

# Revocable Transfer on Death Deed (RTODD)

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*by Paul M. LaMartina, Esq.*



Beginning in 2016, but only effective until 2021, California will allow individuals to transfer their real estate to their intended heirs through the use of a Revocable Transfer on Death Deed (RTODD). The RTODD has several requirements, and may not be used to transfer all types of real property. To execute a RTODD, the owner must: (1) have the capacity to contract; (2) name the intended beneficiary(ies); (3) execute and have the deed notarized; and (4) record the RTODD within sixty days of the date of execution. If executed and recorded properly, the deed will function to transfer the property to the named beneficiaries, unless later revoked.

While the RTODD offers a simple approach to transferring real property, there are drawbacks, as well. If the transferor loses the capacity to contract, they will be unable to revoke their previously recorded RTODD. Any property transferred through the RTODD will be included in the transferor's estate, allowing Medi-Cal to recover against the property and allowing the property to be reached by any of the transferor's creditors. Additionally, with a straightforward method to transfer many California families' largest asset, it is easy to imagine the potential for predators to persuade elderly individuals to sign a RTODD. Further, the use of a RTODD can disrupt an existing estate plan and cause a disparity in the amount inherited by intended heirs, which may have the result of making litigation more likely.

The RTODD may be a useful tool to transfer the family home to future generations, but in order to ensure that it is utilized properly and does not conflict with your wishes and estate plan, you should consult an attorney prior to executing a RTODD to transfer your real estate. If one of our attorneys prepared your estate plan, it is highly unlikely that we would recommend executing a RTODD. Please contact our office if you would like to discuss the use of a RTODD and how it would affect your estate plan.

To read more about Paul M. LaMartina, click [here](#).