UNIVERSITY of MARYLAND
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FOR RACE AND THE LAW

Transfer-on-Death Deeds

A New Estate Planning Tool for Maryland Homeowners

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Owning a home is one of the most common ways families build wealth and pass it to the next generation. Yet national research shows that many people die without a will and that Black, Latinx, and low-income homeowners are among the least likely to have one.[1]

When a Maryland homeowner dies without a will or other estate plans, state law determines who inherits the home, which passes to the owner's closest surviving family members, called heirs.[2] The heirs often do not realize they must go through probate, which is the court process for determining, among other things, who receives property owned by a person who has died.[3] During the probate process the deceased owner's name is removed from the home's deed (a legal document that transfers property ownership) and the names of the heirs are added. Without an updated, recorded deed, the heirs are left with what is known as "tangled title," making it difficult for them to manage or maintain the home, such as by obtaining bank loans or applying for grants for home improvement projects.

Maryland lawmakers have created a new tool to help homeowners avoid that outcome. As of October 1, 2026, a Maryland home or landowner can use a **Transfer-on-Death Deed (TOD Deed)** to name a person or people who will receive their home or land when they die — without writing a will or going through the probate process.[4]

The Gibson-Banks Center for Race and the Law at the University of Maryland Francis King Carey School of Law prepared this fact sheet to explain to Maryland residents how a TOD Deed works and where to find help with creating one.

> *This resource is for informational purposes only and should not be read as legal advice on any subject matter.*

What is a Transfer-on-Death Deed?

A TOD Deed is a legal document that allows a homeowner or landowner to name one or more people who will receive their home or land when they die. The person named to receive the property is called a **beneficiary**.

A TOD Deed that is recorded while the property owner is still alive allows a home or land to transfer automatically to a beneficiary at the property owner's death.[5]

How Does a TOD Deed Work?

Maryland law provides a TOD Deed form that property owners may complete and submit to a local land records office.[6] However, a TOD Deed may not work for all situations, and some property owners will need help from a lawyer (see "You May Want to Talk to a Lawyer First If..." below). Whether or not you receive assistance, you must:

1. **Prepare the TOD Deed**, which includes a description of the home or land and the name of each person you want to receive the property after your death.
2. **Sign the deed in front of a notary.** Many banks and credit unions offer notary services, sometimes free for their customers. Call ahead to confirm, and bring a photo ID.
3. **Record the deed while you are still alive.** The TOD Deed must be recorded in the land records office for the county (or Baltimore City) where the property is located, and this must happen before the property owner dies. If it is not recorded before the owner dies, the deed is invalid and the property will not pass to the designated beneficiary.[7]

What You Should Know About a TOD Deed

- **You remain the owner of your home or land while you are alive.** Your beneficiary does not receive any ownership interest until after your death.
- You can still mortgage your property.[8]
- While you are alive, a TOD Deed does not affect your or your beneficiary's eligibility for public assistance.[9]
- **You can change your mind.** During your lifetime, you can revoke the TOD Deed or replace it with a new one. The revocation of a TOD Deed or the creation of a new one must be properly recorded in the land records office before your death.[10] **You cannot revoke a TOD**

Deed through your will,[11] and tearing up or destroying a recorded deed does not cancel it.[12]

- **Mortgages and liens do not disappear.** Upon your death, the property passes to your beneficiary with existing loans, liens, and other claims still attached.[13]

You May Want to Talk to a Lawyer First If...

- You inherited the home or land and your name is not on the current deed, i.e., you are an heirs' property owner, or your legal name has changed.
- You co-own the property with other people.
- **You want more than one beneficiary.** Unless your deed says otherwise, your beneficiaries will own the property together with "rights of survivorship" — meaning if one of them dies, their share goes to the other beneficiaries, not to the deceased person's heirs.[14]
- **Someone is pressuring you to create a TOD Deed.** A TOD Deed automatically transfers your home at your death to a beneficiary, which may motivate someone to pressure a home or landowner to create a TOD Deed.
- You have questions about whether a TOD Deed is right for you.

Want to Learn More?

Read the full **Maryland Transfer-on-Death Deed User Guide** (September 2026). It includes step-by-step instructions, forms, answers to common questions, and information about free and low-cost legal help. Lawyers licensed to practice in Maryland developed this guide.

If you would like to learn more about heirs' property, please read **Heirs' Property: Understanding the Legal Issues in Maryland** (August 2026).

Endnotes

1. *See* Thomas W. Mitchell, *Historic Partition Law Reform: A Game Changer for Heirs' Property Owners*, *in* Heirs' Property and Land Fractionation: Fostering Stable Ownership to Prevent Land Loss and Abandonment 67-68 (Cassandra J. Gaither, Ann Carpenter, Tracy Lloyd McCurty & Sara Toering eds., U.S. Dep't of Agric. Forest Serv., Gen. Tech. Rep. SRS-244, 2019), https://research.fs.usda.gov/download/treesearch/62090.pdf.
2. Md. Code Ann., Est. & Trusts §§ 3-101 to 3-112.
3. Probate is the legal process for handling the estate of a person who has died, whether or not that person left a will. The estate includes both the assets the person owned — such as a home, land, and personal property — and the liabilities, or debts, they owed. *See* Francine Miller, Monique Dixon, and Margaret Todd, *Heirs' Property: Understanding the Legal Issues in Maryland* 15 (Ctr. for Agric. & Food Sys., Vt. L. & Grad. Sch., Aug. 2026).
4. 2026 Md. Laws chs. 750, 751 (H.B. 738 / S.B. 651), codified at Md. Code Ann., Real Prop. §§ 14-1001 to 14-1014 (effective Oct. 1, 2026).
5. Md. Code Ann., Real Prop. §§ 14-1004(a), 14-1006, 14-1009.
6. *Id.* § 14-1011; *see also id.* §§ 3-104, 4-101, 14-1005, 14-1006; Md. Volunteer Lawyers Serv., *Maryland Transfer-on-Death Deed User Guide* 7 (Sept. 2026).
7. Md. Code Ann., Real Prop. § 14-1006.
8. *Id.* § 14-1007(1).
9. *Id.* § 14-1007(4).
10. *Id.* § 14-1008(a).
11. *Id.* § 14-1008(b)(2).
12. *Id.* § 14-1008(b)(1).
13. *Id.* § 14-1009(b)(1).
14. *Id.* §§ 14-1003(b)(2), 14-1009(d).

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About The Gibson-Banks Center for Race and the Law

The Gibson-Banks Center for Race and the Law at the University of Maryland Francis King Carey School of Law seeks to transform institutions and systems of racial inequality, marginalization, and oppression. The Center collaborates with community members, government officials, and nonprofit organizations to examine and address persistent issues of historical and modern-day racial inequality and injustice across systems and institutions in the City of Baltimore, the State of Maryland, and nationwide. The Gibson-Banks Center uses several tools of transformation—education, engagement, advocacy, and research—to clarify and protect the civil rights of racially marginalized groups in a wide range of areas, including the youth and criminal legal systems, education, health, housing, technology, transportation, voting, and emerging issues.