

1-1 By: Huffman S.B. No. 2150  
 1-2 (In the Senate - Filed March 10, 2017; March 29, 2017, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 April 10, 2017, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; April 10, 2017, sent to printer.)

1-6 COMMITTEE VOTE

|                 | Yea | Nay | Absent | PNV |
|-----------------|-----|-----|--------|-----|
| 1-7 Huffman     | X   |     |        |     |
| 1-8 Hughes      | X   |     |        |     |
| 1-9 Birdwell    | X   |     |        |     |
| 1-10 Creighton  | X   |     |        |     |
| 1-11 Estes      | X   |     |        |     |
| 1-12 Lucio      | X   |     |        |     |
| 1-13 Nelson     | X   |     |        |     |
| 1-14 Schwertner | X   |     |        |     |
| 1-15 Zaffirini  | X   |     |        |     |

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to a revocable deed that transfers real property at the  
 1-20 transferor's death.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 114.103(a), Estates Code, is amended to  
 1-23 read as follows:

1-24 (a) Except as otherwise provided in the transfer on death  
 1-25 deed, this section, or any other statute or the common law of this  
 1-26 state governing a decedent's estate, on the death of the  
 1-27 transferor, the following rules apply to an interest in real  
 1-28 property that is the subject of a transfer on death deed and owned  
 1-29 by the transferor at death:

1-30 (1) if the designated beneficiary survives the  
 1-31 transferor by 120 hours, the interest in the real property is  
 1-32 transferred to the designated beneficiary in accordance with the  
 1-33 deed;

1-34 (2) the share ~~[interest]~~ of any ~~[a]~~ designated  
 1-35 beneficiary that fails to survive the transferor by 120 hours  
 1-36 lapses, notwithstanding Section 111.052, and is subject to and  
 1-37 passes in accordance with Subchapter D, Chapter 255, as if the  
 1-38 transfer on death deed were a devise made in a will; and

1-39 (3) subject to Subdivision (2) ~~[(4)]~~, concurrent  
 1-40 interests are transferred to the beneficiaries in equal and  
 1-41 undivided shares with no right of survivorship~~[, and~~

1-42 ~~[(4) notwithstanding Subdivision (2), if the~~  
 1-43 ~~transferor has identified two or more designated beneficiaries to~~  
 1-44 ~~receive concurrent interests in the real property, the share of a~~  
 1-45 ~~designated beneficiary who predeceases the transferor lapses and is~~  
 1-46 ~~subject to and passes in accordance with Subchapter D, Chapter 255,~~  
 1-47 ~~as if the transfer on death deed were a devise made in a will].~~

1-48 SECTION 2. Section 114.151, Estates Code, is amended to  
 1-49 read as follows:

1-50 Sec. 114.151. OPTIONAL FORM FOR TRANSFER ON DEATH DEED. The  
 1-51 following form may be used to create a transfer on death deed.

1-52 REVOCABLE TRANSFER ON DEATH DEED

1-53 NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU  
 1-54 MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS  
 1-55 INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC  
 1-56 RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE  
 1-57 NUMBER.

1-58 IMPORTANT NOTICE TO OWNER: You should carefully read all the  
 1-59 information included in the instructions to this form. You may want  
 1-60 to consult a lawyer before using this form.

1-61 MUST RECORD DEED: Before your death, this deed must be recorded

2-1 with the county clerk where the property is located, or it will not  
2-2 be effective.

2-3 MARRIED PERSONS: If you are married and want your spouse to own the  
2-4 property on your death, you must name your spouse as the primary  
2-5 beneficiary. If your spouse does not survive you, the property  
2-6 will transfer to any listed alternate beneficiary or beneficiaries  
2-7 on your death.

2-8 1. Owner (Transferor) Making this Deed:

2-9 \_\_\_\_\_  
2-10 Printed name Mailing address

2-11 2. Legal Description of the Property:

2-12 \_\_\_\_\_  
2-13 3. Address of the Property (if any) (include county):

2-14 \_\_\_\_\_  
2-15 4. Primary Beneficiary (Transferee) or Beneficiaries  
2-16 (Transferees)

2-17 I designate the following beneficiary or beneficiaries, if  
2-18 the beneficiary survives me:

2-19 \_\_\_\_\_  
2-20 Printed name Mailing address

2-21 5. Alternate Beneficiary or Beneficiaries (Optional)

2-22 [~~If no primary beneficiary survives me,~~] I designate the  
2-23 following alternate beneficiary or beneficiaries, if the alternate  
2-24 beneficiary survives me:

2-25 \_\_\_\_\_  
2-26 Printed name Mailing address

2-27 6. Transfer on Death: (Choose an option under both A and B below,  
2-28 and if you have designated any alternate beneficiaries, choose an  
2-29 option under C.)

