Texas Transfer Toolkit

Plan Ahead.
Pass it On.

TEXAS
ACCESS TO JUSTICE
COMMISSION

Texas Transfer Toolkit

Plan Ahead.
Pass it On.

Texas Transfer Toolkit Overview

The Texas Transfer Toolkit is a digital resource from the Texas Access to Justice Commission (TAJC) to help Texans with limited means transfer their home, car or money in a bank account to a beneficiary upon their death.

When someone dies without designating a beneficiary to receive these items, their loved ones must go to probate court and have a judge to decide who gets them – a process that can be costly, stressful and time-consuming. Although someone can designate who will get these items in a will, a will still must go through the probate process. Hiring a lawyer to navigate this process may be an unnecessary expense for those without complex estates. If an individual only wishes to transfer a home, car or money in a bank account, this Toolkit can avoid probate and save money.

What's Included

The Toolkit contains several forms to be completed by an asset owner prior to death, as well as one form to be completed by the beneficiary after the owner's death. The forms included in the Toolkit are:

- Transfer on Death Deed and Affidavit of Death, which transfer title to a home
- Beneficiary Designation for a Motor Vehicle and Application for Texas Title and/or Registration forms to transfer title of a vehicle

Instructions to complete or cancel the paperwork and how to obtain a Payable on Death account from their bank are also included. Preparing these forms prior to a crisis can save time, money and stress for those who are grieving.

Why It's Important

Although these forms previously existed, the new Toolkit gathers them in one centralized place, eliminating an obstacle that may have prevented individuals from taking these steps. By providing this resource for free, TAJC hopes to empower people to plan ahead and take care of their family.

Who Should Use It

This new resource is primarily for people with very limited assets and not for those with more complex estate issues. However, anyone can use the Toolkit forms to transfer their car, home or money in a bank account, even if they also need a will to transfer additional assets, such as jewelry or stocks. Individuals with more assets should consult a lawyer to ensure their wishes are followed.

Where to Find It

In addition to providing the Toolkit online at texasatj.org/texas-transfer-toolkit, free legal aid clinics across the state will increase awareness about these forms.

TEXAS ACCESS TO JUSTICE COMMISSION

Transfer on Death Deed
Instructions

Important Notice to Property Owner

Carefully read all instructions for this form. It is best to talk to a lawyer before using this form. For privacy and identity theft reasons, you should not put your social security number or driver's license number on this form.

What Is a Transfer on Death Deed?

A transfer on death deed is a simple, inexpensive way to transfer real estate to someone else upon your death. It does not involve going through probate court, which can be a lengthy and costly process. It works similarly to a life insurance policy or a payable on death account at a bank because the asset passes to your named beneficiary upon your death outside the probate system.

When to Use a Transfer on Death Deed

You may want to use a transfer on death deed when you own real property, such as a house or land, and you want to give that property to someone else when you die.

Things to Know About Using a Transfer on Death Deed

- A transfer on death deed does not affect any of your property rights during your lifetime. It only takes effect after your death. You can sell the property, use it as collateral on a loan, get property tax exemptions, and enjoy all the other property rights you currently have.
    - The named beneficiary has no legal right to the property until your death. If you decide to sell the property, the named beneficiary cannot stop you from doing so. The sale simply "voids" the transfer on death deed and it is as if the transfer on death deed never existed.
- You can only give someone the portion of the property that you own. For example, if you and your spouse own the property in equal shares and you file a transfer on death deed giving the property to someone, like a child or a friend, that person only gets your share of the property. Your spouse still has their share.
- A transfer on death deed trumps a will.
    - If you have a will that gives the property to someone else, this transfer on death deed "trumps" the will. The beneficiary named in the transfer on death deed gets the property, not the person named in your will. If you already have a will, it is best to talk to an attorney about the pros and cons of using a transfer on death deed.
    - If you make a will at some point in the future that gives the property to a different person than the beneficiary listed in this transfer on death deed, that provision does not override the deed. The beneficiary named in this transfer on death deed still gets the property. If you change your mind about who you want to get the property, you need to complete the cancellation of transfer on death deed or file an updated transfer on death deed.
- A transfer on death deed does not protect the property from creditor claims. You may use a transfer on death deed even if there is a debt or lien, such as a mortgage, against the property. However, upon your death, your beneficiary takes the property subject to all mortgages, liens and claims and will be responsible for paying those debts on the property. Also, if the property owner dies and has other unpaid debts, the property could be tied up in probate court until those debts are resolved.

- The transfer on death deed beneficiary must survive you by at least 120 hours. If not, the property is treated as if the transfer on death deed did not exist.
- A transfer on death deed cannot be created by a person acting under a property owner's power of attorney, however, that person can cancel the transfer on death deed.

Required

- Must Sign in Front of a Notary: Do not sign or date the transfer on death deed until you are standing in front of a notary public.
- Must Record Transfer on Death Deed Before Your Death: You must record (file) this deed before your death with the county clerk where the property is located or it will not be effective.

1. Property Owner (Transferor) Making this Deed: Enter your first, middle (if any), and last name, along with your mailing address. Write your name exactly as it appears on the deed you received when you became an owner of the property. If you now go by a different name, write your name as listed on the deed, followed by AKA (also known as) and your current name. If more than one person owns the property, each person must do this.
2. Legal Description of the Property: Enter the legal description of the property, which is different from the mailing or physical address of the property. This information is on the deed you received when you became an owner of the property and is also available at the county clerk's office in the county where the property is located. Do NOT use the legal description listed on your property tax bill because it is usually incomplete. IT IS VERY IMPORTANT THAT THIS INFORMATION IS CORRECT. If you are not absolutely sure, talk to a lawyer.
3. Address of the Property: Enter the physical address of the property.
4. Primary and Alternate Beneficiaries: You must check the box for A, B, or C. Check ONLY ONE box and fill in the blanks in that section.

    - Fill out Selection A if you are married and you and your spouse own the property together.
    - Fill out Selection B if you are married and you own all or part of the property by yourself (your spouse doesn't own any part of it) AND you want your spouse to get your share of the property.
    - Fill out Selection C if either you are not married OR if you are married and do not want your share of the property to go to your spouse.

    Each selection (A, B, or C) has three parts:

    1. Primary Beneficiary: A "beneficiary" is the person who will own the property when you die. The primary beneficiary is the first person you want to own the property. You can, but are not required to, name more than one person as primary beneficiary.
    2. Alternate Beneficiary or Beneficiaries: The alternate beneficiary or beneficiaries are the people you want to own the property if the primary beneficiary or beneficiaries die before you do.
    3. Transfer on Death: This section tells how you want your property to pass if all your beneficiaries die before you.
        - For Selection A and B:
            - Initial option (a) if you want the alternate beneficiary or beneficiaries' living children, grandchildren, or great-grandchildren to get your share of the property if that beneficiary dies before you do.
            - Initial option (b) if you DO NOT want the alternate beneficiary or beneficiaries' children, grandchildren, or great-grandchildren to get your share of the property if that beneficiary dies before you do.
        - For Selection C, section:

            A. If at Least One Primary Beneficiary Survives Me: If you name more than one primary beneficiary, this section tells what you want to do with your share of the property if one or more primary beneficiaries die before you, but one or more are still living.

