE IN ACCORDANCE WITH THE**  
29 **REQUIREMENTS OF TITLE 14, SUBTITLE 8 OF THE REAL PROPERTY ARTICLE IS**  
30 **EFFECTIVE ACCORDING TO THE PROVISIONS OF THAT SUBTITLE.**

31 **(B) TRANSFERS OF REAL PROPERTY UNDER TITLE 14, SUBTITLE 8 OF THE**  
32 **REAL PROPERTY ARTICLE ARE EFFECTIVE AS PROVIDED UNDER THAT SUBTITLE**  
33 **AND ARE NOT TESTAMENTARY.**

34 9–201.

1 (a) In this subtitle the following words have the meanings indicated.

2 (b) “Beneficiary designation” means an instrument, other than an instrument  
3 creating a trust, naming the beneficiary of:

4 (1) An annuity or insurance policy;

5 (2) An account with a designation for payment on death;

6 (3) A security registered in beneficiary form;

7 (4) A pension, profit-sharing, retirement, or other employment-related  
8 benefit plan; or

9 (5) Any other nonprobate transfer at death.

10 9–209.

11 (a) Subject to subsections (b) through (k) of this section, delivery of a disclaimer  
12 may be effected by personal delivery, first-class mail, or any other method likely to result  
13 in its receipt.

14 (e) In the case of an interest created by a beneficiary designation [made] **THAT**  
15 **IS DISCLAIMED** before [the time] the designation becomes irrevocable, [a] **THE** disclaimer  
16 shall be delivered to the person making the beneficiary designation.

17 (f) In the case of an interest created by a beneficiary designation [made] **THAT**  
18 **IS DISCLAIMED** after [the time] the designation becomes irrevocable[, a]:

19 (1) **THE disclaimer OF AN INTEREST IN PERSONAL PROPERTY** shall be  
20 delivered to the person obligated to distribute the interest; **AND**

21 (2) **THE DISCLAIMER OF AN INTEREST IN REAL PROPERTY MUST BE**  
22 **RECORDED IN THE LAND RECORDS OF THE COUNTY WHERE THE REAL PROPERTY**  
23 **THAT IS THE SUBJECT OF THE DISCLAIMER IS LOCATED.**

24 9–212.

25 (a) If an instrument transferring an interest in or power over property subject to  
26 a disclaimer is required or permitted by law to be filed, recorded, or registered, the  
27 disclaimer may be filed, recorded, or registered.

28 (b) [Failure] **EXCEPT AS PROVIDED UNDER § 9–209(F)(2) OF THIS SUBTITLE,**  
29 **FAILURE** to file, record, or register the disclaimer does not affect its validity.

30 **Article – Real Property**

1 3-104.

2 (a) (1) (I) [The] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
3 **PARAGRAPH, THE** Clerk of the Circuit Court may record an instrument that effects a  
4 change of ownership if the instrument is:

5 [(i)] 1. Endorsed with the certificate of the collector of taxes of the  
6 county in which the property is assessed, required under subsection (b) of this section;

7 [(ii) 1.] 2. A. Accompanied by a complete intake sheet; or

8 [2.] B. Endorsed by the assessment office for the county as  
9 provided in subsection (g)(8) of this section; and

10 [(iii)] 3. Accompanied by a copy of the instrument, and any survey,  
11 for submission to the Department of Assessments and Taxation.

12 (II) **THE REQUIREMENTS OF SUBPARAGRAPH (I)1 AND 2B OF**  
13 **THIS PARAGRAPH DO NOT APPLY TO THE RECORDATION OF A**  
14 **TRANSFER-ON-DEATH DEED OR A REVOCATION OF A TRANSFER-ON-DEATH DEED**  
15 **EXECUTED IN ACCORDANCE WITH TITLE 14, SUBTITLE 8 OF THIS ARTICLE.**

16 (2) (I) [The] **EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF**  
17 **THIS PARAGRAPH, THE** Supervisor of Assessments shall transfer ownership of property  
18 in the assessment records, effective as of the date of recordation, upon receipt from the  
19 Clerk of the Circuit Court of a copy of the instrument, the completed intake sheet, and any  
20 survey submitted under paragraph (1) of this subsection.

21 (II) **PROVIDED THAT THERE IS NOT A REVOCATION OF A**  
22 **TRANSFER-ON-DEATH DEED DESIGNATING A BENEFICIARY RECORDED**  
23 **SUBSEQUENT TO THE RECORDATION OF A TRANSFER-ON-DEATH DEED, OWNERSHIP**  
24 **OF A PROPERTY THAT IS THE SUBJECT OF THE TRANSFER-ON-DEATH DEED MAY BE**  
25 **TRANSFERRED IN THE ASSESSMENT RECORDS TO THE DESIGNATED BENEFICIARY**  
26 **ONLY FOLLOWING THE DEATH OF THE TRANSFEROR NAMED ON THE**  
27 **TRANSFER-ON-DEATH DEED.**

28 (b) (1) (i) Except as provided in subsection (c) of this section, property may  
29 not be transferred on the assessment books or records until:

30 1. All public taxes, assessments, and charges currently due  
31 and owed on the property have been paid to the treasurer, tax collector, or director of  
32 finance of the county in which the property is assessed; and

33 2. All taxes on personal property in the county due by the

1 transferor have been paid when all land owned by the transferor in the county is being  
2 transferred.

3 (ii) The certificate of the collecting agent designated by law, showing  
4 that all taxes, assessments, and charges have been paid, shall be endorsed on the deed, and  
5 the endorsement shall be sufficient authority for transfer on the assessment books.

6 (2) (i) Except as provided in subsection (c) of this section, in Allegany,  
7 Cecil, Charles, Dorchester, Harford, Howard, Kent, Queen Anne's, Somerset, and St.  
8 Mary's counties no property may be transferred on the assessment books or records until:

9 1. All public taxes, assessments, any charges due a  
10 municipal corporation, and charges due on the property have been paid as required by law;  
11 and

12 2. All taxes on personal property in the county due by the  
13 transferor have been paid when all land owned by the transferor in the county and  
14 municipal corporation is being transferred.

15 (ii) The certificate of the collecting agent and municipal corporation  
16 designated by law showing that all taxes, assessments, and charges have been paid, shall  
17 be endorsed on the deed and the endorsement shall be sufficient authority for transfer on  
18 the assessment books.