2-30 ~~At my death, I grant and convey to the primary beneficiary or~~  
2-31 ~~beneficiaries my interest in the property, to have and hold~~  
2-32 ~~forever. [If at my death I am not survived by any primary~~  
2-33 ~~beneficiary, I grant and convey to the alternate beneficiary or~~  
2-34 ~~beneficiaries, if designated, my interest in the property, to have~~  
2-35 ~~and hold forever. If the primary and alternate beneficiaries do not~~  
2-36 ~~survive me, this transfer on death deed shall be deemed canceled by~~  
2-37 ~~me.]~~

2-38 A. IF AT LEAST ONE PRIMARY BENEFICIARY SURVIVES ME  
2-39 (Select either option (1) or (2) by placing your initials next to  
2-40 the option chosen. If you do not choose an option, then option (1),  
2-41 which is the anti-lapse election, will apply.)

2-42 \_\_\_\_\_  
2-43 If at least one primary beneficiary survives me, I grant and  
2-44 convey the primary beneficiaries' share or shares of the property,  
2-45 to have and hold forever, as follows:

2-46 \_\_\_\_\_ (1) Anti-Lapse Election. To the surviving primary  
2-47 beneficiary or beneficiaries, but if a deceased primary  
2-48 beneficiary, if any, was a child or other descendant of mine or of  
2-49 one or both of my parents, that deceased primary beneficiary's  
2-50 share will pass to the surviving children or other descendants of  
2-51 that deceased primary beneficiary.

2-52 \_\_\_\_\_ (2) Surviving Primary Beneficiaries Election. To the  
2-53 surviving primary beneficiary or beneficiaries only. If a deceased  
2-54 primary beneficiary, if any, was a child or other descendant of mine  
2-55 or of one or both of my parents, I do not want that deceased primary  
2-56 beneficiary's share to pass to the children or other descendants of  
2-57 that deceased primary beneficiary.

2-58 \_\_\_\_\_  
2-59 B. IF NO PRIMARY BENEFICIARY SURVIVES ME  
2-60 (Select either option (1) or (2) by placing your initials next to  
2-61 the option chosen. If you do not choose an option, then option (1),  
2-62 which is the anti-lapse election, will apply.)

2-63 \_\_\_\_\_  
2-64 If no primary beneficiary survives me, I grant and convey the  
2-65 share of the property that would have transferred to a deceased  
2-66 primary beneficiary, to have and hold forever, as follows:

2-67 \_\_\_\_\_ (1) Anti-Lapse Election. To the surviving children or  
2-68 other descendants of the deceased primary beneficiary, if the  
2-69 deceased primary beneficiary was a child or other descendant of

3-1 mine or of one or both of my parents.  
3-2 \_\_\_\_\_ (2) Surviving Alternate Beneficiaries Election. To  
3-3 the alternate beneficiary or beneficiaries designated above. If  
3-4 the deceased primary beneficiary was a child or other descendant of  
3-5 mine or of one or both of my parents, I do not want that deceased  
3-6 primary beneficiary's share to pass to the children or other  
3-7 descendants of that deceased primary beneficiary.

3-8  
3-9 If no primary beneficiary survives me and the anti-lapse  
3-10 election is not chosen or that election is chosen, but a deceased  
3-11 primary beneficiary is not a child or other descendant of mine or of  
3-12 one or both of my parents, I grant and convey to the alternate  
3-13 beneficiary or beneficiaries my share in the property that  
3-14 otherwise would have transferred to the deceased primary  
3-15 beneficiary, to have and hold forever. If I have not designated  
3-16 alternate beneficiaries, this transfer on death deed shall be  
3-17 considered cancelled by me.

3-18  
3-19 C. IF AN ALTERNATE BENEFICIARY DOES NOT SURVIVE ME  
3-20 (Select either option (1) or (2) by placing your initials next to  
3-21 the option chosen. If you do not choose an option, then option (1),  
3-22 which is the anti-lapse election, will apply.)

