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Montana Transfer on Death Deed

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Owner's Name _____

Mailing Address _____

City, State, Zip _____

Revocable Transfer on Death Deed

You may want to consult with a lawyer before using this form. This form must be recorded with the clerk and recorder in the county where the real property is located, before your death, or it will not be effective.

IDENTIFYING INFORMATION

Owner or Owners of property making this deed:

Printed Name of Owner _____

Mailing Address _____

Printed Name of Owner _____

Mailing Address _____

Legal description of the property: _____

PRIMARY BENEFICIARY

I designate the following beneficiary if the beneficiary survives me.

Printed Name _____

Mailing Address (if available, otherwise use owner's address) _____

ALTERNATE BENEFICIARY

If the primary beneficiary does not survive me, I designate the following alternate beneficiary if that beneficiary survives me.

Printed Name _____

Mailing Address (if available, otherwise use owner's address) _____

TRANSFER ON DEATH

At my death, I transfer my interest in the described property to the beneficiary(ies) as designated above. Before my death, I have the right to revoke this deed.

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A **Montana transfer on death (TOD) deed** is a document that transfers real estate to a designated beneficiary outside of probate. These deeds are effective upon the property owner's death. However, the property owner retains the right to revoke the deed or sell the property at any point.

Laws — [Title 72, Chapter 6, Part 4 – Uniform Real Property Transfer on Death Act](#)

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Requirements

- **Notary:** Required ([§ 70-21-203](#))
- **Recording:** Must be recorded before the property owner's death in the office of the county clerk and the recorder of the county where the property is located ([72-6-408\(3\)](#))
- **Witnesses:** Not required

Legal Description

A transfer on death deed must feature a legal description. A legal description is a written statement delineating the exact location and boundaries of the property using the [Public Land Survey System \(PLSS\)](#).

To locate a legal description, reference **property tax statements** or the **current deed**. This information can also be requested from the **office of the county clerk and the recorder** of the county where the property is located.

Example

“The south 1/2 of the northwest quarter of section 42, township 23 north, range 19 east, Yellowstone County, State of Montana, as recorded in Plat Book 3, Page 21, in the Office of the County Clerk...”

Revocation

3 WAYS TO REVOKE A TRANSFER ON DEATH DEED

1

NEW TRANSFER ON
DEATH DEED

2

FORM OF
REVOCATION

3

INTER VIVOS
DEED



A Montana transfer on death deed is a nontestamentary instrument that cannot be revoked by a will. Instead, property owners may revoke a TOD deed using one of three documents ([§ 72-6-410](#)):

1. A **new transfer on death deed** that revokes the previous deed either expressly or by inconsistency; or
2. A **form of revocation** ([§ 72-6-416](#)); or
3. An **inter vivos deed** that expressly revokes the previous TOD deed.

These documents must be acknowledged and recorded before the transferor's death.

Where to Record

After completing and acknowledging the TOD deed, the property owner must take it to the [office of the county clerk and the recorder of the county](#) where the property is located. The clerk will offer specific instructions for recording the deed. Fees may apply.

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4.7 score, 2,853 reviews



★★★★☆
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