19 (c) (1) (i) The requirements for prepayment of personal property taxes in  
20 subsection (b) of this section do not apply to grants of land made:

21 1. By or on behalf of any mortgagee, lien creditor, trustee of  
22 a deed of trust, judgment creditor, trustee in bankruptcy or receiver, and any other  
23 court-appointed officer in an insolvency or liquidation proceeding; or

24 2. By a deed in lieu of foreclosure to any holder of a mortgage  
25 or deed of trust or to the holder's assignee or designee.

26 (ii) Notwithstanding any other provision of law, and except as  
27 provided in subparagraph (iii) of this paragraph, after the recordation of a deed or other  
28 instrument that effects a grant of land described in subparagraph (i) of this paragraph, the  
29 land shall be free and clear of, and unencumbered by, any lien or claim of lien for any  
30 unpaid taxes on personal property.

31 (iii) Subparagraph (ii) of this paragraph does not apply to:

32 1. Any lien for unpaid taxes on personal property that  
33 attached to the land by recording and indexing a notice as provided in § 14-804(b) of the  
34 Tax – Property Article prior to the recording of the mortgage, lien, deed of trust, or other  
35 encumbrance giving rise to the grant of land described in subparagraph (i) of this  
36 paragraph; or

1                                   2.     Unpaid taxes on personal property owned by the  
2 transferee or subsequent owner of the land after a grant of land described in subparagraph  
3 (i) of this paragraph.

4                                   (iv)    This paragraph does not affect the rights of the personal property  
5 tax lienholder to make a claim to any surplus proceeds from a judicial sale of land resulting  
6 in a grant of land described in subparagraph (i) of this paragraph.

7                                   (2)     Subsection (b) of this section does not apply in Charles, St. Mary's,  
8 Dorchester, Harford, Howard, Kent, Prince George's, Worcester, Carroll, Montgomery,  
9 Frederick and Washington counties to any deed executed as a mere conduit or for  
10 convenience in holding and passing title, known popularly as a straw deed or, as provided  
11 in § 4–108 of this article, a deed making a direct grant in lieu of a straw deed, or to a deed  
12 which is a supplementary instrument merely confirming, correcting, or modifying a  
13 previously recorded deed, if there is no actual consideration paid or to be paid for the  
14 execution of the supplementary instrument.

15                                  (3)     Subsection (b) of this section does not apply in Baltimore City and Anne  
16 Arundel, Baltimore, Carroll, Frederick, St. Mary's, or Washington counties to any deed  
17 transferring property to the county when the controller or treasurer of the county has  
18 certified that the conveyance does not impair the security for any public taxes, assessments,  
19 and charges due on the remaining property of the grantor.

20                                  (4)     (i)     Property may be transferred on the assessment books or records  
21 in July, August, or September if instead of paying the taxes required under subsection (b)(1)  
22 of this section on a property transfer by assumption, a lender or the attorney handling the  
23 transfer of title files with the county treasurer, tax collector, or director of finance of the  
24 county in which the property is assessed a statement that certifies that the lender  
25 maintains a real estate tax escrow account.

26                                  (ii)    Upon receipt of the statement required in subparagraph (i) of  
27 this paragraph, the county treasurer, tax collector, or director of finance shall endorse on  
28 the deed an appropriate certification and the endorsement shall be sufficient authority for  
29 transfer on the assessment books.

30                                  (5)     At the time of transfer of real property subject to a semiannual payment  
31 schedule for the payment of property taxes, only those semiannual payments that are due  
32 for the current taxable year under § 10–204.3 of the Tax – Property Article must be paid  
33 prior to the transfer of the property.

34                                  (d)     Every deed or other instrument offered for recordation shall have the name of  
35 each person typed or printed directly above or below the signature of the person. If a typed  
36 or printed name is not provided as required in this subsection, the clerk shall make  
37 reasonable efforts to determine the correct name under which the deed or other instrument  
38 shall be indexed.

1 (e) (1) Any printed deed or other instrument offered for recordation shall be  
2 printed in not less than eight-point type and in black letters and be on white paper of  
3 sufficient weight and thickness to be clearly readable. If the deed or other instrument is  
4 wholly typewritten or typewritten on a printed form, the typewriting shall be in black  
5 letters, in not less than elite type and upon white paper of sufficient weight or thickness as  
6 to be clearly readable. The foregoing provisions do not apply to manuscript covers or backs  
7 customarily used on documents offered for recordation. The recording charge for any  
8 instrument not conforming to these requirements shall be treble the normal charge. In any  
9 clerk's office where the deeds or other instruments are photostated or microfilmed, no  
10 instrument on which a rider has been placed or attached in a manner obscuring, hiding, or  
11 covering any other part of the instrument may be offered or received for record. No  
12 instrument not otherwise readily subject to photostating or microfilming may be offered or  
13 received for record until treble the normal recording charge is paid to the clerk and unless  
14 an affidavit, black type on white paper, is attached and made a part of the document stating  
15 the kind of instrument, the date, the parties to the transaction, description of the property,  
16 and all other pertinent data. After any document has been recorded in one county, a  
17 certified copy of the recorded document may be recorded in any other county.

18 (2) A certified copy of any document from a state, commonwealth, territory,  
19 or possession of the United States, or the District of Columbia that would otherwise be  
20 recordable under Maryland law may be recorded in this State, if the document contains:

21 (i) An original certification made by the clerk or other governmental  
22 official having responsibility for the certification or authentication of recorded documents  
23 in the jurisdiction where the document is recorded; and

24 (ii) An indication of the recording reference and court or other public  
25 registry where the original document is recorded.

26 (f) (1) (i) In this paragraph, "under the attorney's supervision" includes  
27 review of an instrument by the certifying attorney.

28 (ii) A deed other than a mortgage, a deed of trust, an assignment of  
29 rents, an assignment of a lease for security purposes, or an assignment or a release of a  
30 mortgage or a deed of trust may not be recorded unless it bears:

31 1. The certification of an attorney admitted to the Bar of this  
32 State that the instrument has been prepared by the attorney or under the attorney's  
33 supervision; or

34 2. A certification by a party named in the instrument that  
35 the instrument was prepared by that party.

