**NEXT STEPS: TRANSFER ON DEATH INSTRUMENT**

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| **How does the Transfer on Death Instrument work?**   * A Transfer on Death Instrument ("TODI") is like a deed that doesn’t take effect until you die. You can use it so that you don’t have to put your house in your will, which will make things easier on your loved ones down the line. This is because using a TODI can avoid the need to go to court to divide up your property you leave behind. * Many people who use a TODI also use a Small Estate Affidavit for the rest of their property. * For more information about Small Estate Affidavits, visit <https://www.illinoislegalaid.org/legal-information/filing-small-estate-affidavit>   **What forms do I need to fill out to change my name?**   * **Illinois Transfer on Death Instrument:** contains information about the property and the beneficiaries. * **Notice of Death Affidavit and Acceptance of Transfer on Death Instrument:** must be filed by the beneficiaries within 2 years after your death in order to transfer the property.   **What do I do after I print my TODI?**  **Sign the TODI in front of 2 witnesses and a notary public.**   * Read through your forms and make sure everything is correct. * You must sign and date the TODI in front of a notary public with 2 witnesses. If you entered the witness names and addresses when you were answering questions, you must bring those people with you to be witnesses. * A notary public can usually be found at your local courthouse, banks, and law offices. The notary will stamp your charge form to confirm that you signed under oath.   + Bring a photo I.D. when you visit the notary;   + There may be a small fee (usually $1) for the notary’s services. * Make extra copies of the signed TODI for your records and for the beneficiaries. |  | **Record the TODI with the county's Recorder of Deeds**   * Take the TODI to the Recorder of Deeds office in the county where the property in the TODI is located. * If the property lies within more than one county, file a copy of your TODI in each county.   **Give copies of the TODI and Notice of Death Affidavit and Acceptance of Transfer on Death Instrument to the beneficiaries.**   * On the Notice of Death Affidavit and Acceptance of Transfer on Death Instrument, fill in the date the TODI was recorded and the document number, if known * Give each beneficiary a copy of the Notice of Death Affidavit and Acceptance of Transfer on Death Instrument that printed with your forms. This is the form they will use to get the property after your death. * Give each beneficiary a copy of the TODI for their records. * After your death, the beneficiaries must complete the Notice of Death Affidavit and Acceptance of Transfer on Death Instrument and then take the forms to the same Recorder of Deeds office where the TODI was recorded. This must be done within 2 years of your death.   **What if I decide I want to cancel the TODI?**   * You can cancel your TODI at any time. * To cancel the TODI, you must file a document with the Recorder of Deeds office that says you revoke your TODI. You must sign the revocation in front of 2 witnesses just like the TODI. * You can find a copy of the revocation form at <https://www.illinoislegalaid.org/legal-information/transfer-death-instrument-todi-revocation> |

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| **ILLINOIS TRANSFER ON** | |  | |
| **DEATH INSTRUMENT** | |  | |
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| **NAME AND ADDRESS OF TAXPAYER:** | |  | |
| {{user.name.full(middle=’full’)}} |  |  | |
| {{user.address.line\_one()}} |  |  | |
| {{user.address.line\_two()}} |  |  | |
|  | |  | |
|  | |  | Above reserved for official use only |

On this date, {% if sign\_known == True %}{{sign\_date}}{% else %}\_\_\_\_\_\_\_\_\_\_\_\_\_{% endif %}, {{user.name.full(middle=’full’)}} ({{user.marital\_status}}), residing at {{user.address.on\_one\_line()}} executes this transfer on death instrument. {{user.name.full(middle=’full’)}}will transfer upon death the following residential real estate in its entirety:

{{todi\_property.address.line\_one()}}, {{todi\_property.address.city}}, {{trial\_court.address.county}} County, {{todi\_property.address.state}} {{todi\_property.address.zip}}