- Initial option (a) if you want the deceased primary beneficiary or beneficiaries' share to go to that person's living children, grandchildren, or great-grandchildren.
- Initial option (b) if you DO NOT want the deceased primary beneficiary or beneficiaries' share to go to that person's children, grandchildren, or great-grandchildren. This share will be split among the living primary beneficiaries.

B. If NO Primary Beneficiary Survives Me (dies after I do): If my primary beneficiary is my child (or other descendant) or my brother or sister (or other descendant of either of my parents) AND all primary beneficiaries die before I do, I grant and convey (give) my share to (choose by writing your initials in ONE blank ONLY):

- Initial option (a) if you want the deceased primary beneficiary or beneficiaries' share to go to that person's living children, grandchildren, or great-grandchildren.
- Initial option (b) if you DO NOT want the deceased primary beneficiary or beneficiaries' share to go to that person's children, grandchildren, or great-grandchildren. The alternate beneficiary or beneficiaries will get the share.

C. If an Alternative Beneficiary Does Not Survive Me: If all your primary beneficiaries and one or more alternate beneficiaries die before you do, this section tells what you want to do with your share of the property.

- Initial option (a) if you want the deceased alternate beneficiary or beneficiaries' shares to go to that person's children, grandchildren, or great-grandchildren.
- Initial option (b) if you DO NOT want the deceased alternate beneficiary or beneficiaries' shares to go to that person's children, grandchildren, or great-grandchildren. This transfer on death deed will be canceled if no primary or alternate beneficiaries are alive when you die.

5. Signature of Property Owner: This deed must be signed before a notary. Do not sign your name or enter the date until you are in front of a notary. If two people own the property, both need to sign before a notary.

6. Acknowledgement: You do not need to fill out anything in this box. The notary will fill it out.

7. "After Recording, Return to" Section: Fill in the property owner's name and address here. Once the transfer on death deed has been recorded, it will be returned to the property owner with the specific information (the volume, page number, and/or deed number) on where the deed has been recorded in the county clerk's office so that it can be located later. Keep the transfer on death deed in a safe place.

8. File the Deed (NOT These Instructions) in the County Clerk's Office:

- Bring Original and One Copy: Bring the original and at least one copy of the complete and notarized transfer on death deed to the County Clerk's office in the county where the property is located.
- Bring Personal Identification: The county clerk may require you to show personal identification before you file this document.
- Bring Money: The County Clerk will charge a fee to file the transfer on death deed, which is typically a per page fee. Many County Clerks do not accept checks. You may want to call the County Clerk's office and find out how much the charge will be and whether they accept checks before you go. Then file the original and ask them to return a copy of the original with the recording information on it to the owner.
- Do Not File the Instructions: If you file the instructions, it may cause confusion and will also cost you more money.

Transfer on Death Deed

IMPORTANT NOTICE TO PROPERTY OWNER: Carefully read all instructions for this form. It is always best to talk to a lawyer before using this form. For privacy reasons, do not put your social security number or driver's license number on this form. Do not file these instructions.

REQUIRED:

- **Must Sign and Date Transfer on Death Deed In Front of a Notary.**
- **Must Record Transfer on Death Deed Before Your Death**: You must record (*file*) this deed before your death with the county clerk where the property is located or it will not be effective.

1. Property Owner(s) (Transferors) Making this Deed. *Enter your first, middle (if any), and last name here, along with your mailing address. If more than one person owns the property, all owners must list this information.*

_____	_____
Property Owner's Printed Name	Second Owner's Printed Name (If Applicable)
Mailing Address:	Mailing Address:
_____	_____
Address 1	*Address 1*
_____	_____
Address 2	*Address 2*
_____	_____
City State Zip	*City State Zip*

2. Legal Description of the Property. *The legal description is not the mailing or physical address of the property. The legal description is listed on the deed to the property, which you should have gotten when you became an owner. This information may also be available at the county clerk's office in the county where the property is located. Do NOT use the legal description listed on your property tax bill because it may be incorrect. IT IS VERY IMPORTANT THAT THIS INFORMATION IS CORRECT. If you are not absolutely sure, talk to a lawyer.*

_____
_____
_____
_____
Print legal description of the property.

3. Address of the Property (if any). *This is the physical address of the property. Include county.*

_____
Address City County State Zip

4. Primary and Alternate Beneficiaries. **MUST CHECK AND COMPLETE A, B, OR C (Check ONE and ONLY ONE)**:
   - *A "beneficiary" is the person who you want to own the property when you die.*
   - *Section A: Fill out this section if you are married, and you and your spouse own the property together, and you want your spouse to own the property when you die.*
   - *Section B: Fill out this section if you are married and you own the property by yourself – your spouse doesn't own any part of it – and you want your spouse to own the property when you die.*
   - *Section C: Fill out this section in all other situations. See #4 in the detailed instructions to this form.*

Transfer on Death Deed

❑ **A. Both Spouses Own the Property and Want to Leave to Surviving Spouse**: *Fill out this section if you are married, and you and your spouse own the property together, and you want your spouse to own the property when you die. Both spouses must sign the transfer on death deed.*

1) Primary Beneficiary is Surviving Spouse: The owners of this property are married to each other and are both signing this deed. If one of us dies and the other is living, the living spouse will be the sole owner of the property.

2) Alternate Beneficiary or Beneficiaries: *Enter the first, middle (if any), and last name of each person you want to get the property when both you and your spouse have died. This person(s) will be named the "beneficiary(ies)." You may list more than two beneficiaries by attaching a page with their name and mailing address.*

When we are both deceased, we want the following person(s) to own our property. This person(s) may or may not be our child, descendant, or a member of our family. If more than one alternate beneficiary is listed, they will own the property in equal shares.

_____	_____
Alternate Beneficiary *Print Name*	Second Alternate Beneficiary (Optional) *Print Name*
Mailing Address:	Mailing Address:
_____	_____
Address 1	*Address 1*
_____	_____
Address 2	*Address 2*
_____	_____
City State Zip	*City State Zip*

3) Transfer on Death: *If the alternate beneficiary is your child (or other descendant) or your brother or sister (or other descendant of either of your parents), you must choose an option below.*

At my death, I convey to (*give*) the primary beneficiary my interest in the property to have and hold forever. If my primary beneficiary does not survive me (*dies before I do*), I grant and convey (*give*) my interest in the property to my alternate beneficiary. If my alternate beneficiary is my child (or other descendant) or my brother or sister (or other descendant of either of my parents) AND an alternate beneficiary dies before I do, I grant and convey (*give*) my share to any living alternate beneficiary AND (choose by writing your initials in ONE blank ONLY):

_____ (a) the deceased alternate beneficiary's share will pass to his/her surviving children or other descendants.

_____ (b) no one else. I do not want the deceased alternate beneficiary's surviving children or other descendants to have a share of the property. If no primary or alternate beneficiary is alive when I die, this deed is canceled and has no force and effect, as if it had never been executed.

Transfer on Death Deed

❑ **B. Only One Spouse Owns the Property**: *Fill out this section if you are married and you own all or part of the property by yourself – your spouse doesn't own any part of it – and you want your spouse to own the property when you die.*

1) Primary Beneficiary: I designate my spouse as the primary beneficiary if I die before my spouse:

Spouse's Printed Name: _____

Spouse's Mailing Address:

_____
Address 1

_____
Address 2

_____
City *State* *Zip*

2) Alternate Beneficiary or Beneficiaries: *Enter the first, middle (if any), and last name of each person you want to get the property if your spouse dies before you. You may list more than two alternate beneficiaries by attaching a page with their name and mailing address.*

If my spouse dies before me, I want the following person(s) to own my property when I die. This person(s) may or may not be my child, descendant, or a member of my family. If more than one alternate beneficiary is listed, they will own the property in equal shares.

_____
Alternate Beneficiary *Print Name*

Mailing Address:

_____
Address 1

_____
Address 2

_____
City *State* *Zip*

_____
Second Alternate Beneficiary (Optional) *Print Name*

Mailing Address:

_____
Address 1

_____
Address 2

_____
City *State* *Zip*

3) Transfer on Death: *If the alternate beneficiary is your child (or other descendant) or your brother or sister (or other descendant of either of your parents), you must choose an option below.*

At my death, I convey to (*give*) the primary beneficiary my interest in the property to have and hold forever. If my primary beneficiary does not survive me (*dies before I do*), I grant and convey (*give*) my interest in the property to my alternate beneficiary. If my alternate beneficiary is my child (or other descendant) or my brother or sister (or other descendant of either of my parents) AND an alternate beneficiary dies before I do, I grant and convey (*give*) my share to any living alternate beneficiary AND (choose by writing your initials in ONE blank ONLY):

_____ (a) the deceased alternate beneficiary's share will pass to his/her surviving children or other descendants.

_____ (b) no one else. I do not want the deceased alternate beneficiary's surviving children or other descendants to have a share of the property. If no primary or alternate beneficiary is alive when I die, this deed is canceled and has no force and effect, as if it had never been executed.

Transfer on Death Deed

❑ **C. Other**: *Fill out this section if neither section A or B apply to you, including if you are married and you do not want your share of the property to go to your spouse.*

1) Primary Beneficiary: *Enter the first, middle (if any), and last name of each person you want to get the property when you die. This person or people will be named the "beneficiary". You may list more than two primary beneficiaries by attaching a page with their name and mailing address.*

I want the following person(s) to own my property. This person(s) may or may not be my child, descendant, or a member of my family. If more than one primary beneficiary is listed, they will own the property in equal shares.

_____	_____
Primary Beneficiary *Print Name*	Second Primary Beneficiary (Optional) *Print Name*
Mailing Address:	Mailing Address:
_____	_____
Address 1	*Address 1*
_____	_____
Address 2	*Address 2*
_____	_____
City State Zip	*City State Zip*

2) Alternate Beneficiary or Beneficiaries: *Enter the first, middle (if any), and last name of each person you want to get the property if all primary beneficiaries die before you. You may list more than two alternate beneficiaries by attaching a page with their name and mailing address.*

If all the primary beneficiary or beneficiaries die before me, I want the following person(s) to own my property. If more than one alternate beneficiary is listed, they will own the property in equal shares:

_____	_____
Alternate Beneficiary *Print Name*	Second Alternate Beneficiary (Optional) *Print Name*
Mailing Address:	Mailing Address:
_____	_____
Address 1	*Address 1*
_____	_____
Address 2	*Address 2*
_____	_____
City State Zip	*City State Zip*

3) Transfer on Death: *If the primary or alternate beneficiary is your child (or other descendant) or your brother or sister (or other descendant of either of your parents), you must choose an option from each A and B below.*

At my death, I convey to (*give*) the primary beneficiary my interest in the property to have and hold forever.

Transfer on Death Deed

A) If at least one Primary Beneficiary Survives Me (*dies after I do*):
If my primary beneficiary is my child (or other descendant) or my brother or sister (or other descendant of either of my parents) AND a primary beneficiary dies before I do, I grant and convey (*give*) my share to any living primary beneficiary AND (choose by writing your initials in ONE blank ONLY):

_____ (a) the deceased primary beneficiary's share will pass to his/her surviving children or other descendants.
_____ (b) no one else. I do not want the deceased primary beneficiary's surviving children or other descendants to have a share of the property.

B) If NO Primary Beneficiary Survives Me (*dies after I do*):
If my primary beneficiary is my child (or other descendant) or my brother or sister (or other descendant of either of my parents) AND all primary beneficiaries die before I do, I grant and convey (*give*) my share to (choose by writing your initials in ONE blank ONLY):

_____ (a) the deceased primary beneficiary's share will pass to his/her surviving children or other descendants.
_____ (b) the alternate beneficiary or beneficiaries. I do not want the deceased primary beneficiary's surviving children or other descendants to have a share of the property. If no primary beneficiary is alive when I die and I did not choose an alternate beneficiary, this deed is canceled and has no force and effect, as if it had never been executed.

C) If an Alternate Beneficiary Does Not Survive Me (*dies before I do*):
If my alternate beneficiary is my child (or other descendant) or my brother or sister (or other descendant of either of my parents) AND an alternate beneficiary dies before I do, I grant and convey (*give*) my share to any living alternate beneficiary AND (choose by writing your initials in ONE blank ONLY):

_____ (a) the deceased alternate beneficiary's share will pass to his/her surviving children or other descendants.
_____ (b) no one else. I do not want the deceased alternate beneficiary's surviving children or other descendants to have a share of the property. If no primary or alternate beneficiary is alive when I die, this deed is canceled and has no force and effect, as if it had never been executed.

Transfer on Death Deed

5. Signature of Property Owner(s) Making this Deed: ***Do not sign or date below until you are in front of a notary public.***

_____ _____

Owner's Signature *Second Owner's Signature (If Applicable)*

_____ _____

Date *Date*

FOR NOTARY TO COMPLETE
Acknowledgement

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on the _____ day of _____, 20____, by

_____.

_____
Notary Public's Signature

After recording, please return to:

Owner's Name and Mailing Address

_____
Name

_____
Address 1

_____
Address 2

_____
City *State* *Zip*

Transfer on Death Deed Cancellation
Instructions

Important Notice to Property Owner

Carefully read all instructions for this form. It is best to talk to a lawyer before using this form. For privacy reasons, do not put your social security number or driver's license number on this form. Do not file these instructions.