36 (iii) A mortgage, a deed of trust, an assignment of rents, an  
37 assignment of a lease for security purposes, or an assignment or a release of a mortgage or  
38 a deed of trust prepared by any attorney or one of the parties named in the instrument may  
39 be recorded without the certification required under subparagraph (ii) of this paragraph.

1           (2) Every deed recorded in Prince George's County shall contain a reference  
2 to the election district in which the property described in the deed is located.

3           (3) Every deed or other instrument recorded in Talbot County shall have  
4 written, typed, or printed on its back, to be readily visible when folded for filing in the  
5 appropriate drawer or file, the name of every party to the deed or other instrument and the  
6 nature or character of the instrument.

7           (4) **(I) THIS PARAGRAPH DOES NOT APPLY TO A**  
8 **TRANSFER-ON-DEATH DEED EXECUTED IN ACCORDANCE WITH THE REQUIREMENTS**  
9 **OF TITLE 14, SUBTITLE 8 OF THIS ARTICLE.**

10           **(II)** No deed granting property lying within the boundaries of any  
11 sanitary district operated by the County Commissioners of Worcester County may be  
12 accepted by the Clerk of the Circuit Court for recording unless the deed is marked by the  
13 county to indicate that every assessment or charge currently due and owed to the county  
14 with respect to the property described in the deed has been paid.

15           (5) **(I)** In Frederick County, if the property to be transferred is a  
16 subdivision, which is being dissected from a larger tract of land, then every public tax,  
17 assessment, and charge due on the larger tract shall be paid before the property is  
18 transferred on the assessment books or land records.

19           **(II)** Notwithstanding any other provision of this section, in Frederick  
20 County the certificate of the Treasurer and the appropriate municipal tax collector, if the  
21 property is within an incorporated town or city, showing that every tax has been paid shall  
22 be endorsed on the deed. The endorsement is sufficient authority for transfer on the  
23 assessment books or land records.

24           (6) Every deed granting a right-of-way or other easement to a public  
25 utility, public agency, or a department or agency of the State shall contain an accurate and  
26 definite description as well as a reference to the liber and folio where the servient land was  
27 granted and a recitation of the grantors, grantees, and the date of the reference deed.

28           (g) (1) This subsection does not apply to:

29                   (i) An assignment of a mortgage or if presented for recordation, an  
30 assignment of a deed of trust;

31                   (ii) A release of a deed of trust or mortgage;

32                   (iii) A substitution of trustees on a deed of trust;

33                   (iv) A power of attorney;



1 (v) A financing statement or an amendment, continuation, release,  
2 or termination of a financing statement recorded in land records; or

3 (vi) A restrictive covenant modification executed under § 3-112 of  
4 this subtitle.

5 (2) Except as provided in paragraph (1) of this subsection, each deed or  
6 other instrument affecting property and presented for recordation shall be:

7 (i) Accompanied by a complete intake sheet, on the form that the  
8 Administrative Office of the Courts provides; or

9 (ii) Endorsed as provided under paragraph (8) of this subsection.

10 (3) A complete intake sheet shall:

11 (i) Describe the property by at least one of the following property  
12 identifiers:

13 1. The property tax account identification number, if any, or  
14 in Montgomery County, any parcel identifier required under § 3-501 of this title, if different  
15 from the tax account number;

16 2. The street address, if any;

17 3. If the property is a lot within a subdivided tract, the lot  
18 and block designation, or in Baltimore City, the current land record block number;

19 4. If the property is part of a tract that has been subdivided  
20 informally and there is neither an assigned tax account identification number for the parcel  
21 nor a lot and block designation, then the street address, if any, or the amount of acreage;  
22 or

23 5. If the property consists of multiple parcels, the  
24 designation "various lots of ground" or the abbreviation "VAR. L.O.G.";

25 (ii) Name each grantor, donor, mortgagor, and assignor and each  
26 grantee, donee, mortgagee, and assignee;

27 (iii) State the type of instrument;

28 (iv) State the amount of consideration payable, including the amount  
29 of any mortgage or deed of trust indebtedness assumed, or the principal amount of debt  
30 secured;

31 (v) State the amount of recording charges due, including the land  
32 records surcharge and any transfer and recordation taxes;

1 (vi) Identify, by citation or explanation, each claimed exemption from  
2 recording taxes;

3 (vii) For an instrument effecting a change in ownership, state a tax  
4 bill mailing address; and

5 (viii) Indicate the person to whom the instrument is to be returned.

6 (4) An intake sheet may request any other information that the  
7 Administrative Office of the Courts considers necessary in expediting transfers of property  
8 or recording and indexing of instruments.

9 (5) A clerk may not charge any fee for recording an intake sheet.

10 (6) **(I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
11 **PARAGRAPH, A** clerk may not refuse to record an instrument that does not effect a change  
12 of ownership on the assessment books solely because it is not accompanied by an intake  
13 sheet.

14 **(II) A CLERK MAY REFUSE TO RECORD A TRANSFER-ON-DEATH**  
15 **DEED EXECUTED IN ACCORDANCE WITH TITLE 14, SUBTITLE 8 OF THIS ARTICLE IF**  
16 **IT IS NOT ACCOMPANIED BY AN INTAKE SHEET.**

17 (7) A clerk may refuse to record a deed or instrument that effects a change  
18 of ownership on the assessment rolls if the instrument is not accompanied by a complete  
19 intake sheet or endorsed as transferred on the assessment books by the assessment office  
20 for the county where the property is located.

21 (8) **(i) THIS PARAGRAPH DOES NOT APPLY TO A**  
22 **TRANSFER-ON-DEATH DEED EXECUTED IN ACCORDANCE WITH TITLE 14, SUBTITLE**  
23 **8 OF THIS ARTICLE.**

24 **(ii)** If a deed or other instrument that effects a change in ownership  
25 is submitted for transfer on the assessment books without an intake sheet, the person  
26 offering the deed or other instrument shall mail or deliver to the person having charge of  
27 the assessment books the information required on the intake sheet.

28 **[(ii)] (iii)** When property is transferred on the assessment books  
29 under this paragraph:

30 1. The transfer shall be to the grantee or assignee named in  
31 the deed or other instrument; and

32 2. The person recording the transfer shall evidence the fact  
33 of the transfer on the deed or other instrument.

