

**After Recording Return To:**

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

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

\_\_\_\_\_

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

## **WEST VIRGINIA REVOCABLE TRANSFER ON DEATH DEED**

THIS REVOCABLE TRANSFER ON DEATH DEED is made this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, pursuant to the provisions of the Uniform Real Property Transfer on Death Act, West Virginia Code §36-12-1 et seq., by and between \_\_\_\_\_, party of the first part (hereinafter "Transferor"), and \_\_\_\_\_, party of the second part (hereinafter "Beneficiary").

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, and in accordance with the provisions of the Uniform Real Property Transfer on Death Act, the Transferor, at the Transferor's death does GRANT and CONVEY the Transferor's interest, without covenant or warranty, to the Beneficiary.

The real property, or any part thereof, remaining at the time of the Transferor's death, to be transferred pursuant to this Revocable Transfer on Death Deed, is all of the surface of that certain lot, tract or parcel of land, together with the appurtenances thereunto belonging, situated and being in \_\_\_\_\_ District, \_\_\_\_\_ County, West Virginia, and being more particularly bounded and described as follows:

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

Map/Parcel ID: \_\_\_\_\_

Being the same tract or parcel of land conveyed to \_\_\_\_\_ from \_\_\_\_\_, by Deed dated the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and recorded in the Office of the Clerk of the County Commission of \_\_\_\_\_ County, West Virginia, in Deed Book \_\_\_\_\_, at page \_\_\_\_\_, to which deed reference is here made for a more particular description of the property herein conveyed.

## **RIGHT TO REVOKE AND METHOD TO REVOKE DEED.**

Before the Transferor's death, the Transferor has the right to revoke this Deed.

Under the Uniform Real Property Transfer on Death Act, an instrument is effective to revoke a recorded Transfer on Death Deed, or any part of it, only if such revocatory instrument:

1. Is one of the following:
  - A. A Transfer on Death Deed that revokes the Deed or part of the Deed expressly or by inconsistency;
  - B. An instrument of revocation that expressly revokes the Deed or part of the Deed; or
  - C. An inter vivos Deed that expressly revokes the Transfer on Death Deed or part of the Deed; and
2. Is acknowledged by the transferor after the acknowledgment of the Deed being revoked and recorded before the transferor's death, in the public records in the Office of the Clerk of the County Commission of the County where the Deed being revoked is recorded.

After this Transfer on Death Deed is recorded, it can be revoked only by an effective revocatory instrument recorded prior to the death of the Transferor and may not be revoked by a revocatory act taken against or on the original or a copy of the recorded Transfer on Death Deed. The execution and recordation of the Transfer on Death Deed does not limit the effect of an inter vivos transfer of the property.

At the death of the Transferor, the Beneficiary takes the property subject to all exceptions, reservations, restrictions, easements, covenants, rights of way, conveyances, encumbrances, assignments, contracts, mortgages, liens and other interests to which the property is subject at the Transferor's death.

## **DECLARATION OF CONSIDERATION OR VALUE.**

The Transferor declares that pursuant to West Virginia Code §36-12-9 et seq., this Transfer on Death Deed is exempt from the payment of excise tax on the privilege of transferring real estate for the reason that no interest in the property is at the time of recording being passed to any beneficiary of the Deed, and the Deed remains revocable until the death of the Transferor.

WITNESS the following signature and seal all as of the date first above written.

**SIGNATURES.**

Transferor Signature: \_\_\_\_\_

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

Transferor Signature: \_\_\_\_\_

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

**WITNESSES.**

Witness Signature: \_\_\_\_\_

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

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

Witness Signature: \_\_\_\_\_

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

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

**ACKNOWLEDGMENT.**

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: \_\_\_\_\_

**This Instrument Was Prepared By:**

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

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

\_\_\_\_\_