



Office of the County Clerk

Monroe County, New York

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Policy Statement for the Recording of Transfer on Death Deed

On July 19, 2024, Section 424 of NYS Real Property Law, "Transfer on Death Deed" went into effect. This provision of law establishes a new recording type, however does not explicitly provide instructions regarding several related matters. This statement is the policy of the Monroe County Clerk's Office, and may not be applicable to other jurisdictions.

A "**Transfer on Death Deed**" or "TODD" (attached exhibit A) is a recording noting the future transfer of real property upon death of the property owner to specific beneficiaries. Discussions with NYS Tax & Finance have indicated that there is no expectation of a TP584/RP5217 with this recording. Therefore, fees will be \$50 for the first page and \$5 for each additional page and indexed against the property so it is visible upon a search.

A "**Revocation of Transfer on Death Deed**" (attached exhibit B) is a recording that can be filed at any time by the property owner to revoke a previously filed TODD. If the property owner wishes to amend a TODD, Monroe County requires that a revocation be filed, followed by a new TODD. We will not be accepting any amendments to a recorded TODD, only full revocation as NYS statute dictates. Fees will be \$50 for the first page and \$5 for each additional page and indexed against the property so it is visible upon a search.

A "**Renunciation of Transfer on Death Deed**" (attached exhibit C) is a recording that can be filed at any time by the beneficiary to renounce all or part of the beneficiary's interest of a previously filed TODD. Fees will be \$50 for the first page and \$5 for each additional page and indexed against the property so it is visible upon a search.

A "**Notice of Transfer on Death Deed**" is a recording to be filed following the death of the property owner. In order for the records of the Monroe County Clerk's Office to formally transfer a deed to intended beneficiaries of a TODD, a notice may be recorded along with proof of death of the property owner, such as a government-issued death certificate. This could include TP584/RP5217 documents and payments at the time of recording. This instrument does not convey property but acknowledges the death of the grantor and the conveyance by operation of law of the below referenced property upon the death of the grantor.

Lastly, due to the unanswered legal questions presented by this newly created process, this Office can offer no advice to individuals seeking to record the document on their own behalf. This is for the individual's own protection.

Rev. 01/14/2025