1                    [(iii)] (IV) An endorsement under this paragraph is sufficient to  
2 authorize the recording of the deed or other instrument by the clerk of the appropriate  
3 court.

4                    (9) A clerk may not record an instrument that effects a real property lease  
5 dealing in natural gas and oil unless the instrument is accompanied by a complete intake  
6 sheet.

7                    (10) (i) An intake sheet shall be recorded immediately after the  
8 instrument it accompanies.

9                    (ii) The intake sheet is not part of the instrument and does not  
10 constitute constructive notice as to the contents of the instrument.

11                    (iii) **1. THIS SUBPARAGRAPH DOES NOT APPLY TO A**  
12 **TRANSFER-ON-DEATH DEED.**

13                    **2.** The lack of an intake sheet does not affect the validity of  
14 any conveyance, lien, or lien priority based on recordation of an instrument.

15                    **SUBTITLE 8. MARYLAND REAL PROPERTY TRANSFER-ON-DEATH (TOD) ACT.**

16                    **14-801.**

17                    (A) IN THIS SUBTITLE THE FOLLOWING TERMS HAVE THE MEANINGS  
18 INDICATED.

19                    (B) “BENEFICIARY” MEANS AN INDIVIDUAL WHO RECEIVES REAL  
20 PROPERTY UNDER A TRANSFER-ON-DEATH DEED.

21                    (C) “DESIGNATED BENEFICIARY” MEANS AN INDIVIDUAL DESIGNATED TO  
22 RECEIVE REAL PROPERTY IN A TRANSFER-ON-DEATH DEED.

23                    (D) (1) “FIDUCIARY” HAS THE MEANING STATED UNDER § 15-101 OF THE  
24 ESTATES AND TRUSTS ARTICLE.

25                    (2) “FIDUCIARY” INCLUDES AN ATTORNEY IN FACT.

26                    (E) “PROPERTY” MEANS AN INTEREST IN REAL PROPERTY LOCATED IN THE  
27 STATE THAT IS TRANSFERABLE ON THE DEATH OF THE OWNER.

28                    (F) “TRANSFER-ON-DEATH DEED” MEANS A DEED AUTHORIZED UNDER  
29 THIS SUBTITLE.

1 (G) "TRANSFEROR" MEANS AN INDIVIDUAL WHO MAKES A  
2 TRANSFER-ON-DEATH DEED.

3 14-802.

4 THIS SUBTITLE DOES NOT:

5 (1) AFFECT ANY METHOD OF TRANSFERRING PROPERTY OTHERWISE  
6 ALLOWED UNDER THE LAWS OF THE STATE;

7 (2) LIMIT THE RIGHT OF ANY PERSON TO MAINTAIN A CIVIL ACTION  
8 FOR DAMAGES OR OTHER REMEDIES OTHERWISE AVAILABLE UNDER ANY OTHER  
9 PROVISION OF LAW; OR

10 (3) APPLY TO PROPERTY THAT IS HELD AS JOINT TENANTS, TENANTS  
11 IN COMMON, OR TENANTS BY THE ENTIRETY.

12 14-803.

13 AN INDIVIDUAL SOLE OWNER OF PROPERTY MAY TRANSFER THE PROPERTY  
14 TO A BENEFICIARY EFFECTIVE AT THE TRANSFEROR'S DEATH BY A PROPERTY  
15 TRANSFER-ON-DEATH DEED.

16 14-804.

17 (A) A TRANSFER-ON-DEATH DEED IS NONTESTAMENTARY.

18 (B) A TRANSFER-ON-DEATH DEED IS REVOCABLE BY A TRANSFEROR EVEN  
19 IF THE DEED OR OTHER INSTRUMENT CONTAINS A CONTRARY PROVISION.

20 (C) THE CAPACITY REQUIRED TO MAKE OR REVOKE A  
21 TRANSFER-ON-DEATH DEED IS THE SAME AS THE CAPACITY REQUIRED TO MAKE A  
22 WILL.

23 14-805.

24 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A  
25 TRANSFER-ON-DEATH DEED SHALL COMPLY WITH § 4-101 OF THIS ARTICLE.

26 (B) A TRANSFER-ON-DEATH DEED SHALL STATE THAT THE TRANSFER TO  
27 THE DESIGNATED BENEFICIARY IS TO OCCUR AT THE TRANSFEROR'S DEATH.

28 14-806.

1 (A) A TRANSFER-ON-DEATH DEED IS EFFECTIVE IF, PRIOR TO THE DEATH  
2 OF THE TRANSFEROR, IT IS RECORDED IN THE LAND RECORDS OF THE COUNTY  
3 WHERE THE PROPERTY IS LOCATED IN ACCORDANCE WITH § 3-104 OF THIS  
4 ARTICLE.

5 (B) A TRANSFER-ON-DEATH DEED IS EFFECTIVE WITHOUT:

6 (1) NOTICE OR DELIVERY TO OR ACCEPTANCE BY A DESIGNATED  
7 BENEFICIARY DURING THE TRANSFEROR'S LIFE; OR

8 (2) CONSIDERATION.

9 14-807.

10 DURING A TRANSFEROR'S LIFE, A TRANSFER-ON-DEATH DEED DOES NOT:

11 (1) AFFECT AN INTEREST OR A RIGHT OF THE TRANSFEROR OR ANY  
12 OTHER OWNER, INCLUDING THE RIGHT TO TRANSFER OR ENCUMBER THE  
13 PROPERTY;

14 (2) AFFECT AN INTEREST OR A RIGHT OF A TRANSFEREE, EVEN IF THE  
15 TRANSFEREE HAS ACTUAL OR CONSTRUCTIVE NOTICE OF THE  
16 TRANSFER-ON-DEATH DEED;

17 (3) AFFECT AN INTEREST OR A RIGHT OF A SECURED OR UNSECURED  
18 CREDITOR OR FUTURE CREDITOR OF THE TRANSFEROR, EVEN IF THE CREDITOR HAS  
19 ACTUAL OR CONSTRUCTIVE NOTICE OF THE TRANSFER-ON-DEATH DEED;

20 (4) AFFECT THE TRANSFEROR'S OR DESIGNATED BENEFICIARY'S  
21 ELIGIBILITY FOR ANY FORM OF PUBLIC ASSISTANCE;

22 (5) CREATE A LEGAL OR EQUITABLE INTEREST IN FAVOR OF ANY  
23 DESIGNATED BENEFICIARY; OR

24 (6) SUBJECT THE PROPERTY TO CLAIMS OR PROCESS OF A CREDITOR  
25 OF ANY DESIGNATED BENEFICIARY.

