



King County Law Library

HOW TO USE THE TRANSFER ON DEATH DEED (TODD)

In King County

These instructions are for informational purposes only and do not constitute legal advice. If you do not understand this information, please contact an attorney.

About This Packet:

A TODD is a legal document that allows a property owner to transfer property located in Washington State to another person as an inheritance when the property owner dies. The owner of the property is called the Transferor. The person receiving the property is called the Designated Beneficiary. This transfer avoids the probate process, which is a court case used to gather the assets of a person who has died, settle their debts, and distribute the assets to their heirs.

The instructions and forms in this packet will help you do the following things:

- Complete a TODD
- Record a TODD
- Revoke a TODD
- Claim property that was transferred to you by a TODD

To help decide if using the TODD process of transferring real estate without probate is right for your situation, review [Chapter 64.80 of the Revised Code of Washington](#) for information on the TODD Process and [Title 11 of the Revised Code of Washington](#) for information regarding probate, or contact an attorney.

If, after reviewing the Revised Code of Washington and/or consulting an attorney, you believe the TODD process is right for you, then you can use this packet to complete the process.

Forms Included in This Packet:

- A - TODD Deed Form
- B - TODD Revocation Form
- C - Real Estate Excise Tax (REET) Affidavit
- D - Recorder's Office Coversheet

WARNING

- **IS THIS AN INHERITANCE TRANSFER?** If this transfer is for inheritance purposes, you may use this packet. If this transfer is not for inheritance purposes, do not use this packet. Non-inheritance transfers may be subject to taxes; this packet does not cover that situation, and you should consult an attorney.
- **DO YOU WANT TO TRANSFER THE PROPERTY WITHOUT DEBTS OR LIENS?** Using a TODD to transfer property will not eliminate debts, obligations, encumbrances, or liens on the property like a probate transfer of property does.
- **DO YOU WANT THE TRANSFER TO BE PRIVATE?** After a TODD is filed, it is not private. It becomes a public record and is searchable.
- **ARE YOU MARRIED OR JOINT OWNERS?** This packet should not be used by a married couple or joint owners to create one TODD to jointly transfer property. Instead, each spouse or joint owner can separately create a TODD deed, which will be separately revocable. A joint transfer is beyond the scope of this packet. The form in this packet is intended to be used by one Transferor and one Designated Beneficiary.
- **TO REVOKE A TODD YOU MUST CHOSE ONE OF THE THREE METHODS LISTED IN THIS PACKET.** A TODD cannot be revoked by marking, tearing, or otherwise destroying the document.
- **DO YOU HAVE POWER OF ATTORNEY?** If you are using a power of attorney to complete a TODD for someone else, your power of attorney document must specifically state that creating a TODD is one of the powers granted to you.
- **DO YOU WANT TO REFUSE PROPERTY THAT WAS TRANSFERRED TO YOU BY A TODD?** If someone has listed you as a Designated Beneficiary on a TODD and you do not want the property, you have nine months after the death of the Transferor to refuse the property.