



CHICAGO TITLE™

Transfer on Death Deed Extended By Senate Bill 315

Legislation creating a non-probate method for conveying interest in real property upon death, Assembly Bill 139, was signed into law by Governor Brown. The law, which accomplishes the transfer by means of a revocable transfer upon death deed (TOD), became effective January 1, 2016. The TOD automatically transfers ownership of the property – defined to include 1 - 4 residential units, a condominium, or agricultural land of 40 acres or less – upon the death of the owner, and must contain a legal description. A TOD may only be revoked by a recorded document.

The law makes the TOD effective for any transferor who dies on or after January 1, 2016, regardless of when the TOD was executed or recorded. No TOD may be executed on or after January 1, 2021, which is when the new law is scheduled to be repealed (***Senate Bill 315, approved by Governor Newsom on September 22, 2021 extends the execution date to January 1, 2032***); however, any TOD properly executed before that date remains valid and may also be revoked after that date. To be valid, the deed must be recorded within 60 days of execution. The deed is only effective at death and does not affect any ownership rights during the transferor's lifetime.

Contact your local Chicago Title office for specific information on continued Title Policy coverage and conditions required when selling a property upon death of an owner.

For more information about Senate Bill 315 extension go to:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB315



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