26 14-808.

27 (A) (1) PRIOR TO THE DEATH OF A TRANSFEROR, THE TRANSFEROR OR  
28 THE TRANSFEROR'S FIDUCIARY MAY REVOKE A PREVIOUSLY RECORDED  
29 TRANSFER-ON-DEATH DEED, OR ANY PART OF THAT RECORDED

1 TRANSFER-ON-DEATH DEED, BY RECORDING IN THE LAND RECORDS OF THE  
2 COUNTY IN WHICH THE PROPERTY IS LOCATED AN EXECUTED AND ACKNOWLEDGED:

3 (I) TRANSFER-ON-DEATH DEED THAT REVOKES THE DEED OR  
4 PART OF THE DEED EXPRESSLY OR BY INCONSISTENCY;

5 (II) REVOCATION DOCUMENT THAT EXPRESSLY REVOKES THE  
6 DEED OR PART OF THE DEED; OR

7 (III) INTER VIVOS DEED THAT EXPRESSLY OR BY  
8 INCONSISTENCY REVOKES A TRANSFER-ON-DEATH DEED OR PART OF THE  
9 TRANSFER-ON-DEATH DEED.

10 (2) IN ORDER TO BE EFFECTIVE, A DOCUMENT DESCRIBED UNDER  
11 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE EXECUTED SUBSEQUENT TO THE  
12 TRANSFER-ON-DEATH DEED THAT THE DOCUMENT REVOKES.

13 (B) AFTER A TRANSFER-ON-DEATH DEED IS RECORDED, IT MAY NOT BE  
14 REVOKED BY:

15 (1) A REVOCATORY ACT ON THE DEED; OR

16 (2) A TESTAMENTARY DOCUMENT EXECUTED BY THE TRANSFEROR,  
17 EVEN IF THE TESTAMENTARY DOCUMENT IS EXECUTED AFTER THE DATE OF  
18 RECORDATION OF THE TRANSFER-ON-DEATH DEED.

19 (C) THIS SECTION DOES NOT LIMIT THE EFFECT OF AN INTER VIVOS  
20 TRANSFER OF THE PROPERTY.

21 14-809.

22 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN THE TRANSFER-ON-DEATH  
23 DEED OR IN THIS SECTION, THIS SECTION APPLIES ON THE DEATH OF A TRANSFEROR  
24 TO PROPERTY THAT IS THE SUBJECT OF A TRANSFER-ON-DEATH DEED OWNED BY  
25 THE TRANSFEROR AT DEATH, SUBJECT TO THE LIMITATIONS UNDER:

26 (I) TITLE 3, SUBTITLE 1 OF THE ESTATES AND TRUSTS  
27 ARTICLE (INTESTATE SUCCESSION);

28 (II) TITLE 3, SUBTITLE 3 OF THE ESTATES AND TRUSTS  
29 ARTICLE (STATUTORY SHARE OF PRETERMITTED CHILD AND ISSUE);

30 (III) TITLE 3, SUBTITLE 4 OF THE ESTATES AND TRUSTS

1 **ARTICLE (ELECTIVE SHARE OF SURVIVING SPOUSE);**

2 **(IV) § 4-105(B)(3) AND (4) OF THE ESTATES AND TRUSTS**  
3 **ARTICLE (REVOCATION BY DIVORCE);**

4 **(V) § 4-403 OF THE ESTATES AND TRUSTS ARTICLE (LAPSE);**

5 **(VI) § 11-112 OF THE ESTATES AND TRUSTS ARTICLE**  
6 **(DISQUALIFICATION FROM INHERITING PROPERTY OR AN INTEREST IN PROPERTY**  
7 **FOR FELONIOUSLY AND INTENTIONALLY KILLING, CONSPIRING TO KILL, OR**  
8 **PROCURING THE KILLING OF A DECEDENT); AND**

9 **(VII) TITLE 10, SUBTITLE 8 OF THE COURTS ARTICLE**  
10 **(SIMULTANEOUS DEATH).**

11 **(2) (I) THE INTEREST IN THE PROPERTY IS TRANSFERRED TO A**  
12 **DESIGNATED BENEFICIARY IN ACCORDANCE WITH THE TRANSFER-ON-DEATH DEED**  
13 **ON THE DEATH OF THE TRANSFEROR IF THE BENEFICIARY SURVIVES THE**  
14 **TRANSFEROR.**

15 **(II) IF THE DESIGNATED BENEFICIARY DOES NOT SURVIVE THE**  
16 **TRANSFEROR AND THE TRANSFEROR HAS PROVIDED FOR AN ALTERNATE**  
17 **DESIGNATED BENEFICIARY IN THE TRANSFER-ON-DEATH DEED, THE INTEREST IN**  
18 **THE PROPERTY IS TRANSFERRED TO A SURVIVING ALTERNATE DESIGNATED**  
19 **BENEFICIARY IN ACCORDANCE WITH THE TRANSFER-ON-DEATH DEED ON THE**  
20 **DEATH OF THE TRANSFEROR.**

21 **(III) THE INTEREST OF ANY DESIGNATED BENEFICIARY WHO**  
22 **FAILS TO SURVIVE THE TRANSFEROR LAPSES.**

23 **(IV) A TRANSFER-ON-DEATH DEED MAY PROVIDE FOR**  
24 **SUCCESSIVE ALTERNATE DESIGNATED BENEFICIARIES.**

25 **(B) (1) SUBJECT TO TITLE 3, SUBTITLE 2 OF THIS ARTICLE, A**  
26 **BENEFICIARY TAKES THE PROPERTY TRANSFERRED BY THE**  
27 **TRANSFER-ON-DEATH DEED SUBJECT TO ALL CONVEYANCES, ENCUMBRANCES,**  
28 **ASSIGNMENTS, CONTRACTS, MORTGAGES, LIENS, AND OTHER INTERESTS TO WHICH**  
29 **THE PROPERTY IS SUBJECT AT THE TRANSFEROR'S DEATH.**

