

Recorder of Deeds

Serving Kent County with Pride by using property records industry standards and best practices to make property transactions faster, safer, & more convenient for everyone.

—Hon. Eugenia Thornton, KC Recorder of Deeds



Transfer on Death Deeds & you

What is Transfer on Death?

Effective December 4, 2025, the Uniform Real Property Transfer on Death Deed Act, provides a mechanism for a no probate transfer of real estate. Read the law [here](#).

Executing a TOD deed requires the same competency as a will. It requires two witnesses who state the grantor is of sound mind & memory plus a notary. If the property is held jointly, all owners must sign the TOD.

How does it work?

Property owners who record a TOD deed will designate the beneficiary(ies) to receive the real estate immediately upon the owner's death without probate process or transfer tax.

During the owner's natural lifetime, the beneficiary of a TOD deed has no interest in the property; the owner retains full power to transfer or encumber the property or revoke the TOD deed.

What do I do?

Hand carry or mail an original, completed, witnessed, and notarized copy of the TOD Deed to our office. You may put the form in the drop box near the front door. The address for all delivery methods is 555 South Bay Road, Dover DE 19901. You may not fax or email the document. We will only accept the original document for recording.

The completed document must be recorded by our office before your death. You may confirm the document has been recorded by visiting our office or searching www.uslandrecords.com.

What forms are used?

There are four forms: 1) Transfer on Death Deed; 2) Revocation of Transfer on Death Deed; 3) the Death Certificate; 4) an affidavit obtained from the Register of Wills to transfer the property & inform the Assessor where to send future property tax bills. All forms may be downloaded from the county website.

What is *not* required?

There is neither probate¹ nor transfer tax for the state, county or municipality. However, there may be probate or transfer taxes for the rest of the estate.

How much will it cost?

Recording fee for the TODD is \$88 for first 5 pages, \$10 for each page thereafter. There may be a Notary fee. There will be fees for obtaining the death certificate and filing the Affidavit of Death. The totality of fees is modest compared to the cost of a will or trust. Check the [Kent County Fee ordinance](#) since the fee schedule may change from time to time.

What if I already have a will or trust? Or I get one after I record the Revocable Transfer on Death Deed?

The TOD Deed will take precedence over any will or trust, no matter when the form is recorded.

What if I change my mind?

You may change your mind at any time and either record a new TODD or use the revocation form. You may change your mind as often as you wish; the last form that is recorded before your death is the form that stands.

What about fraud?

Artificial Intelligence makes it easier for cyber thieves to fake public documents. To find out quickly if someone impersonated you and recorded a deed, we recommend you register for your county's property fraud alert program. Do this from the Recorder of Deeds website in all three counties. For Kent County, register at pfa.uslandrecords.com.

Should I tell the beneficiaries?

The law does not require it, but it is best that you do so that you can ascertain if they have the interest and ability to maintain the property being granted.

¹In rare cases of extensive debt, probate may be necessary.

Important Points:

- Grantor retains rights to property for life
- Simple to use
- Avoids Probate
- Amend or revoke anytime
- Less expensive than transferring property via will or trust
- Different states have different statutes but our law is in 19 other States
- Beneficiaries inherit debts associated with the property.
- Beneficiaries may not be able to pay property's taxes or creditors
- May interfere with state or federal assistance eligibility or trigger estate recovery for Medicaid Long Term Care
- Not for complex situations; cannot set contingencies; should redo if heirs die

Details about Transfer on Death Deeds

Is this unique to Delaware?

Delaware's [law](#), the Uniform Real Property Transfer-on-Death Act has been enacted in 19 states plus Delaware and a substantially similar law has been enacted in 11 others.

How is a Revocable Transfer-on-Death (TOD) recorded?

To make TOD form part of the official property records, hand carry, mail, or place in the official drop box an original **completed** and **notarized** form to the office of the Recorder of Deeds. If the property spans more than one county, you must record the form in both counties.

Can I change the Transfer-on-Death deed?

You may change your beneficiaries as often as you like.

- You can fill out a revocation form OR you may complete a new TODD. You will need the Book and Page number of the TOD deed being revoked.
- You and two witnesses sign it before a Notary Public.
- Hand carry to the Recorder's office, drop in drop box outside, or mail the form.

When does it take effect?

Both the initial TOD deed and the revocation form must be notarized and recorded before your death or they have no effect. Dropping it off, mailing it, or handing it to the clerk in the Deeds office does not constitute "recording." You may check to see if your deed is recorded by using the property search page at www.uslandrecords.com.

All TOD instruments will remain part of public records, but the latest recording, per the date and time recorded, will be the one executed upon your death.

Why use addresses, legal descriptions, & map numbers?

The legal description is different from the address. The address matches the map number. Obtain the map number online at Kent County Property Records Search at <https://kcprms.kentcountyde.gov>. It is also found on the deed of the property in question. The map number contained in county records is also the deed parcel number. We will help you.

The property's legal description will be on your original deed. You must attach a copy of the legal description and reference it using the **book and page number** of the original deed. Find it by visiting the office of the Recorder of Deeds for the county where the property is located or look for it online. In Kent County, click www.uslandrecords.com.

For your first TOD and subsequent TODs, reference the original deed and its book and page number. If you choose to

revoke, reference the book and page recorded on the last TOD.

What are Primary & Alternate beneficiaries?

The TODD is between living persons—you must be alive to make the TODD and your beneficiaries must be alive to benefit. Every Primary beneficiary must die before any alternate beneficiaries inherit. The TODD is a deed; it is not a Will with contingencies preset for inheritance.

I still have questions about the Transfer-on-Death deeds form.

This fact sheet is designed to fit some, but not all situations. Find more questions and details online at [Deeds-Office/Transfer-on-Death-Deeds](#). If you still have questions, refer the back of the form itself and/or consult a lawyer. The clerks in the Recorder of Deeds office are not authorized to give legal advice.

I am being pressured to complete this form. Help!

You will need two witnesses, at least one of whom cannot be a beneficiary. These witnesses attest you are of sound mind and memory and that you do not appear under duress. **Do NOT complete this form under pressure.** Seek help from a trusted family member, friend, or lawyer. If the pressuring continues, report it to the police having jurisdiction over your property address. Pressuring you to complete this form might be elder abuse or fraud, both of which are illegal in Delaware.

What happens to my TODD property after I die?

Per Section 218(c) of the law, Vital Statistics (302 697 4549) will provide your beneficiary a certified copy of your death certificate which your beneficiary will present along with an Affidavit—linked to the TOD by Book, Page & instrument number, map/parcel number, and address—to the Register of Wills (302 744 2330). [Per 25 Del C. Section 8](#), Wills will advise the county's Assessment Division to transfer the tax burden to your beneficiary[ies].

Any encumbrances on the property will also transfer to your beneficiary[ies]. You have 60 days to obtain property insurance. If you also have a Will, the balance of your estate will be subject to Probate. The Register of Wills will give your Beneficiary[ies] instructions and timelines for the probated portion of your estate. **This does not generate a new Deed!** If your beneficiary[ies] want their name[s] on a deed for the property they inherit, they must have a new deed prepared.

What if the Transferee does not want my property?

They should contact a Delaware attorney for help disclaiming their interest to avoid unintended legal consequences.

Nothing in this factsheet is a substitute for legal advice. We recommend consulting an attorney to make or revoke a TOD deed.