Property Identification Number (“PIN”): {{todi\_property.pin}}

{{todi\_property.description}}

SUBJECT to all easements, rights-of-way, protective covenants and mineral reservations of record, if any, to:

|  |  |  |
| --- | --- | --- |
| **Beneficiary Name, Relationship to Owner** | **Beneficiary Address** | **Share (%)** |

{% for person in beneficiaries %}

|  |  |  |
| --- | --- | --- |
| {{person.name.full(middle=’full’)}}, {{person.relationship}} | {{person.address.on\_one\_line()}} | {{person.percent\_share}} |

{% endfor %}

{%p for person in beneficiaries %}

{%p if person.successor\_tf == True %}

If {{person.name.full(middle=’full’)}} predeceases me, then to my {{person. successor\_beneficiary.relationship}} {{person.successor\_beneficiary.name.full(middle=’full’)}} of {{person.successor\_beneficiary.address.city}}, {{person.successor\_beneficiary.address.state}}.

{%p endif %}

{%p endfor %}

{%p if beneficiaries.number() == 1 %}

Upon my death, I transfer my interest in the above described property to the beneficiary designated above.

{%p endif %}

{%p if beneficiaries.number() != 1 %}

Upon my death, I transfer my interest in the above described property to the beneficiaries designated above as {{tenancy\_type}}

{%p endif %}

This instrument revokes any and all prior transfer on death instruments made by the above mentioned owner for the above mentioned residential real estate. Before my death, I have the right to revoke this instrument.

This instrument is to be recorded prior to the aforesaid owner’s death in the public records in the office of the recorder of the county in which any part of the residential real estate is located.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| {{user.name.full(middle=’full’)}} |  | Date |

{% if witnesses[0].known == True %} {% for person in witnesses %}

I, {% if person.known== False %}\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_{% else %}{{person.name.full(middle=’full’)}}{% endif %}, attest that {{user.name.full(middle=’full’)}}, the owner of the above mentioned property, executed this Illinois Transfer on Death Instrument in my presence on {% if sign\_known == True %}{{sign\_date}}{% else %}\_\_\_\_\_\_\_\_\_\_\_\_\_\_{% endif %}. This instrument was executed as a free and voluntary act by the owner. At the time of the execution, I believe the owner to be of sound mind and memory.

|  |  |  |  |
| --- | --- | --- | --- |
| **WITNESS:** |  |  | **ADDRESS OF WITNESS:** |
| Signed: |  |  | {% if person.location\_known == True %}{{person.address.line\_one()}}{% endif %} |
| Printed: | {% if person.known == True %}{{person.name.full(middle=’full’)}}{% endif %} |  | {% if person.location\_known == True %}{{person.address.line\_two()}}{% endif %} |
| Dated: |  |  |  |

{% endfor %}

|  |  |
| --- | --- |
| STATE OF ILLINOIS | ) |
|  | ) SS. |
| COUNTY OF {{trial\_court.address.county }} | ) |

The undersigned, a notary public in and for the above County and State, HEREBY CERTIFIES THAT {{user.name.full(middle=’full’)}}, known to me to be the same person whose name is subscribed as the owner of the residential real estate, appeared before me and the witnesses {% if witnesses[1].known == True %}{{witnesses[0].name.full(middle=’full’)}} and witnesses[1].name.full(middle=’full’)}}{% else %} witnesses[0].name.full(middle=’full’)}}{% endif %} and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in person and acknowledged signing the instrument as the free and voluntary act of the owner who was acting of sound mind and memory for the uses and purposes therein set forth.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated Notary Public

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

{% else %}

|  |  |  |  |  |  |  |
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| I, |  | , attest that {{user.name.full(middle=’full’)}}, the owner of the above mentioned property, | | | | |
| executed this Illinois Transfer on Death Instrument in my presence on | | |  | , |  | . This |

instrument was executed as a free and voluntary act by the owner. At the time of the execution, I believe the owner to be of sound mind and memory.

