

First Supplement to Memorandum 2017-12

**Revocable Transfer on Death Deed: Follow-Up Study
(Draft Tentative Recommendation)**

The Commission¹ has received two email messages relating to Memorandum 2017-12. Both urge the Commission to address the problem discussed in that memorandum. The second, from Carrie L. Hall, confirms that the problem is real and serious. The emails are attached as Exhibits.

Respectfully submitted,

Brian Hebert
Executive Director

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

**EMAIL FROM LAURIE G. EDGAR
(MARCH 11, 2017)**

RE: Revocable Transfer on Death Deed: Follow-Up Study
(Draft Tentative Recommendation)

Please approve Memorandum 2017-12 to allow documents that have already been recorded without the questions page to be valid. I filed in January, and felt they were instructions.

Thank you,

Laurie G. Edgar

**EMAIL FROM CARRIE L. HALL
(MARCH 30, 2017)**

Mr. Hebert,

Our mother knew she was dying and wanted a way to transfer her home to her four children. We were advised to use the new TOD form (this was March of 2016). We had a paralegal prepare the form, she came to our mothers home and read every item on the commonly asked questions to our mother and three of her children. After listening to all of these items our mother signed the form and felt she was doing the right thing. The form was signed and recorded on March 22, 2016. My mother passed away on April 1, 2016.

After much deliberation we all decided that we would sell our moms home. We listed the home in March of this year and entered into escrow shortly after. A few days ago I was informed by our realtor that they could not find a company that would issue title insurance on a property with a TOD. They thought they finally find a company that would, now they are telling us, since we did not record the commonly asked questions with the deed, that they would not issue the insurance. Frankly this has turned into a nightmare for our family. This form was suppose to help people and make it easier for families?

It is not clear in the law whether the commonly asked questions are required to be recorded with the deed.

From what I have read it seems your organization is considering changing that?

I would appreciate if you could tell me, is there any hope of clarifying the code anytime soon?

Thank you for your time,

Carrie L Hall