

HOW TO PREPARE YOUR PROPERTY DOCS TO AVOID PROBATE

Adding Survivorship Language to a deed, or having a Transfer on Death Affidavit, allows the property to be transferred from one person to another without going through probate on the occasion of an owner's death.

LEGAL RESOURCES



FRANKLIN COUNTY LAW LIBRARY

Blank copies of legal forms available for free



COLUMBUS BAR ASSOCIATION

Directory search of local attorneys



LEGAL AID SOCIETY

Legal services at low or no cost

It is best practice to review any changes to your estate plans with a licensed attorney.

A NOTE FROM THE RECORDER:



Why is it important to have your documents in order?

When planning for the future, the last thing you want to think about is death.

However, making the appropriate plans now, and preparing your legal documents accordingly, can save your loved ones time, money, and stress when dealing with your estate.

This guide was created to help you set up your property deeds in such a way that your heirs can save time and money when interacting with Probate Court after your death.

RECORDER DANNY O'CONNOR

CONTACT US

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GOOD DEEDS

at the

RECORDER'S OFFICE



**PLAN NOW,
SAVE TIME AND MONEY LATER**



Daniel J. O'Connor Jr.
Franklin County Recorder

WHAT IS A JOINT OR SURVIVORSHIP DEED?

A deed with joint tenants (2+ owners) that contains survivorship language.

This deed can transfer ownership automatically to the next owner listed/be split among remaining owners after one of the owners dies.

“...for their joint lives, remainder to the survivor of them...”

Above: Exact wording of survivorship language

- All owners listed have current ownership of the property
- Language can be added to most common deed types by recording a new deed (if not already included)
- Fill out deed with current owners listed as the Grantor and Grantee

ADDING SURVIVORSHIP LANGUAGE TO A DEED

- Talk with an attorney,
- Go to a title company, if necessary,
-- OR --
- Fill in blank deed template available on Franklin County Law Library’s website (under “Recordable Documents” heading) and have it notarized.

HOW TO RECORD YOUR UPDATED DOCUMENTS

1

**Create or obtain new:
Deed with Survivorship Language
Transfer on Death Affidavit**

2

Prepare document for recording

View guidelines for recording documents and current recording fees on our website.



3

Transfer document at Auditor’s Office*

**This step is not required for a Transfer on Death Affidavit.*

4

Record deed with the Recorder’s Office

Include recording fees when transferring document at the Auditor’s Office for it to be automatically sent to the Recorder’s Office.

5

Record update after an owner dies

Record new and updated Deed or Transfer on Death affidavit after owner dies to reflect changes to property ownership.

WHAT IS A TRANSFER ON DEATH AFFIDAVIT?

A legal document that transfers property directly to designated beneficiaries (1 or more) after the property owner(s) die. Beneficiaries do not have any ownership in the property until all of the original owners die.



- Filing a TOD affidavit does not remove any federal estate taxes.
- Can change or revoke a TOD affidavit at any time by filing a revocation form or a new TOD affidavit.
- Beneficiaries have to be listed by name. (Ex. “My son” would not be valid.)

OBTAINING A TRANSFER ON DEATH AFFIDAVIT

- Talk with an attorney
-- OR --
- Fill in blank TOD Affidavit template available on Franklin County Law Library’s website (under “Recordable Documents” heading) and have it notarized.