30 **(2) FOR PURPOSES OF THIS SUBSECTION, THE DELIVERY OF THE**  
31 **TRANSFER-ON-DEATH DEED IS DEEMED TO HAVE OCCURRED AT THE**  
32 **TRANSFEROR'S DEATH.**

1           **(C) A TRANSFER-ON-DEATH DEED TRANSFERS PROPERTY WITHOUT**  
2 **COVENANT OR WARRANTY OF TITLE EVEN IF THE TRANSFER-ON-DEATH DEED**  
3 **CONTAINS A CONTRARY PROVISION.**

4 **14-810.**

5           **ANY BENEFICIARY MAY DISCLAIM ALL OR PART OF THE BENEFICIARY'S**  
6 **INTEREST AS PROVIDED UNDER THE MARYLAND UNIFORM DISCLAIMER OF**  
7 **PROPERTY INTERESTS ACT, TITLE 9, SUBTITLE 2 OF THE ESTATES AND TRUSTS**  
8 **ARTICLE.**

9 **14-811.**

10           **THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL DEVELOP AND MAKE**  
11 **AVAILABLE TO THE PUBLIC AN INFORMATIONAL DOCUMENT REASONABLY**  
12 **CALCULATED TO BE UNDERSTOOD BY A LAYPERSON THAT EXPLAINS**  
13 **TRANSFER-ON-DEATH DEEDS.**

14 **14-812.**

15           **(A) THIS SUBTITLE GOVERNS THE EFFECT OF THE FORM DEED PROVIDED**  
16 **IN THIS SECTION OR ANY OTHER INSTRUMENT USED TO CREATE A**  
17 **TRANSFER-ON-DEATH DEED.**

18           **(B) THE FOLLOWING FORM MAY BE USED TO CREATE A**  
19 **TRANSFER-ON-DEATH DEED:**

20           **REVOCABLE TRANSFER-ON-DEATH (TOD) DEED**

21 **NOTICE TO OWNER**

22           **YOU MAY WANT TO CONSULT A LAWYER BEFORE USING THIS FORM.**

23           **THIS FORM MUST BE RECORDED IN EACH COUNTY (OR BALTIMORE CITY) IN**  
24 **WHICH THE PROPERTY IS LOCATED BEFORE YOUR DEATH, OR IT WILL NOT BE**  
25 **EFFECTIVE.**

26           **A TRANSFER-ON-DEATH DEED MAY ONLY BE EXECUTED BY THE SOLE**  
27 **OWNER OF REAL PROPERTY.**

28 **IDENTIFYING INFORMATION**

29           **OWNER MAKING THIS DEED:**



1 \_\_\_\_\_  
 2 **PRINTED NAME** **MAILING ADDRESS**

3 **LEGAL DESCRIPTION OF THE PROPERTY:**

4 **A LEGAL DESCRIPTION OF THE PROPERTY MAY INCLUDE INFORMATION LIKE**  
 5 **PROPERTY TAX IDENTIFIER, OR DIVISION, LOT NUMBER, AND BLOCK DESIGNATION,**  
 6 **OR METES AND BOUNDS.**

7 \_\_\_\_\_

8 **PRIMARY BENEFICIARY**

9 **I DESIGNATE THE FOLLOWING BENEFICIARY IF THE BENEFICIARY SURVIVES**  
 10 **ME.**

11 \_\_\_\_\_  
 12 **PRINTED NAME** **MAILING ADDRESS, IF AVAILABLE**

13 \_\_\_\_\_  
 14 **RELATIONSHIP TO ME**

15 **ALTERNATE BENEFICIARY – OPTIONAL**

16 **IF MY PRIMARY BENEFICIARY DOES NOT SURVIVE ME, I DESIGNATE THE**  
 17 **FOLLOWING ALTERNATE BENEFICIARY IF THAT BENEFICIARY SURVIVES ME.**

18 \_\_\_\_\_  
 19 **PRINTED NAME** **MAILING ADDRESS, IF AVAILABLE**

20 \_\_\_\_\_  
 21 **RELATIONSHIP TO ME**

22 **TRANSFER ON DEATH**

23 **AT MY DEATH, I TRANSFER MY INTEREST IN THE DESCRIBED PROPERTY TO**  
 24 **THE BENEFICIARIES AS DESIGNATED ABOVE.**

25 **BEFORE MY DEATH, I HAVE THE RIGHT TO REVOKE THIS DEED.**

26 **SIGNATURE OF OWNER MAKING THIS DEED**

(SEAL)

SIGNATURE

DATE

PRINTED NAME

ACKNOWLEDGMENT

STATE OF COUNTY OF

THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON THE DAY OF , 20 BY

SIGNATURE OF NOTARIAL OFFICER

TITLE OF OFFICE

STAMP

MY COMMISSION EXPIRES:

PREPARER

I HEREBY CERTIFY THAT THIS REVOCABLE TRANSFER-ON-DEATH DEED WAS PREPARED BY , A PARTY TO THIS INSTRUMENT.

SIGNATURE:

PRINTED NAME:

OWNER/PRIMARY BENEFICIARY/ALTERNATE BENEFICIARY (CIRCLE ONE)

(C) THE FOLLOWING INFORMATIONAL SHEET MAY BE USED TO EXPLAIN THE FORM TRANSFER-ON-DEATH DEED:

COMMON QUESTIONS ABOUT THE USE OF THIS FORM

THIS INFORMATIONAL SHEET SHOULD NOT BE RECORDED WITH A TRANSFER-ON-DEATH DEED AT THE OFFICE OF LAND RECORDS.

WHAT DOES THE TRANSFER-ON-DEATH (TOD) DEED DO? WHEN YOU DIE,

1 THIS DEED TRANSFERS THE DESCRIBED PROPERTY, SUBJECT TO ANY LIENS OR  
2 MORTGAGES (OR OTHER ENCUMBRANCES) ON THE PROPERTY AT YOUR DEATH.  
3 PROBATE IS NOT REQUIRED. THE TOD DEED HAS NO EFFECT UNTIL YOU DIE. YOU  
4 CAN REVOKE IT AT ANY TIME. YOU ARE ALSO FREE TO TRANSFER THE PROPERTY TO  
5 SOMEONE ELSE DURING YOUR LIFETIME. IF YOU DO NOT OWN ANY INTEREST IN THE  
6 PROPERTY WHEN YOU DIE, THIS DEED WILL HAVE NO EFFECT.

