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| Logo  Description automatically generated  **How to use a Transfer on Death Instrument** | |
| **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 transfer my property after I die?**   * **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 and date the TODI in front of 2 witnesses and a notary public.**   * Read through your forms and make sure everything is correct. * {% if joint\_language == True %}Both of y{% else %}Y{% endif %}ou 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 cannot revoke a TODI with a will or an unrecorded document. You can find a copy of the revocation form at <https://www.illinoislegalaid.org/legal-information/transfer-death-instrument-todi-revocation>{% if joint\_language == True %} * If only one owner revokes the TODI and that owner passes away before the other owner, the TODI can still take effect.{% endif %} |