



Good Deeds Update! -- October 31, 2025

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News about the Transfer on Death Deed

New Transfer on Death Deed Recording Fee

I recommended—and the Levy Court approved on Oct 28, 2025--a flat recording fee of \$88 for the first five pages of the TODD and \$10 for each page six and beyond.

Rationale for the change: We have recorded 40 TODDs so far, and the mean, mode, and median recording fee is \$88 because the mean, mode, and median number of pages is four. But if the property has a long legal description, or if the Grantor wants to have more than one beneficiary, the page length can grow to five, which puts the fee at \$98 and flies in the face of “low cost” for many.

This new fee is advantageous in six ways: 1) Discourages the retyping of the form by Grantors since Grantors are paying for 4 pages regardless; 2) Grantors don’t need to worry if there is a fifth page since it is free; 3) Easier for me to tell the public and you to tell your clients in advance what the fee will be; 4) The target population for TODDs generally uses cash or money orders, so it is helpful for them to know the fee in advance; 5) it discourages adding a lot of beneficiaries since that will cost more to record; 6) The flat fee disposes of the rejection and nonconforming fee.

Leader Harris, the Prime sponsor of the TODA bill, supported this flat fee. It takes effect immediately, and our software has already been changed.

Using Percentages with more than one Beneficiary

NCC and Sussex will amend their forms to put percentages near the grantee’s names. **I am not joining them in this effort.** As with any Deed, grantors may indicate percentages on the current form if advantageous. However, once the distribution of the property starts to get complicated, a Will should be used, not a TODD.

The ULC attorney recommended not including percentages on the form because they can unnecessarily complicate matters, and I am going with her recommendation. Of course, I will accept a Sussex or NCC form with these percentages on it (and will accept retyped TODDs, but they will be \$88 even if they are less than 4 pages).

Things to watch out for

As we have recorded 40 so far, we encountered a few time-consuming ones for my staff:

- A person recorded a TODD with two parcel numbers. At some point, the farm spanned two school districts. Now, it only spans one. Planning had fixed the parcel number problem. So, we recorded the TODD with the correct parcel number, but the Deed still has two numbers. These matters should be worked out before the form is presented to my office.
- A woman recorded a TODD when both her and a man’s names were on the Deed. A review of obdientaries revealed that the man had died; however, she never reported it to the Register of Wills. Again, this needs to be worked out prior to submitting the form to my office.

- A person wanted to record a TODD referencing a Deed that did not bear his name. We referred him to an attorney to clear his title. He could not afford an attorney, he said, so we referred him to nonprofits that provide low-cost or free legal help.

While the law does not require an attorney to record a TODD, we always recommend it.

Help for low-income property owners through a fund?

Because the target audience for TODDs does not generally have relationships with attorneys (70 percent of Blacks, Hispanics, and people who earn \$30K per year do not have Wills, according to an AARP study and many others), I am considering starting a Tangled Title Fund with CenDel to help defray the costs of clearing up Tangled Titles for low-income people. If this happens, CenDel can only donate to non-profits through a grant process. If we use CenDel, we will not need to create our own non-profit, just fundraise for use primarily in Kent County. If you would like to take part in this effort, either in planning it or pledging a donation, please let me know. If you do not support this, let me know.

Alternate Beneficiaries.

One thing we need to explain repeatedly is that the Alternate beneficiaries on the TODD are not the same as those for a Will. With the TODD, every single Primary beneficiary must die before any of the Alternate beneficiaries inherit, and then they share equally (unless a percentage is indicated). This is not like a Will, where one Primary dies, and their descendants inherit. Please remember, a TODD is a DEED; it is not a Will. A different mindset is required for the TODD.

Kent is the only County recording TODDs now.

In accordance with the law, we are recording TODDs ahead of the effective date. NCC and Sussex are waiting until December 5, the day after the effective date. If you want to record a TODD for your clients, please give clear instructions to anyone who records a TODD early that they *simply must not die* until December 4, or the TODD will not be valid.

Learn more about the TODD [here](#).

Darin Dell returns as Deputy.

We are proud to announce that Joel Gartner left our office to become the Director of Administration for Kent County, and Darin Dell resumed his role as Deputy Recorder of Deeds. Darin has extensive experience with software contracting, which will make him the right man at the right time as we move from Avenu Perfect Vision 2020 to a newer LRMS software. Please let us know if any of your stakeholders wish to be included in the demos of the potential new programs.

Read more about Darin resuming his duties [here](#).

Cathy Moore was chosen as Employee of the Month for October.

We are proud of Cathy Moore, who was chosen by Row Officers and Directors as Employee of the Month. Read about Cathy's achievement [here](#).

Corrected Transfer Tax Form is still not available

In the [August 5, 2025](#), issue of the *Good Deeds Update*, I informed you that the Transfer tax form is incorrect because it says the higher of the consideration or the county assessed value shall be used to compute the tax. This is only the case if the transaction was not a long arm. Read the August 5 *Good Deeds Update* for an example of an affidavit that can be used as a demonstration of a Long Arm transaction.

Redaction of Deeds

Illegal Covenants and PII

We announced [last February](#) that we are following State Law and can redact illegal restrictive covenants and PII from existing deeds; since then, we have only redacted about a dozen deeds.

When we redact, we make a copy of the original, use the program to line through illegal words, then post the copy to the public database, US Land Records. The original stays, along with the copy, in Avenu 2020, our LRMS. If any of you come across illegal covenants such as 'Caucasians only,' or any of 31 other illegal words and phrases, please let Darin Dell know so we can start the process of informing the current property owner, to see if they want the redaction to occur.

Per the law, these redactions can only be made upon the current owner's request. Please explain this at the settlement table, as appropriate. The few who asked us to redact said they were grateful for the opportunity to amend their chain of Title on the public-facing database. Learn more about how we redact Restrictive Covenants and PII [here](#).

Corrections and Parole Officers

[SB 32](#) was signed into law and will take effect in February 2026, which will redact personal data from the records of corrections officers and parole officers. For Deeds, this means we could redact the same way we redact Illegal Covenants and PII; however, to be on the safe side (there is a \$10,000 fine!), we will leave the name of the person in US Land Records, but if someone searches for it, they will encounter a page that says "Image not available."

At that point, if the title searcher needs to review the record, we will contact (or you can contact) the judge/corrections officer/parole officer and inform them that they must request in writing that their deeds records be unredacted. Upon receiving that written request, their full records will once again be visible.

As some of you may know, I was heavily engaged in preventing the owner's name from being removed from public view, which is how SB 32 was originally written.

Invite me to speak

I am at your service to speak about TODDs, Property Fraud, and Redaction of Illegal Covenants to any training session you may have, or to any civic, religious, or veterans' groups to which you may belong.

Your Feedback is Welcome

As always, I encourage you to contact me with feedback—good or bad—about how we are doing our jobs.

Your humble public servant,

A handwritten signature in blue ink that reads "Gene".

Hon. Eugenia Thornton
Kent County Recorder of Deeds
Eugenia.Thornton@kentcountyde.gov
302 744 2321 direct line

P.S.

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- We can add their names to our Gov D account for periodic Good Deeds Updates.
- If you want to be removed from this list, notify [Darin](#). Thanks.