When to Use this Form

- If you change your mind and decide you do not want the primary or alternate beneficiaries listed in your transfer on death deed to own the property upon your death, use this form to cancel the transfer on death deed. See the general instructions to the transfer on death deed for information on cancelling a transfer on death deed by filing a new transfer on death deed or after a divorce.
- Tearing up or destroying your copy or the beneficiary's copy of the transfer on death deed will not cancel the deed. A cancellation must be filed with the county clerk where the property is located before your death.

Important Information

- The cancellation applies ONLY to the portion of the property you own. For example: Joe and Sue own property together. They both sign and file a transfer on death deed naming Ann as the beneficiary. Sue changes her mind and files a cancellation of transfer on death deed but Joe doesn't. When Joe dies, Ann will get his share of the property but not Sue's share.
- If more than one owner wants to cancel the transfer on death deed, it is best if each owner completes a separate cancellation of transfer on death deed.
- Cancellation of a transfer on death deed is sometimes called a "revocation" of a transfer on death deed.

Required

- Must Sign in Front of a Notary: Do not sign or date the cancellation of transfer on death deed until you are standing in front of a notary public.
- Must Record Cancellation Form Before Your Death: You must file this cancellation of transfer on death deed form with the county clerk where the property is located before your death. If you don't, the property will go to the person(s) listed as the primary or alternate beneficiaries in the transfer on death deed upon your death. NOTE: Tearing up or destroying your copy or the beneficiary's copy of the transfer on death deed will not cancel the deed.

Completing the Cancellation of Transfer on Death Deed Form

1. Property Owner (Transferor) Making this Cancellation:
   - The person who currently owns the property must complete this cancellation form.
   - If more than one person owns the property, each property owner who wants to cancel the transfer on death deed for their share of the property should complete a cancellation of transfer on death deed form.

2. Legal Description of the Property: Enter the legal description of the property exactly as it appears on the original transfer on death deed. IT IS VERY IMPORTANT THAT THIS INFORMATION IS CORRECT. If you are not absolutely sure, talk to a lawyer.

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

4. Cancellation: You do not need to fill out anything in this section.

5. Signature of Owner: The cancellation must be signed before a notary. Do not sign your name or enter the date until you are standing in front of a notary.

6. Acknowledgement: You do not need to fill out anything in this box. The notary will fill it out.

7. "After Recording, Return to" Section: Fill in your name and address. Once the transfer on death deed has been recorded, it will be returned to you with the specific information on where the cancellation of the transfer on death deed has been recorded in the county's clerk office so that it can be located later. Keep the cancellation of transfer on death deed in a safe place.

8. File the Cancellation of Transfer on Death Deed (NOT These Instructions) in the County Clerk's Office:

    - Bring Original and One Copy: Bring the original and one copy of the complete and notarized Cancellation of Transfer on Death Deed to the County Clerk's office in the county where the property is located.

    - Bring Money: The County Clerk will charge a fee to file the Cancellation of Transfer on Death Deed and may not take a check. You may want to call the County Clerk's office and find out how much the charge will be before you go. File the original and ask them to return a copy of the original with the recording information on it to the owner.

    - Do Not File the Instructions: If you file the instructions, it may cause confusion and will also cost you more money.

Cancellation of Transfer on Death Deed

IMPORTANT NOTICE TO PROPERTY OWNER:

- Carefully read all instructions for this form. You may want to talk to a lawyer before using this form.
- **The Cancellation Applies ONLY to the Portion of the Property Owned by the Person Signing this Cancellation**. For example: Joe and Sue own property together. They both sign and file a transfer on death deed naming Ann as the beneficiary. Sue changes her mind and files a cancellation of transfer on death deed but Joe doesn't. When Joe dies, Ann will get his share of the property but not Sue's share.
- **Must Record Cancellation Before Your Death**: You **must** file the completed Cancellation of Death Deed form with the county clerk where the property is located **before** your death. If you don't, the property will go to the person(s) listed as the primary or alternate beneficiaries in the transfer on death deed upon your death. NOTE: Tearing up or destroying your copy or the beneficiary's copy of the transfer on death deed will not cancel the deed.

1. Property Owner (Transferor) Making this Cancellation. *Enter your first, middle (if any), and last name here, along with your mailing address. If more than one person owns the property, each property owner who wants to cancel the transfer on death deed for their share of the property should complete a cancellation of transfer on death deed form.*

   _____
   Property Owner's Printed Name
   Owner's Mailing Address:

   _____
   Address 1

   _____
   Address 2

   _____
   City *State* *Zip*

2. Legal Description of the Property. *Enter the legal description of the property exactly as it appears on the original transfer on death deed. IT IS VERY IMPORTANT THAT THIS INFORMATION IS CORRECT. If you are not absolutely sure, talk to a lawyer.*

   _____
   _____
   _____
   _____
   Print legal description of the property.

3. Address of the Property (if any). *This is the physical address of the property. Include county.*

   _____
   Address *City* *County* *State* *Zip Code*

Cancellation of Transfer on Death Deed

4. Cancellation.

I cancel all my previous transfers of this property by transfer on death deed.

5. Printed Name and Signature of Owner (Transferor) Making this Cancellation. ***Do not sign your name or enter the date until you are standing in front of a notary.***

_____ _____
Owner's Signature Date

_____
Owner's Printed Name

FOR NOTARY TO COMPLETE
Acknowledgement

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me by the above named Owner on the _____ day of _____, 20____,

By _____.
Notary Public, State of _____

After recording, return to:

_____
Owner's Name

Owner's Mailing Address:

_____
Address 1

_____
Address 2

_____
City State Zip

Affidavit of Death Form
Instructions

Important Notice to Property Owner
Carefully read all instructions for this form. It is best to talk to a lawyer before using this form. For privacy reasons, you do not need to put your social security number or driver's license number on this form. Do not file these instructions.

When to Use This Form
- When the property owner who created the transfer on death deed dies, this form is used by a named beneficiary to get legal ownership of the property.
- Title to the property does not pass to the beneficiary(ies) until the affidavit of death is filed. Without legal title, you cannot sell the property, or get property tax exemptions, or use the property as collateral on a loan.

Important Information
- Primary Beneficiary Takes Before Alternate Beneficiary: If any primary beneficiary is alive for more than 120 hours after the property owner who created the transfer on death deed dies (now called the "Decedent"), no alternate beneficiary will get the property. An alternate beneficiary can only get the property if all primary beneficiaries have died before the decedent's death or within 120 hours after the decedent's death.
- Proof of Death: After the Affidavit of Death is filed, you will need to provide acceptable proof that the Decedent has died, such as a death certificate or an obituary, to the title company before the property can be sold, used as collateral for a loan, or otherwise encumbered.