7 HOW DO I MAKE A TOD DEED? COMPLETE THIS FORM. HAVE IT  
8 ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR OTHER INDIVIDUAL AUTHORIZED  
9 UNDER LAW TO TAKE ACKNOWLEDGMENTS. RECORD THE FORM IN EACH COUNTY  
10 WHERE ANY PART OF THE PROPERTY IS LOCATED. THE FORM HAS NO EFFECT  
11 UNLESS IT IS ACKNOWLEDGED AND RECORDED BEFORE YOUR DEATH.

12 IS THE "LEGAL DESCRIPTION" OF THE PROPERTY NECESSARY? YES.

13 HOW DO I FIND THE "LEGAL DESCRIPTION" OF THE PROPERTY? THIS  
14 INFORMATION MAY BE ON THE DEED YOU RECEIVED WHEN YOU BECAME AN OWNER  
15 OF THE PROPERTY. THIS INFORMATION MAY ALSO BE AVAILABLE IN THE OFFICE OF  
16 THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY WHERE THE PROPERTY IS  
17 LOCATED. IF YOU ARE NOT ABSOLUTELY SURE, CONSULT A LAWYER.

18 CAN I CHANGE MY MIND BEFORE I RECORD THE TOD DEED? YES. IF YOU  
19 HAVE NOT YET RECORDED THE DEED AND WANT TO CHANGE YOUR MIND, SIMPLY  
20 TEAR UP OR OTHERWISE DESTROY THE DEED.

21 HOW DO I "RECORD" THE TOD DEED? TAKE THE COMPLETED AND  
22 ACKNOWLEDGED FORM TO THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY  
23 WHERE THE PROPERTY IS LOCATED. FOLLOW THE INSTRUCTIONS GIVEN BY THE  
24 CLERK'S OFFICE TO MAKE THE FORM PART OF THE OFFICIAL PROPERTY RECORDS.  
25 IF THE PROPERTY IS IN MORE THAN ONE COUNTY, YOU SHOULD RECORD THE DEED  
26 IN EACH COUNTY.

27 CAN I LATER REVOKE THE TOD DEED IF I CHANGE MY MIND? YES. YOU CAN  
28 REVOKE THE TOD DEED. NO ONE, INCLUDING THE BENEFICIARIES, CAN PREVENT  
29 YOU FROM REVOKING THE DEED.

30 HOW DO I REVOKE THE TOD DEED AFTER IT IS RECORDED? THERE ARE  
31 THREE WAYS TO REVOKE A RECORDED TOD DEED: (1) COMPLETE AND  
32 ACKNOWLEDGE A REVOCATION FORM, AND RECORD IT IN EACH COUNTY WHERE THE  
33 PROPERTY IS LOCATED. (2) COMPLETE AND ACKNOWLEDGE A NEW TOD DEED THAT  
34 DISPOSES OF THE SAME PROPERTY, AND RECORD IT IN EACH COUNTY WHERE THE  
35 PROPERTY IS LOCATED. (3) TRANSFER THE PROPERTY TO SOMEONE ELSE DURING  
36 YOUR LIFETIME BY A RECORDED DEED THAT EXPRESSLY REVOKES THE TOD DEED.

1 **YOU MAY NOT REVOKE THE TOD DEED BY WILL.**

2 **I AM BEING PRESSURED TO COMPLETE THIS FORM. WHAT SHOULD I DO? DO**  
 3 **NOT COMPLETE THIS FORM UNDER PRESSURE. SEEK HELP FROM A TRUSTED**  
 4 **FAMILY MEMBER, FRIEND, OR LAWYER.**

5 **DO I NEED TO TELL THE BENEFICIARIES ABOUT THE TOD DEED? NO, BUT IT**  
 6 **IS RECOMMENDED. SECRECY CAN CAUSE LATER COMPLICATIONS AND MIGHT MAKE**  
 7 **IT EASIER FOR OTHERS TO COMMIT FRAUD.**

8 **I HAVE OTHER QUESTIONS ABOUT THIS FORM. WHAT SHOULD I DO? THIS**  
 9 **FORM IS DESIGNED TO FIT SOME BUT NOT ALL SITUATIONS. IF YOU HAVE OTHER**  
 10 **QUESTIONS, YOU ARE ENCOURAGED TO CONSULT A LAWYER.**

11 **14-813.**

12 **(A) THIS SUBTITLE GOVERNS THE EFFECT OF THE FORM PROVIDED UNDER**  
 13 **THIS SECTION, OR ANY OTHER INSTRUMENT USED TO REVOKE A**  
 14 **TRANSFER-ON-DEATH DEED.**

15 **(B) THE FOLLOWING FORM MAY BE USED TO CREATE AN INSTRUMENT OF**  
 16 **REVOCATION UNDER THIS SUBTITLE:**

17 **REVOCATION OF TRANSFER-ON-DEATH (TOD) DEED**

18 **NOTICE TO OWNER**

19 **THIS REVOCATION MUST BE RECORDED IN EACH COUNTY (OR BALTIMORE**  
 20 **CITY) IN WHICH THE PROPERTY IS LOCATED BEFORE YOU DIE OR IT WILL NOT BE**  
 21 **EFFECTIVE. THIS REVOCATION IS EFFECTIVE ONLY AS TO THE INTERESTS IN THE**  
 22 **PROPERTY OF THE OWNER WHO SIGNS THIS REVOCATION.**

23 **IDENTIFYING INFORMATION**

24 **OWNER OF PROPERTY MAKING THIS REVOCATION:**

25 \_\_\_\_\_  
 26 **PRINTED NAME** **MAILING ADDRESS**

27 **LEGAL DESCRIPTION OF THE PROPERTY:**

28 **A LEGAL DESCRIPTION OF THE PROPERTY MAY INCLUDE INFORMATION LIKE**  
 29 **PROPERTY TAX IDENTIFIER, OR DIVISION, LOT NUMBER, AND BLOCK DESIGNATION,**