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| **WITNESS:** |  |  | **ADDRESS OF WITNESS:** |
| Signed: |  |  |  |
| Printed: |  |  |  |
| Dated: |  |  |  |

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| --- | --- | --- | --- | --- | --- | --- |
| I, |  | , attest that {{user.name.full(middle=’full’)}}, the owner of the above mentioned property, | | | | |
| executed this Illinois Transfer on Death Instrument in my presence on | | |  | , |  | . This |

instrument was executed as a free and voluntary act by the owner. At the time of the execution, I believe the owner to be of sound mind and memory.

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| --- | --- | --- | --- |
| **WITNESS:** |  |  | **ADDRESS OF WITNESS:** |
| Signed: |  |  |  |
| Printed: |  |  |  |
| Dated: |  |  |  |

|  |  |
| --- | --- |
| STATE OF ILLINOIS | ) |
|  | ) SS. |
| COUNTY OF {{trial\_court.address.county }} | ) |

The undersigned, a notary public in and for the above County and State, HEREBY CERTIFIES THAT {{user.name.full(middle=’full’)}}known to me to be the same person whose name is subscribed as the owner of the residential

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| --- | --- | --- | --- |
| real estate, appeared before me and the witnesses |  | and |  |

in person and acknowledged signing the instrument as the free and voluntary act of the owner who was acting of sound mind and memory for the uses and purposes therein set forth.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated Notary Public

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

{% endif %}

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

This document was prepared by:

{{user.name.full(middle=’full’)}} - Pro Se, {{user.address.line\_one()}}

{{user.address.line\_two()}}{% if user.include\_phone == True %}, {{phone\_number\_formatted(user.phone\_number)}}{% endif %}

{% if user.include\_email %}{{user.email\_address}}{% endif %}

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| **NOTICE OF DEATH AFFIDAVIT** | |  | |
| **AND ACCEPTANCE OF** | |  | |
| **TRANSFER ON DEATH INSTRUMENT** | |  | |
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| **MAIL TO:** | |  | |
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| **NAME AND ADDRESS OF TAXPAYER:** | |  | |
| {{user.name.full(middle=’full’)}} |  |  | |
| {{user.address.line\_one()}} |  |  | |
| {{user.address.line\_two()}} |  |  | Above reserved for official use only |

The undersigned beneficiary or beneficiaries, being duly sworn on oath state as follows:

That {{user.name.full(middle=’full’)}} ({{user.marital\_status}})died on \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_, a resident of {{user.address.county}} County, {{user.address.state}}, owning residential real estate legally described below:

{{todi\_property.description}}

That the street address of the residential real estate is {{todi\_property.address.on\_one\_line()}} and the property identification number is {{todi\_property.pin}}.

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| That the Transfer on Death Instrument is dated | | |  | , |  | and recorded as |
| Document No. |  | in the Office of the Recorder for {{trial\_court.address.county }}County, Illinois. | | | | |

That the undersigned whose names and addresses appear below are all beneficiaries entitled to receive under the Transfer on Death Instrument:

|  |  |  |
| --- | --- | --- |
| **Beneficiary Name, Relationship to Owner** | **Beneficiary Address** | **Share (%)** |

{% for person in beneficiaries %}

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| --- | --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_% |

{% endfor %}

In witness whereof, the undersigned beneficiaries hereby accept the transfer of residential real estate under the transfer on death instrument this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_.

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|  |  |  |
| **Signature** |  | **Signature** |
|  |  |  |
| **Printed Name** |  | **Printed Name** |

STATE OF ILLINOIS

COUNTY OF {{trial\_court.address.county }}

I, the undersigned, a Notary Public in and for the State aforesaid, DO HEREBY CERTIFY THAT\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ personally known to me to be the same person or persons whose name or names are subscribed to the foregoing instrument, appeared before me this day in person and swore on oath to the above foregoing affidavit. Signed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My commission expires on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public