Required
- Must Sign In Front of A Notary: Do not sign or date the Affidavit of Death until you are in front of a notary.
- Must Record Affidavit of Death for Property Title to Transfer to Beneficiary: You must record (file) this Affidavit of Death with the county clerk where the property is located for title to the property to legally transfer to the named beneficiary(ies) listed in the transfer on death deed.

Completing the Affidavit of Death Form
1. Information of Person Signing Affidavit: Enter your first, middle (if any), and last name. You are the affiant (the person filling out and signing the affidavit).
2. Legal Description of the Property: Enter the legal description of the property exactly as it appears on the original transfer on death deed. IT IS IMPORTANT THAT THIS INFORMATION IS CORRECT. If you are not absolutely sure, talk to a lawyer.
3. Transfer on Death Deed Filed by Decedent:
   - Enter the name of the person who signed the transfer on death deed and has now died exactly as it appeared in the transfer on death deed in the chart. This person is now called the "Decedent."

- Enter the date the transfer on death deed was filed, and the county the deed was filed in the appropriate blanks.
- Enter the volume and page number where the transfer on death deed was filed. This can be found on a file-stamped copy of the transfer on death deed. Some counties have stopped using volume and page numbers. If the file-stamped copy does not have a volume and page number, use the instrument or document number instead. If you don't have a stamped copy of the transfer on death deed, you can get a copy at the county clerk's office in the county where it was filed.

4. Information of Person Who Signed the Transfer on Death Deed: Enter the date the Decedent died, and the city, county, and state where they died in the chart.
5. Affiant's Signature: This affidavit must be signed before a notary. Do not sign your name or enter the date until you are standing in front of a notary.
6. Acknowledgement: You do not need to fill out anything in this box. The notary will fill it out.
7. "After Recording, Return to" Section: Fill in the name and address of the beneficiary, who is a new owner of the property now that the Decedent has died, here. Once the affidavit is recorded, it will be returned to the beneficiary with a document number or a volume and page number so that it can be located later.
8. File the Affidavit of Death (NOT These Instructions) in the County Clerk's Office:
    - Bring Original and One Copy: Bring the original and at least one copy of the complete and notarized Affidavit of Death to the County Clerk's office in the county where the property is located.
    - Bring Personal Identification: The county clerk may require you to show personal identification.
    - Bring Money: The County Clerk will charge a fee to file the Affidavit of Death and may not accept a check. You may want to call the County Clerk's office and find out how much the charge will be before you go.
    - Do Not File the Instructions: If you file the instructions, it may cause confusion and will also cost you more money.

AFFIDAVIT OF DEATH
FOR TRANSFERING TITLE ON PROPERTY LISTED IN A TRANSFER ON DEATH DEED

THE STATE OF TEXAS
COUNTY OF _____

I swear that the following statements are true:

1. Information of Person Signing Affidavit (Affiant). *Print your first, middle (if any), and last name here.*

   My name is _____. I am at least eighteen (18) years old or older and am competent to make this affidavit. I am familiar with the past ownership and occupancy of the real property described below in this affidavit.

2. Legal Description of the Property. *The legal description is not the mailing or physical address of the property. The legal description is listed on the deed to the property, which can be found on the Transfer on Death Deed as well as at the county clerk's office in the county where the property is located.*

   _____
   _____
   _____
   _____
   Print legal description of the property.

3. Transfer on Death Deed Filed by Decedent.
   - *Print the first, middle and last name of the deceased person who signed the transfer on death deed for the property exactly as it appeared on the Transfer on Death Deed. This person is now called the "Decedent."*
   - *Print the date the transfer on death deed was filed and the county where the transfer on death deed was filed. Print the volume and page number where the Transfer on Death Deed was filed, or if not available, print the transfer on death deed's document or instrument number.*

   _____ (Decedent) signed a transfer on death
   First Middle Last

   deed regarding this property on _____. The transfer on death deed was
   Date

   filed with the county clerk in _____ County, Texas, on _____
   Date

   and can be found in Volume _____, Page_____ of the county clerk's records, or if not available

   under document or instrument number _____.

AFFIDAVIT OF DEATH
FOR TRANSFERING TITLE ON PROPERTY LISTED IN A TRANSFER ON DEATH DEED

4. Information of Deceased Person Who Signed the Transfer on Death Deed (Decedent).
   - *Print the date the person died, and the county and state where they died.*

   The information regarding the death of the above named Decedent is as follows:

Date of Death			Date and Place of Death		
Month	Day	Year	City	County	State

5. Affiant's Signature. ***Do not sign or date until you are standing in front of a notary***. *Once the Affidavit of Death is signed and notarized, you **must** file it with the county clerk in the county where the property is located.*

_____
Affiant's Signature

_____
Date

FOR NOTARY TO COMPLETE
Acknowledgement and Affidavit

STATE OF _____

COUNTY OF _____

This instrument was acknowledged and sworn to before me on the _____ day of _____,

20____, by _____.

By _____.
Notary Public, State of _____

After recording, please return to:

Beneficiary's Name:

_____

Beneficiary's Mailing Address:

_____
Address 1

_____
Address 2

_____
City State Zip

Motor Vehicle Beneficiary Designation and Application for Texas Title and/or Registration

Instructions

What Happens to My Car After I Die?

Most people think that they can simply give the car keys to the person they want to have the car when they die. Unfortunately, it isn't that easy. The car title must be legally transferred to show that person now owns the car.

Until recently, the only way to legally transfer title to a car after the owner died was to go through probate court, which often costs more than the car is worth.

Now, car owners can complete the two Texas Department of Motor Vehicles forms in this kit before they die to choose who they want the car to go to.

How Do I Legally Transfer My Car to Someone After I Die? It's a Three-Step Process:

1. Complete the Beneficiary Designation for a Motor Vehicle form in this kit (Form VTR-121, Texas Department of Motor Vehicles). This form tells the Texas Department of Motor Vehicles who you want to give your car to upon your death (also called 'the beneficiary").
2. Complete the Application for Texas Title and/or Registration form in this kit (Form 130-U, Texas Department of Motor Vehicles). This form tells the Texas Department of Motor Vehicles to add the beneficiary's name to the car title.
3. Bring both completed forms, proof of your ownership of the car (your car title or other proof), and the $28 or $33 title application fee to your county's tax assessor-collector's office.

Beneficiary Designation of a Motor Vehicle Form

1. What information will I need to fill it out?
   - The Vehicle Identification Number (VIN), which is usually listed on the proof of car insurance, or etched on the window of the car.
   - The full legal name of the person you want the car to go to.
   - Some form of ID that has been issued by the government, such as a driver's license, ID card, or passport.
2. How do I fill it out? For help completing the form, contact your local county tax assessor-collector. It is probably best to go to their office and ask for help.

