

**Prepared By:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

**After Recording Return To:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

*Space above this line for recorder's use only*

# NEW MEXICO REVOCABLE TRANSFER ON DEATH DEED

## NOTICE TO OWNER

You should carefully read all information on this form. You may want to consult a lawyer before using this form.

This form must be recorded before your death or it will not be effective.

**Date:** Effective as of the date this deed has been filed in the Deed Records of \_\_\_\_\_ County, New Mexico.

**Owner(s):** Full Name: \_\_\_\_\_ Marital Status: \_\_\_\_\_  
Address: \_\_\_\_\_

Full Name: \_\_\_\_\_ Marital Status: \_\_\_\_\_  
Address: \_\_\_\_\_

**Property:** All of Transferor's or Transferors' interest in the following real property located in \_\_\_\_\_ County, New Mexico:

*[WRITE LEGAL DESCRIPTION HERE OR ATTACH EXHIBIT A]*

**Primary Beneficiary or Primary Beneficiaries:** I designate the following beneficiary or beneficiaries if the beneficiary or beneficiaries survives me.

Full Name: \_\_\_\_\_ Marital Status: \_\_\_\_\_  
Address: \_\_\_\_\_

Full Name: \_\_\_\_\_ Marital Status: \_\_\_\_\_  
Address: \_\_\_\_\_

**Alternate Beneficiary or Alternate Beneficiaries (optional):** If my primary beneficiary or beneficiaries do not survive me, I designate the following alternate beneficiary or beneficiaries:

Full Name: \_\_\_\_\_ Marital Status: \_\_\_\_\_  
Address: \_\_\_\_\_

Full Name: \_\_\_\_\_ Marital Status: \_\_\_\_\_  
Address: \_\_\_\_\_

**Transfer on Death:** At my death, I transfer my interest in the described property to the beneficiary or beneficiaries as designated above. Before my death, I have the right to revoke this deed.

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

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

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that \_\_\_\_\_ whose names are signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand this \_\_\_\_\_ (mm/dd/yyyy)

\_\_\_\_\_  
**Notary Public**

My Commission Expires: \_\_\_\_\_

## COMMON QUESTIONS ABOUT THE USE OF THIS FORM

Q. *What does the Transfer on Death (TOD) deed do?*

A. When you die, this deed transfers the described property, subject to any liens or mortgages (or other encumbrances) on the property at your death. Probate is not required. The TOD deed has no effect until you die. You can revoke it at any time. You are also free to transfer the property to someone else during your lifetime. If you do not own any interest in the property when you die, this deed will have no effect.

Q. *How do I make a TOD deed?*

A. Complete this form. Have it acknowledged before a notary public or other individual authorized by law to take acknowledgments. Record the form in each county where any part of the property is located. The form has no effect unless it is acknowledged and recorded before your death.

Q. *Is the "legal description" of the property necessary?*

A. Yes.

Q. *How do I find the "legal description" of the property?*

A. This information may be on the deed you received when you became an owner of the property. This information may also be available in the office of the county clerk for the county where the property is located. If you are not absolutely sure, consult a lawyer.

Q. *Can I change my mind before I record the TOD deed?*

A. Yes. If you have not yet recorded the deed and want to change your mind, simply tear up or otherwise destroy the deed.

Q. *How do I "record" the TOD deed?*

A. Take the completed and acknowledged form to the office of the county clerk of the county where the property is located. Follow the instructions given by the county clerk to make the form part of the official property records. If the property is in more than one county, you should record the deed in each county.

Q. *Can I later revoke the TOD deed if I change my mind?*

A. Yes. You can revoke the TOD deed. No one, including the beneficiaries, can prevent you from revoking the deed.

Q. *How do I revoke the TOD deed after it is recorded?*

A. There are three ways to revoke a recorded TOD deed:

- (1) Complete and acknowledge a revocation form, and record it in each county where the property is located.
- (2) Complete and acknowledge a new TOD deed that disposes of the same property, and record it in each county where the property is located.

(3) Transfer the property to someone else during your lifetime by a recorded deed that expressly revokes the TOD deed. You may not revoke the TOD deed by will.

*Q. I am being pressured to complete this form. What should I do?*

A. Do not complete this form under pressure. Seek help from a trusted family member, friend or lawyer.

*Q. Do I need to tell the beneficiaries about the TOD deed?*

A. No, but it is recommended. Secrecy can cause later complications and might make it easier for others to commit fraud.

*Q. I have other questions about this form. What should I do?*

A. This form is designed to fit some but not all situations. If you have other questions, you are encouraged to consult a lawyer.