





1 1. Owner (Transferor) Making this Deed:

2 \_\_\_\_\_

3 Printed name Mailing address

4 2. Legal Description of the Property:

5 \_\_\_\_\_

6 3. Address of the Property (if any) (include county):

7 \_\_\_\_\_

8 4. Primary Beneficiary (Transferee) or Beneficiaries  
9 (Transferees)

10 I designate the following beneficiary or beneficiaries, if  
11 the beneficiary survives me:

12 \_\_\_\_\_

13 Printed name Mailing address

14 5. Alternate Beneficiary or Beneficiaries (Optional)

15 [~~If no primary beneficiary survives me,~~] I designate the  
16 following alternate beneficiary or beneficiaries, if the alternate  
17 beneficiary survives me:

18 \_\_\_\_\_

19 Printed name Mailing address

20 6. Transfer on Death: (Choose an option under both A and B below,  
21 and if you have designated any alternate beneficiaries, choose an  
22 option under C.)

23 At my death, I grant and convey to the primary beneficiary or  
24 beneficiaries my interest in the property, to have and hold  
25 forever. [~~If at my death I am not survived by any primary~~  
26 ~~beneficiary, I grant and convey to the alternate beneficiary or~~  
27 ~~beneficiaries, if designated, my interest in the property, to have~~

1 ~~and hold forever. If the primary and alternate beneficiaries do not~~  
2 ~~survive me, this transfer on death deed shall be deemed canceled by~~  
3 ~~me.]~~

4 A. IF AT LEAST ONE PRIMARY BENEFICIARY SURVIVES ME

5 (Select either option (1) or (2) by placing your initials next to  
6 the option chosen. If you do not choose an option, then option (1),  
7 which is the anti-lapse election, will apply.)

8  
9 If at least one primary beneficiary survives me, I grant and  
10 convey the primary beneficiaries' share or shares of the property,  
11 to have and hold forever, as follows:

12 \_\_\_\_\_ (1) Anti-Lapse Election. To the surviving primary  
13 beneficiary or beneficiaries, but if a deceased primary  
14 beneficiary, if any, was a child or other descendant of mine or of  
15 one or both of my parents, that deceased primary beneficiary's  
16 share will pass to the surviving children or other descendants of  
17 that deceased primary beneficiary.

18 \_\_\_\_\_ (2) Surviving Primary Beneficiaries Election. To the  
19 surviving primary beneficiary or beneficiaries only. If a deceased  
20 primary beneficiary, if any, was a child or other descendant of mine  
21 or of one or both of my parents, I do not want that deceased primary  
22 beneficiary's share to pass to the children or other descendants of  
23 that deceased primary beneficiary.

24  
25 B. IF NO PRIMARY BENEFICIARY SURVIVES ME

26 (Select either option (1) or (2) by placing your initials next to  
27 the option chosen. If you do not choose an option, then option (1),

1 which is the anti-lapse election, will apply.)

2

3 If no primary beneficiary survives me, I grant and convey the  
4 share of the property that would have transferred to a deceased  
5 primary beneficiary, to have and hold forever, as follows:

6 \_\_\_\_\_ (1) Anti-Lapse Election. To the surviving children or  
7 other descendants of the deceased primary beneficiary, if the  
8 deceased primary beneficiary was a child or other descendant of  
9 mine or of one or both of my parents.

10 \_\_\_\_\_ (2) Surviving Alternate Beneficiaries Election. To  
11 the alternate beneficiary or beneficiaries designated above. If  
12 the deceased primary beneficiary was a child or other descendant of  
13 mine or of one or both of my parents, I do not want that deceased  
14 primary beneficiary's share to pass to the children or other  
15 descendants of that deceased primary beneficiary.

16

17 If no primary beneficiary survives me and the anti-lapse  
18 election is not chosen or that election is chosen, but a deceased  
19 primary beneficiary is not a child or other descendant of mine or of  
20 one or both of my parents, I grant and convey to the alternate  
21 beneficiary or beneficiaries my share in the property that  
22 otherwise would have transferred to the deceased primary  
23 beneficiary, to have and hold forever. If I have not designated  
24 alternate beneficiaries, this transfer on death deed shall be  
25 considered cancelled by me.

26

27 C. IF AN ALTERNATE BENEFICIARY DOES NOT SURVIVE ME

1 (Select either option (1) or (2) by placing your initials next to  
2 the option chosen. If you do not choose an option, then option (1),  
3 which is the anti-lapse election, will apply.)

4  
5 If an alternate beneficiary does not survive me, I grant and  
6 convey that alternate beneficiary's share of the property as  
7 follows:

8 \_\_\_\_\_ (1) Anti-Lapse Election. To the surviving alternate  
9 beneficiary or beneficiaries, but if the deceased alternate  
10 beneficiary was a child or other descendant of mine or of one or  
11 both of my parents, that deceased alternate beneficiary's share  
12 will pass to the surviving children or other descendants of that  
13 deceased alternate beneficiary.

14 \_\_\_\_\_ (2) Surviving Alternate Beneficiaries Election. To  
15 the surviving alternate beneficiary or beneficiaries only. If the  
16 deceased alternate beneficiary was a child or other descendant of  
17 mine or of one or both of my parents, I do not want that deceased  
18 alternate beneficiary's share to pass to the children or other  
19 descendants of that deceased alternate beneficiary.