   In the Certification section, choose the box that meets your needs:
   - If you've never before named a beneficiary to this vehicle, check the first box that says you are "designating" the beneficiary.
   - If you've already named a beneficiary but have changed your mind and want someone else to get it, check the second box that says you are "changing" the beneficiary designation.

- If you've already named a beneficiary and now don't want that person or anyone else to get it, check the third box that says you are "revoking" the beneficiary designation.

Application for Texas Title and/or Registration Form

1. How do I fill out the Application for Texas Title and/or Registration form? For help completing the form, contact your local county tax assessor-collector. It is probably best to go to their office and ask for help. If you do, make sure to have the information needed to complete the form with you, like the Vehicle Identification Number (VIN), your driver's license number or ID.

   General instructions:

   - In the "Applying for" section, check the "Title Only" box.
   - In the "For a corrected title or registration, check reason" section, check "Other" and write "Beneficiary Designation" in the blank.
   - It is unlikely that you will need to complete anything after number 28. Contact your local county tax assessor-collector for additional information.

2. What happens after I submit both forms and the application fee to my local tax assessor-collector? They will send you a new car title with the beneficiary's name on it. The beneficiary's name will also be listed in the Texas Department of Motor Vehicle's database, which is important since the beneficiary does not need to have a physical copy of the title with his/her name on it to have the title transferred into his/her name after your death.

Texas Department of Motor Vehicles

Beneficiary Designation for a Motor Vehicle

Vehicle Information

Vehicle Identification Number	Year	Make	Body Style	Model

Title/Document Number (if available)	License Plate State and Number (if any)

Owner Information

First Name	Middle Name	Last Name	Suffix (if any)

Additional Owner (if applicable) First Name	Middle Name	Last Name	Suffix (if any)

Address	City	State	Zip

Email (optional)	Phone Number (optional)

Designated Beneficiary Information – Must be complete legal name

First Name	Middle Name	Last Name	Suffix (if any)

Address	City	State	Zip

Designated Beneficiary Government Issued Identification (ID) Information – Optional

ID Type (driver license, ID card, passport, etc.)	Jurisdiction Issuing ID	ID Number	ID Expiration

Certification – State law makes falsifying information a third degree felony

Select one:

☐ I, the owner(s) listed above, am designating the beneficiary listed above to whom interest of the motor vehicle listed above will transfer upon my death, or upon the last surviving joint owner's death. I understand this designation does not provide the beneficiary any interest in this motor vehicle during my life or affect the interest or right of a secured or unsecured creditor or future creditor. I understand a will does not revoke or supersede this designation regardless of when the will is made.

☐ I, the owner(s) listed above, am changing the beneficiary designation from the individual currently reflected on the motor vehicle to the designated beneficiary listed above. I understand this designation does not provide the new beneficiary any interest in this motor vehicle during my life or affect the interest or right of a secured or unsecured creditor or future creditor. I understand a will does not revoke or supersede this designation regardless of when the will is made.

☐ I, the owner(s) listed above, am revoking the beneficiary designation of the designated beneficiary listed above and am not designating a new beneficiary.

Signature of Owner	Printed Name (Same as Signature)	Date

Signature of Additional Owner (if applicable)	Printed Name (Same as Signature)	Date

Beneficiary Designation for a Motor Vehicle

Information

An owner or joint owners may designate a beneficiary to whom interest in the motor vehicle transfers upon the death of the owner or last surviving owner. A designated beneficiary has no interest in a motor vehicle until the owner's (or last surviving owner's) death. **Note: A beneficiary does not have to consent to this designation for it to be valid.**

The beneficiary designation can only be applied when all the recorded owners are individuals. If any recorded owner is an entity (such as a business or trust), the beneficiary designation cannot be applied to the motor vehicle record.

In order for a beneficiary to be designated, changed or revoked, this form must be submitted with an *Application for Texas Title and/or Registration* (Form 130-U), the $28 or $33 title application fee, and valid ownership evidence to a county tax assessor-collector's office before the owner's death. This form must contain original signatures of all owners.

Multiple Owners

In order for joint owners of a motor vehicle to designate a beneficiary, the joint owners must have entered into a *Rights of Survivorship Agreement (refer to the Rights of Survivorship Agreement for a Motor Vehicle* (Form VTR-122) for more information). Joint owners will not be able to designate a beneficiary unless they have recorded (or are also recording) the Rights of Survivorship Agreement with the department. The Rights of Survivorship must be indicated on the Texas title record in order to apply the beneficiary designation. The beneficiary will only have claim to the motor vehicle after the death of the last surviving owner.

Whether adding, changing, or revoking a beneficiary designation, each owner is required to sign the same form.

Revoking/Changing Beneficiary Designation

This designation may be changed or revoked at any time without the consent of the designated beneficiary. To revoke or change a beneficiary, this form must be completed. This completed form must be submitted with an *Application for Texas Title and/or Registration* (Form 130-U), the $28 or $33 title application fee, and the current Texas title.

Upon Owner's Death

Upon the owner's (or last surviving owner's) death, the beneficiary may transfer the motor vehicle into their name if they survive the owner (or last surviving owner) by 120 hours and the title application is submitted not later than the 180th day after the owner's (or last surviving owner's) death. Alternatively, the beneficiary may disclaim (decline) interest in the motor vehicle. A beneficiary must obtain a title in their name prior to any subsequent transfer by the beneficiary. If the beneficiary has not submitted an application by the 180th day or the beneficiary has disclaimed interest, the motor vehicle may be transferred through heirship or must be probated. A beneficiary that claims a motor vehicle subject to a lien (or other interest) is subject to those liens (or other interests). A release of lien from the lienholder on record is required if the current record reflects a lien unless the lien carries forward.

To claim the vehicle, the beneficiary must submit an *Application for Texas Title and/or Registration* (Form 130-U), the $28 or $33 title application fee, the Texas title in the deceased owner's name listing the beneficiary, and a death certificate. A release of lien from the lienholder on record is required if the current record reflects a lien unless the lien carries forward. If the Texas title in the deceased owner's name is not available, the beneficiary may obtain a printout of the motor vehicle record at the time of title application from the county tax assessor-collector.

Note: A will does not revoke or supersede a beneficiary designation, regardless of when the will is made.

