

RECORDING A TRANSFER ON DEATH DEED

Statutory Recording Fee	\$50.00 – Includes Recording Cover Page
Each Additional Page	\$5.00/page

Important Notes:

- All Transfer on Death Deeds submitted to the Chautauqua County Clerk must include a legal description of the property; list the physical address of the property; and include a full copy of the current deed on record
- Please include the original document as well as a copy for the Tax Map office.
- It is required that both the Grantor(s)' and Grantee(s)' full names and physical addresses be on the document. Grantor(s) original, notarized signature is required on the deed.
- Along with notary acknowledgement, there must be two (2) witness signatures, full names, and addresses who witnessed the signing by the transferor.
- Notice of Transfer will not be issued as the transfer has not yet occurred.
- Tax documents (TP-584, RP-5217, and IT-2663) will not be required to record a T.O.D.D. as the transfer has not yet occurred, and there is no legislation requiring it at this time.

*** There is not to be any white out, nor redaction on the document. Should an error need correction, we recommend a new Transfer on Death Deed be drawn. In the event a new deed cannot be produced, we ask that the error be crossed out with a single line and initialed by the corrector. ***

If any of these requirements are not fulfilled, the Transfer on Death Deed will be rejected due to noncompliance.

NOTICE OR AFFIDAVIT OF TRANSFER ON DEATH DEED

A notice or an affidavit may be recorded along with proof of death of the property owner, such as a government-issued death certificate. Guidance from NYS Tax and Finance has indicated there is no requirement for a TP584/RP5217 with this recording. This instrument does not convey property but acknowledges the death of the grantor and the conveyance by operation of law of the referenced property upon the death of the grantor.

***Due to the unanswered legal questions presented by this newly created process, the County Clerk's office can offer no advice nor provide any forms to individuals seeking to record the document on their own behalf. This is for the individual's own protection.*