1 OR METES AND BOUNDS.

2 \_\_\_\_\_

3 **REVOCATION**

4 I REVOKE ALL MY PREVIOUS TRANSFERS OF THIS PROPERTY BY  
5 TRANSFER-ON-DEATH DEED.

6 **SIGNATURE OF OWNER MAKING THIS REVOCATION**

7 \_\_\_\_\_ (SEAL) \_\_\_\_\_  
8 **SIGNATURE** **DATE**

9 \_\_\_\_\_  
10 **PRINTED NAME**

11 **ACKNOWLEDGMENT**

12 STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

13 THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON THE DAY OF \_\_\_\_, 20\_\_ BY

14 \_\_\_\_\_

15 **SIGNATURE OF NOTARIAL OFFICER**

16 **TITLE OF OFFICE**

17 **STAMP**

18 **MY COMMISSION EXPIRES:** \_\_\_\_\_

19 **PREPARER**

20 I HEREBY CERTIFY THAT THIS REVOCATION OF TRANSFER-ON-DEATH DEED WAS  
21 PREPARED BY \_\_\_\_\_, A PARTY TO THIS INSTRUMENT.

22 **SIGNATURE:** \_\_\_\_\_

23 **PRINTED NAME:** \_\_\_\_\_

24 **OWNER/PRIMARY BENEFICIARY/ALTERNATE BENEFICIARY**  
25 **(CIRCLE ONE)**

1 (C) THE FOLLOWING MAY BE USED AS AN INFORMATIONAL SHEET TO  
2 EXPLAIN THE REVOCATION FORM FOR TRANSFER-ON-DEATH DEED:

3 COMMON QUESTIONS ABOUT REVOKING A TRANSFER-ON-DEATH  
4 DEED

5 THIS INFORMATIONAL SHEET SHOULD NOT BE RECORDED WITH A  
6 REVOCATION OF A TRANSFER-ON-DEATH DEED AT THE OFFICE OF  
7 LAND RECORDS.

8 HOW DO I USE THIS FORM TO REVOKE A TRANSFER-ON-DEATH (TOD) DEED?  
9 COMPLETE THIS FORM. HAVE IT ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR  
10 OTHER INDIVIDUAL AUTHORIZED UNDER LAW TO TAKE ACKNOWLEDGMENTS.  
11 RECORD THE FORM IN THE LAND RECORDS OF EACH COUNTY WHERE THE  
12 PROPERTY IS LOCATED. THE FORM MUST BE ACKNOWLEDGED AND RECORDED  
13 BEFORE YOUR DEATH OR IT HAS NO EFFECT.

14 HOW DO I FIND THE "LEGAL DESCRIPTION" OF THE PROPERTY? THIS  
15 INFORMATION MAY BE ON THE TOD DEED. IT MAY ALSO BE AVAILABLE IN THE LAND  
16 RECORDS FOR THE COUNTY WHERE THE PROPERTY IS LOCATED. IF YOU ARE NOT  
17 ABSOLUTELY SURE, CONSULT A LAWYER.

18 HOW DO I "RECORD" THE FORM? TAKE THE COMPLETED AND  
19 ACKNOWLEDGED FORM TO THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY  
20 WHERE THE PROPERTY IS LOCATED. FOLLOW THE INSTRUCTIONS GIVEN BY THE  
21 CLERK'S OFFICE TO MAKE THE FORM PART OF THE OFFICIAL PROPERTY RECORDS.  
22 IF THE PROPERTY IS LOCATED IN MORE THAN ONE COUNTY, YOU SHOULD RECORD  
23 THE FORM IN EACH OF THOSE COUNTIES.

24 I AM BEING PRESSURED TO COMPLETE THIS FORM. WHAT SHOULD I DO? DO  
25 NOT COMPLETE THIS FORM UNDER PRESSURE. SEEK HELP FROM A TRUSTED  
26 FAMILY MEMBER, FRIEND, OR LAWYER.

27 I HAVE OTHER QUESTIONS ABOUT THIS FORM. WHAT SHOULD I DO? THIS  
28 FORM IS DESIGNED TO FIT SOME BUT NOT ALL SITUATIONS. IF YOU HAVE OTHER  
29 QUESTIONS, CONSULT A LAWYER.

30 14-814.

31 THIS SUBTITLE MODIFIES, LIMITS, AND SUPERSEDES THE FEDERAL  
32 ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, 15 U.S.C.  
33 SECTION 7001, ET SEQ., BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE SECTION

1 **101(C) OF THAT ACT, 15 U.S.C. SECTION 7001(C), OR AUTHORIZE ELECTRONIC**  
2 **DELIVERY OF ANY OF THE NOTICES DESCRIBED IN SECTION 103(B) OF THAT ACT, 15**  
3 **U.S.C. SECTION 7003(B).**

4 **Article – Tax – Property**

5 12–108.

6 **(II) A REAL PROPERTY TRANSFER–ON–DEATH DEED UNDER TITLE 14 OF**  
7 **THE REAL PROPERTY ARTICLE IS NOT SUBJECT TO RECORDATION TAX.**

8 13–207.

9 (a) An instrument of writing is not subject to transfer tax to the same extent that  
10 it is not subject to recordation tax under:

11 (25) § 12–108(gg) of this article (Transfer of principal residence surrendered  
12 in bankruptcy); [or]

13 (26) § 12–108(hh) of this article (Transfer of real property within the Laurel  
14 Park racing facility site, Pimlico racing facility site, Pimlico site, or Bowie Race Course  
15 Training Center property); **OR**

16 **(27) § 12–108(II) OF THIS ARTICLE (REAL PROPERTY**  
17 **TRANSFER–ON–DEATH DEED).**

18 **13–414.**

19 **AN INSTRUMENT OF WRITING THAT IS EXEMPT FROM RECORDATION TAX**  
20 **UNDER § 12–108(II) OF THIS ARTICLE (REAL PROPERTY TRANSFER–ON–DEATH**  
21 **DEED) IS NOT SUBJECT TO COUNTY TRANSFER TAX.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act, to the extent  
23 practicable, shall be interpreted and enforced by a court in accordance with existing law  
24 governing life estates with powers of alienation.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to a  
26 transfer–on–death deed that was made before, on, or after the effective date of this Act by  
27 a transferor who dies on or after the effective date of this Act.

28 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2023.