Application for Texas Title and/or Registration

Applying for (please check one):
☐ Title & Registration ☐ Title Only ☐ Registration Purposes Only ☐ Nontitle Registration

For a corrected title or registration, check reason:
☐ Vehicle Description ☐ Add/Remove Lien ☐ Other: _____

TAX OFFICE USE ONLY
County: _____
Doc #: _____
☐ SPV ☐ Appraisal Value $ _____

1. Vehicle Identification Number	2. Year	3. Make	4. Body Style	5. Model	6. Major Color	7. Minor Color

8. Texas License Plate No.	9. Odometer Reading (no tenths)	10. This is the Actual Mileage unless the mileage is: ☐ Not Actual ☐ Exceeds Mechanical Limits ☐ Exempt	11. Empty Weight	12. Carrying Capacity (if any)

13. Applicant Type
☐ Individual ☐ Business ☐ Government ☐ Trust ☐ Non-Profit

14. Applicant Photo ID Number or FEIN/EIN

15. ID Type
☐ U.S. Driver License/ID Card (issued by: _____) ☐ NATO ID ☐ U.S. Dept. of State ID
☐ Passport (issued by: _____) ☐ U.S. Military ID ☐ U.S. Dept. of Homeland Security ID
☐ U.S. Citizenship & Immigration Services/DOJ ID ☐ Other Military Status of Forces Photo ID

16. Applicant First Name (or Entity Name)	Middle Name	Last Name	Suffix (if any)

17. Additional Applicant First Name (if applicable)	Middle Name	Last Name	Suffix (if any)

18. Applicant Mailing Address	City	State	Zip	19. Owner County of Residence

20. Previous Owner Name (or Entity Name)	City	State	21. Dealer GDN (if applicable)	22. Unit No. (if applicable)

23. Renewal Recipient First Name (or Entity Name) (if different)	Middle Name	Last Name	Suffix (if any)

24. Renewal Notice Mailing Address (if different)	City	State	Zip

25. Applicant Phone Number (optional)	26. Email (optional)	27. Registration Renewal eReminder ☐ Yes (Provide Email in #26)

28. Vehicle Location Address (if different)	City	State	Zip

29. Multiple (Additional) Liens ☐ Yes (Attach Form VTR-267)	30. Electronic Title Request ☐ Yes (Cannot check #29)	31. Certified/eTitle Lienholder ID Number (if any)	32. First Lien Date (if any)

33. First Lienholder Name (if any)	Mailing Address	City	State	Zip

34. Check only if applicable:

MOTOR VEHICLE TAX STATEMENT

☐ I hold Motor Vehicle Retailer's (Rental) Permit No. _____ and will satisfy the minimum tax liability (V.A.T.S., Tax Code §152.046[c])
☐ I am a dealer or lessor and qualify to take the Fair Market Value Deduction (V.A.T.S., Tax Code, §152.002[c]). GDN or Lessor Number _____

35. Trade-In (if any) ☐ Yes (Complete)	Year	Make	Vehicle Identification Number	36. Additional Trade-In(s) ☐ Yes

37. Check only if applicable:

SALES AND USE TAX COMPUTATION

☐ (a) Sales Price ($_____ rebate has been deducted) $ _____
(b) Less Trade-in Amount, described in Item 35 above $ (_____)
(c) For Dealers/Lessors/Rental ONLY – Fair Market Value Deduction, described in Item 35 above $ (_____)
(d) Taxable Amount (Item a minus Item b or Item c) $ _____
(e) 6.25% Tax on Taxable Amount (Multiply Item d by .0625) $ _____
(f) Late Tax Payment Penalty ☐ 5% or ☐ 10% $ _____
(g) Tax Paid to _____ (STATE) $ _____
(h) AMOUNT OF TAX AND PENALTY DUE (Item e plus Item f minus Item g) $ _____

☐ $90 New Resident Tax – (Previous State) _____
☐ $5 Even Trade Tax
☐ $10 Gift Tax – Use Comptroller Form 14-317
☐ $65 Rebuilt Salvage Fee
☐ 2.5% Emissions Fee (Diesel Vehicles 1996 and Older > 14,000 lbs.)_____
☐ 1 % Emissions Fee (Diesel Vehicles 1997 and Newer > 14,000 lbs.)_____
☐ Exemption claimed under the Motor Vehicle Sales and Use Tax Law because: _____
☐ $28 or $33 Application Fee for Texas Title (Contact your county tax assessor-collector for the correct fee.)

CERTIFICATION – State law makes falsifying information a third degree felony

I hereby certify all statements in this document are true and correct to the best of my knowledge and belief, and I am eligible for title and/or registration (as applicable).

Signature(s) of Seller(s), Donor(s), or Trader(s)	Printed Name(s) (Same as Signature(s))	Date

Signature of Applicant/Owner	Printed Name (Same as Signature)	Date

Signature(s) of Additional Applicant(s)/Owner(s)	Printed Name(s) (Same as Signature(s))	Date

Application for Texas Title and/or Registration

General Instructions

With a few exceptions, you are entitled to be informed about the information the department collects about you. The Texas Government Code entitles you to receive and review the information and to request that the department correct any information about you that is deemed incorrect. Please contact the Texas Department of Motor Vehicles at 1-888-368-4689 or 512-465-3000 for details.

This form must be completed and submitted to your county tax assessor-collector accompanied by any required application fee, supporting documents, registration fee, if applicable, and any motor vehicle tax due. An application form may be reproduced or faxed. A completed form must contain the original signature of the buyer. The seller's signature may be reproduced or faxed. All title applications must include one of the government-issued photo IDs listed in Box 15. Detailed instructions for completing this form are located in the *Detailed Instructions for Application for Texas Title and/or Registration* (Form VTR-130-UIF).

AVAILABLE HELP

- For assistance in completing this form, contact your county tax assessor-collector.
- For information about motor vehicle sales and use tax or emission fees, contact the Texas Comptroller of Public Accounts, Tax Assistance Section, at 1-800-252-1382 toll free nationwide or call 512-463-4600.
- For title or registration information, contact your county tax assessor-collector or the Texas Department of Motor Vehicles at 1-888-368-4689 or 512-465-3000.

Additional Details

Title Only: License plates and registration insignia previously issued for this motor vehicle must be surrendered in accordance with Transportation Code §501.0275, if applicable, unless this vehicle displays a license plate under an applicable status of forces agreement. The following types of vehicles are not eligible for Title Only: construction machinery (unconventional vehicles), water well drilling units, machinery used exclusively for drilling water wells, construction machinery not designed to transport persons or property, implements of husbandry, farm equipment (including combines), golf carts, slow moving vehicles, or any vehicle with a suspended or revoked title.

Registration Purposes Only: Do not surrender an original out of state title with this application. A Texas title will NOT be issued for a vehicle applying for Registration Purposes Only. The receipt issued upon filing this application will serve as the registration receipt and proof of application for Registration Purposes Only.

- Foreign Vehicles: Foreign vehicles applying for Registration Purposes Only must attach DOT Form HS-7 or U.S. Customs Form CF-7501 to indicate the vehicle is: 1) over 25 years old, or 2) complies with Federal Motor Vehicle Safety Standards, or 3) is being imported in the United States for a temporary period by a nonresident or a member of the armed forces of a foreign country on assignment in the U.S., and does not conform to the Federal Motor Vehicle Standards and cannot be sold in the U.S.