20  
21 If no alternate beneficiary survives me and the anti-lapse  
22 election is not chosen or that election is chosen, but no deceased  
23 alternate beneficiary was a child or other descendant of mine or of  
24 one or both of my parents, this transfer on death deed shall be  
25 considered cancelled by me.

26 7. Printed Name and Signature of Owner Making this Deed:

1 \_\_\_\_\_  
2 Printed Name Date

3 \_\_\_\_\_  
4 Signature

5 BELOW LINE FOR NOTARY ONLY

6 \_\_\_\_\_  
7 Acknowledgment

8 STATE OF \_\_\_\_\_

9 COUNTY OF \_\_\_\_\_

10 This instrument was acknowledged before me on the \_\_\_\_\_ day of  
11 \_\_\_\_\_, 20\_\_\_\_,  
12 by \_\_\_\_\_.

13 \_\_\_\_\_  
14 Notary Public, State of \_\_\_\_\_

15 After recording, return to:

16 (insert name and mailing address)

17 \_\_\_\_\_  
18 \_\_\_\_\_

19 INSTRUCTIONS FOR TRANSFER ON DEATH DEED

20 DO NOT RECORD THESE INSTRUCTIONS

21 Instructions for Completing the Form

22 1. Owner (Transferor) Making this Deed: Enter your first, middle  
23 (if any), and last name here, along with your mailing address.

24 2. Legal Description of the Property: Enter the formal legal  
25 description of the property. This information is different from  
26 the mailing and physical address for the property and is necessary  
27 to complete the form. To find this information, look on the deed

1 you received when you became an owner of the property. This  
2 information may also be available in the office of the county clerk  
3 for the county where the property is located. Do NOT use your tax  
4 bill to find this information. If you are not absolutely sure,  
5 consult a lawyer.

6 3. Address of the Property: Enter the physical address of the  
7 property.

8 4. Primary Beneficiary or Beneficiaries: Enter the first and  
9 last name of each person you want to get the property when you die.  
10 If you are married and want your spouse to get the property when you  
11 die, enter your spouse's first and last name (even if you and your  
12 spouse own the property together).

13 5. Alternate Beneficiary or Beneficiaries: Enter the first and  
14 last name of each person you want to get the property if no primary  
15 beneficiary survives you.

16 6. Transfer on Death: You should carefully read the language  
17 describing the options and choose an option under both A and B of  
18 Paragraph 6, and if you have listed any alternate beneficiaries,  
19 choose an option under C of Paragraph 6 [No action needed].

20 7. Printed Name and Signature of Owner: Do not sign your name or  
21 enter the date until you are before a notary. Include your printed  
22 name.

23 8. Acknowledgment: This deed must be signed before a notary. The  
24 notary will fill out this section of the deed.

25 SECTION 3. The changes in law made by this Act apply to a  
26 transfer on death deed executed and acknowledged on or after the  
27 effective date of this Act. A transfer on death deed executed and

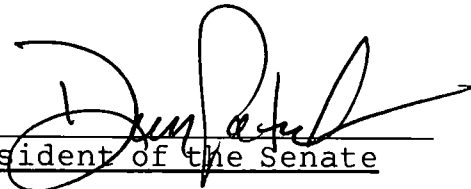


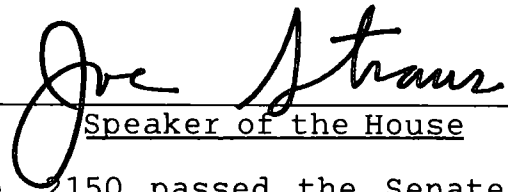
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S.B. No. 2150

1 acknowledged before the effective date of this Act is governed by  
2 the law in effect on the date the transfer on death deed was  
3 executed and acknowledged, and the former law is continued in  
4 effect for that purpose.

5 SECTION 4. This Act takes effect September 1, 2017.\_\_\_\_\_

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 2150 passed the Senate on  
April 19, 2017, by the following vote: Yeas 31, Nays 0.\_\_\_\_\_

  
\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 2150 passed the House on  
May 21, 2017, by the following vote: Yeas 141, Nays 0, one  
present not voting.\_\_\_\_\_

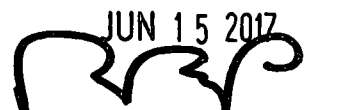
  
\_\_\_\_\_  
Chief Clerk of the House

Approved:

6-12-2017  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3 PM O'CLOCK

JUN 15 2017  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 11, 2017**

**TO:** Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB2150** by Huffman (Relating to a revocable deed that transfers real property at the transferor's death.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend chapter 114 of the Estates Code to address the transfer of an interest in real property at the death of the interest holder. It would revise provisions addressing transfer in the event a designated beneficiary fails to survive the transferring party by at least 120 hours. The bill would also revise the terms of the Optional Form for Transfer on Death to allow the transferring party to indicate what should happen in these instances.

No significant fiscal impact on the state court system or local courts is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, LBO, AG, SD, SJS

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 5, 2017**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB2150 by Huffman (Relating to a revocable deed that transfers real property at the transferor's death.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

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**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, AG, SD, SJS