3-23  
3-24 If an alternate beneficiary does not survive me, I grant and  
3-25 convey that alternate beneficiary's share of the property as  
3-26 follows:

3-27 \_\_\_\_\_ (1) Anti-Lapse Election. To the surviving alternate  
3-28 beneficiary or beneficiaries, but if the deceased alternate  
3-29 beneficiary was a child or other descendant of mine or of one or  
3-30 both of my parents, that deceased alternate beneficiary's share  
3-31 will pass to the surviving children or other descendants of that  
3-32 deceased alternate beneficiary.

3-33 \_\_\_\_\_ (2) Surviving Alternate Beneficiaries Election. To  
3-34 the surviving alternate beneficiary or beneficiaries only. If the  
3-35 deceased alternate beneficiary was a child or other descendant of  
3-36 mine or of one or both of my parents, I do not want that deceased  
3-37 alternate beneficiary's share to pass to the children or other  
3-38 descendants of that deceased alternate beneficiary.

3-39  
3-40 If no alternate beneficiary survives me and the anti-lapse  
3-41 election is not chosen or that election is chosen, but no deceased  
3-42 alternate beneficiary was a child or other descendant of mine or of  
3-43 one or both of my parents, this transfer on death deed shall be  
3-44 considered cancelled by me.

3-45 7. Printed Name and Signature of Owner Making this Deed:

3-46 \_\_\_\_\_  
3-47 Printed Name Date  
3-48 \_\_\_\_\_  
3-49 Signature

3-50 BELOW LINE FOR NOTARY ONLY

3-51 \_\_\_\_\_  
3-52 Acknowledgment

3-53 STATE OF \_\_\_\_\_  
3-54 COUNTY OF \_\_\_\_\_  
3-55 This instrument was acknowledged before me on the \_\_\_\_\_ day of  
3-56 \_\_\_\_\_, 20\_\_\_\_,  
3-57 by \_\_\_\_\_.

3-58 \_\_\_\_\_  
3-59 Notary Public, State of \_\_\_\_\_

3-60 After recording, return to:  
3-61 (insert name and mailing address)  
3-62 \_\_\_\_\_  
3-63 \_\_\_\_\_

3-64 INSTRUCTIONS FOR TRANSFER ON DEATH DEED  
3-65 DO NOT RECORD THESE INSTRUCTIONS

- 3-66 Instructions for Completing the Form  
3-67 1. Owner (Transferor) Making this Deed: Enter your first, middle  
3-68 (if any), and last name here, along with your mailing address.  
3-69 2. Legal Description of the Property: Enter the formal legal

4-1 description of the property. This information is different from  
4-2 the mailing and physical address for the property and is necessary  
4-3 to complete the form. To find this information, look on the deed  
4-4 you received when you became an owner of the property. This  
4-5 information may also be available in the office of the county clerk  
4-6 for the county where the property is located. Do NOT use your tax  
4-7 bill to find this information. If you are not absolutely sure,  
4-8 consult a lawyer.

4-9 3. Address of the Property: Enter the physical address of the  
4-10 property.

4-11 4. Primary Beneficiary or Beneficiaries: Enter the first and  
4-12 last name of each person you want to get the property when you die.  
4-13 If you are married and want your spouse to get the property when you  
4-14 die, enter your spouse's first and last name (even if you and your  
4-15 spouse own the property together).

4-16 5. Alternate Beneficiary or Beneficiaries: Enter the first and  
4-17 last name of each person you want to get the property if no primary  
4-18 beneficiary survives you.

4-19 6. Transfer on Death: You should carefully read the language  
4-20 describing the options and choose an option under both A and B of  
4-21 Paragraph 6, and if you have listed any alternate beneficiaries,  
4-22 choose an option under C of Paragraph 6 [No action needed].

4-23 7. Printed Name and Signature of Owner: Do not sign your name or  
4-24 enter the date until you are before a notary. Include your printed  
4-25 name.

4-26 8. Acknowledgment: This deed must be signed before a notary. The  
4-27 notary will fill out this section of the deed.

4-28 SECTION 3. The changes in law made by this Act apply to a  
4-29 transfer on death deed executed and acknowledged on or after the  
4-30 effective date of this Act. A transfer on death deed executed and  
4-31 acknowledged before the effective date of this Act is governed by  
4-32 the law in effect on the date the transfer on death deed was  
4-33 executed and acknowledged, and the former law is continued in  
4-34 effect for that purpose.

4-35 SECTION 4. This Act takes effect September 1, 2017.

4-36

\* \* \* \* \*