Nontitle Registration: Certain trailers, farm equipment, construction machinery, oil well servicing machinery, water well drilling units, etc. are either exempt from, or not eligible for title, but are eligible for, or required to, obtain registration or a specialty plate in order to operate on the highway. Applicants should mark this box only when applicable. **Note**: A lien cannot be recorded on this type of application.

Out of State Vehicles: Self-certification of the Vehicle Identification Number (VIN) is allowed if a VIN verification form issued by a Texas state-approved safety inspection station is not included with the submission of this application if the applicant certifies the vehicle is located out of state. See *Vehicle Identification Number Certification* (Form VTR-270) for more information.

Notice

- The sales and use tax must be paid to the county tax assessor-collector within 30 days from the date of purchase or entry of the vehicle into Texas.
- A $2.50 transfer fee is paid to transfer current registration to the new owner in addition to the title application fee and other applicable fees. If the registration is not current, full registration fees are due unless applying for Title Only.
- A 6.25 percent motor vehicle sales and use tax is imposed on the sales price (less trade-in allowance) of motor vehicles for use in Texas or a motor vehicle purchased outside of the state and later brought into this state by a Texas resident.
- Standard Presumptive Value (SPV) applies to private-party sales of most used motor vehicles purchased or brought into Texas. The tax is computed on the greater of the sales price or 80 percent of the SPV on the day of title application.
- New Texas residents are subject to a $90 use tax on a vehicle brought into this state that was previously registered to the new resident in another state or foreign country. This is in lieu of the 6.25 percent use tax imposed on a Texas resident.
- A $10 gift tax is due when a person receives a motor vehicle as a gift from an immediate family member, guardian, or a decedent's estate. A vehicle donated to, or given by, a non-profit service organization qualifying under IRC 501(c)(3) is also taxed as a gift. Both donor and recipient must sign the Comptroller's joint affidavit, *Affidavit of Motor Vehicle Gift Transfer* (Form 14-317). The affidavit and the title application must be submitted in person by either the donor or recipient.
- A transaction in which a motor vehicle is transferred to another person without payment of consideration and one that does not qualify as a gift described above is a sale and will be subject to tax calculated on the vehicle's standard presumptive value.
- A late penalty equal to 5 percent of the tax will be charged if the tax or surcharge is paid from 1 to 30 calendar days late. If more than 30 calendar days late, the penalty will be 10 percent of the tax; minimum penalty is $1.
- In addition to the late tax payment penalty, Texas Transportation Code provides for an escalating delinquent transfer penalty of up to $250 for failure to apply for title within 30 days from the date of title assignment. Submit this application along with proper evidence of ownership and appropriate valid proof of financial responsibility such as a liability insurance card or policy.
- All new residents applying for a Texas title and registration for a motor vehicle must file at the county tax assessor-collector of the county in Texas where the applicant resides within 30 days of establishing residency. Texas law requires that all vehicles previously registered and titled or registered in another state or country be inspected for safety and the vehicle identification number verified before such vehicles may be registered in Texas. These inspections must be made by a state appointed safety inspection station that will complete a Texas Vehicle Inspection Report. This form must be submitted to the county tax assessor-collector with your application for registration and Texas title.

Payable on Death Bank Accounts
Instructions

Why Do I Need a Payable on Death Bank Account?

If you don't have a payable on death bank account, no one can access the money in your bank account when you die to pay your bills, funeral costs, or other necessities. Any money in your account becomes part of your estate and a probate court judge will decide who can access the money. Going to probate court can take a lot of time and can be expensive for your family and friends who will be paying the cost of going to probate court (court costs, a lawyer, etc.).

If you have a payable on death bank account, all the money in your account will go directly to the people you choose to get it – without the expense and inconvenience to your family and friends of going through probate court.

How Do I Get a Payable on Death Bank Account?

1. Decide who you want to get the money or other asset in any checking account, savings account, certificates of deposit, safe deposit box, or other bank account. You can name more than one person, if you'd like.
2. Go to your bank and tell them that you want to make your bank account payable on death.
3. Your bank will ask you to name a beneficiary or beneficiaries (the person or people you want the money to go to) and to sign your name to confirm that this is what you want to do.

TEXAS ACCESS TO JUSTICE COMMISSION

Instructions for Beneficiaries

After Filing Toolkit Forms, Give This to Your Loved Ones

This paper tells your loved ones who will get your home, car, or bank account(s) after your death. It's also a good idea to give each beneficiary (the person who is getting the home, car or money from the bank account) a copy of the forms that have been filed along with any other information they need to know to complete the transactions after your death (example: the affidavit of death form needed to transfer title to your home, the vehicle identification number/VIN for your car, the name of your bank and the branch location where the form was filed, account numbers, etc.).

For My Beneficiaries

I have filed the following forms to make sure that these assets transfer to my beneficiaries after my death.

Check all that apply.

☐ **Transfer on Death Deed**

Transfers title to a home or other real property to a beneficiary

My beneficiary is

_____

☐ **Beneficiary Designation for a Motor Vehicle**

Transfers title to a car to a beneficiary

My beneficiary is

_____

☐ **Payable on Death Account**

Transfers money in a bank account to a beneficiary

My beneficiary is

_____

Beneficiaries: What to Do Following the Death of Your Loved One

If you are the beneficiary on a Transfer on Death Deed (for a home):
To claim the home or property, you must fill out an Affidavit of Death, sign and date the Affidavit of Death in front of a notary and submit it to the county clerk where the property is located. If the property is not fully paid for, you will be responsible for making the mortgage payment and any other expenses associated with the property. The Affidavit of Death form can be found here: texasatj.org/texas-transfer-toolkit.

If you are the beneficiary of a car or other motor vehicle:
To claim title to the car or vehicle, you must get the title changed to your name within 180 days after the owner's death. You can do this by submitting an Application for Texas Title and/or Registration, the title application fee and the Texas title in the deceased owner's name, listing you as beneficiary, to the county clerk where the property is located. It is best to go there in person. If the car is not fully paid for, you will be responsible for making the car payments or the lender can repossess the car. The Application for Texas Title and/or Registration can be found here: texasatj.org/texas-transfer-toolkit.

How to file to receive funds from a Payable on Death Account (for a bank account):
Upon the owner's death, the money in their bank account will go directly to you. Visit the bank where the form was filed to make arrangements for the transfer. Different banks may have different requirements for identification, etc., so it's best to call before you go to be sure you have the right documentation. If you do not live in the same city or town of the bank where the form was filed, call the bank and ask them what to do. They should have the account listed as a payable on death account in their system.

TEXAS ACCESS TO JUSTICE COMMISSION

Texas Access to Justice Commission

1414 Colorado Street
Austin, Texas 78701
512-427-1855
www.texasatj.org