



NEWS RELEASE

Ohio State Bar Association, 1700 Lake Shore Drive, Columbus, Ohio 43204

FOR IMMEDIATE RELEASE

SUBJECT: Ohio lawyers alerted to new legislation

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Columbus, OHIO (Dec. 30, 2009) –The Ohio State Bar Association (OSBA) today issued an alert to its members about new legislation.

SB 124 requires that a designation of a beneficiary of a transfer on death of real property must be created by affidavit rather than a deed. This means that deeds may no longer be used.

The bill became effective immediately with the governor's signature on Dec. 28, 2009, and does not affect existing transfer on death deeds filed prior to that date.

A recommended affidavit form will be available soon.

Testimony regarding the legislation given to the House Civil and Commercial Law Committee by OSBA Real Property Law Section Council member Edward R. Horejs Jr., is available on the OSBA Web site.

The Ohio State Bar Association, founded in 1880, is a voluntary association representing approximately 25,000 members of the bench and bar of Ohio as well as nearly 4,000 legal assistants and law students. Through its activities and the activities of its related organizations, the OSBA serves both its members and the public by promoting the highest standards in the practice of law and the administration of justice. The OSBA CLE department has served Ohio's legal professionals for more than 40 years and provides a full-service curriculum.

TRANSFER ON DEATH DESIGNATION AFFIDAVIT
[RC 5302.22]

_____, owner, (marital status), now owner of record of the following real property located at _____, _____, Ohio as recorded at Vol. ____, Page ____ of _____ County deed records:

[insert full legal description of property]

hereby designates the following as transfer on death beneficiary to receive the owner's title to that property upon the death of the owner: [insert name of single beneficiary, or see RC 5302.22 for requirements for multiple beneficiaries].

_____, wife (husband) of the owner, states that her (his) dower rights are subordinate to the vesting of title to the real property in the transfer on death beneficiary designated herein.

This affidavit revokes any prior transfer on death beneficiary designation by owner for that property, whether by deed or by affidavit.

Signed on _____, 20__.

Owner

Wife (husband) of owner

Sworn to and signed before me at _____, Ohio on _____, 20__.

Notary Public

STATE of OHIO)
COUNTY of _____)

TRANSFER ON DEATH DESIGNATION AFFIDAVIT
[O.R.C Section 5302.22]

_____, being first duly sworn according to law, state as follows:

1. That Affiant(s), _____ (marital status) _____, is/are the owner(s) of record of the following real property located at _____ as recorded at Vol. _____, Page _____ of _____ County deed records:

[insert legal description]

2. That title of record to the above property is held by Affiant(s) as follows:

- Sole Owner
- Tenant(s) in Common
- Tenant(s) in Survivorship
- Tenants by the Entireties

3. [Alternate Paragraph A: To be used when Affiant(s) transfer entire undivided interest to a single beneficiary.]

That Affiant(s) hereby designate(s) the entire undivided interest in the property for transfer on death to _____ (Name of Beneficiary) _____ as transfer on death beneficiary, to receive the title of Affiant(s) upon his/her/their death..

OR

[Alternate Paragraph B: To be used when Affiant(s) transfer less than entire undivided interest, or transfer is made to more than one beneficiary.]

That Affiant(s) hereby designate(s) the entire undivided interest in the property [or if less than entire interest, state the undivided fractional interest owned by Affiants to be designated for transfer by each Affiant] held by Affiant(s) for transfer on death to the person or persons named below, as transfer on death beneficiary(ies), to receive the title of Affiant(s) upon his/her/their death as follows:

<u>Name of Beneficiary</u>	<u>Undivided Interest of Affiant(s)</u>	<u>Type of Tenancy</u> [Sole Owner, etc.]
1.		
2.		
3.		

4. That _____, wife (husband) of the Affiant, states that her (his) dower rights are subordinate to the vesting of title to the real property in the transfer on death beneficiary or beneficiaries designated herein.

5. This Affidavit, and the beneficiary designation(s) set forth herein, hereby revokes, replaces and supersedes any prior beneficiary designation(s) by Affiant(s), whether by deed or affidavit, related to the above-designated real property.

Affiant

Affiant

Wife (Husband) of Affiant

Sworn to and subscribed before me this _____ day of _____, 20__.

Notary Public

This Instrument prepared by: