



General Assembly

January Session, 2013

Raised Bill No. 1162

LCO No. 5372



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE ADOPTION OF UNIFORM ACTS
RELATING TO THE DISPOSITION OF PROPERTY AND THE
EFFECTIVENESS OF A VALIDLY EXECUTED POWER OF ATTORNEY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013*) Sections 1 to 13,
2 inclusive, of this act may be cited as the Uniform Partition of Heirs
3 Property Act.

4 Sec. 2. (NEW) (*Effective October 1, 2013*) As used in this section and
5 sections 3 to 13, inclusive, of this act:

6 (1) "Ascendant" means an individual who precedes another
7 individual in lineage, in the direct line of ascent from the other
8 individual;

9 (2) "Collateral" means an individual who is related to another
10 individual under the law of intestate succession of this state but who is
11 not the other individual's ascendant or descendant;

12 (3) "Descendant" means an individual who follows another

13 individual in lineage, in the direct line of descent from the other
14 individual;

15 (4) "Determination of value" means a court order (A) determining
16 the fair market value of heirs property under section 6 or 10 of this act,
17 or (B) adopting the valuation of the property agreed to by all
18 cotenants;

19 (5) "Heirs property" means real property held in tenancy in common
20 which satisfies all of the following requirements as of the filing of a
21 partition action:

22 (A) There is no agreement in a record binding all the cotenants
23 which governs the partition of the property;

24 (B) One or more of the cotenants acquired title from a relative,
25 whether living or deceased; and

26 (C) Any of the following applies:

27 (i) Twenty per cent or more of the interests are held by cotenants
28 who are relatives;

29 (ii) Twenty per cent or more of the interests are held by an
30 individual who acquired title from a relative, whether living or
31 deceased; or

32 (iii) Twenty per cent or more of the cotenants are relatives;

33 (6) "Partition by sale" means a court-ordered sale of the entire heirs
34 property, whether by auction, sealed bids, or open-market sale
35 conducted under section 10 of this act;

36 (7) "Partition in kind" means the division of heirs property into
37 physically distinct and separately titled parcels;

38 (8) "Record" means information that is inscribed on a tangible
39 medium or that is stored in an electronic or other medium and is

40 retrievable in perceivable form; and

41 (9) "Relative" means an ascendant, descendant or collateral or an
42 individual otherwise related to another individual by blood, marriage,
43 adoption or law of this state other than the provision of sections 1 to
44 13, inclusive, of this act.

45 Sec. 3. (NEW) (*Effective October 1, 2013*) (a) The provisions of sections
46 1 to 13, inclusive, of this act apply to partitions actions filed on or after
47 October 1, 2013.

48 (b) In an action to partition real property under section 52-495 of the
49 general statutes, the court shall determine whether the property is
50 heirs property. If the court determines that the property is heirs
51 property, the property must be partitioned under section 8 of this act
52 unless all of the cotenants otherwise agree in a record.

53 (c) The provisions of sections 1 to 13, inclusive, of this act
54 supplement chapter 919 of the general statutes, and, if an action is
55 governed by sections 1 to 13, inclusive, of this act replace provisions of
56 chapter 919 of the general statutes that are inconsistent with the
57 provisions of sections 1 to 13, inclusive, of this act.

58 Sec. 4. (NEW) (*Effective October 1, 2013*) (a) The provisions of sections
59 1 to 13, inclusive, of this act do not limit or affect the method by which
60 service of a complaint in a partition action may be made.

61 (b) If the plaintiff in a partition action seeks an order of notice by
62 publication and the court determines that the property may be heirs
63 property, the plaintiff, not later than ten days after the court's
64 determination, shall post and maintain while the action is pending a
65 conspicuous sign on the property that is the subject of the action. The
66 sign shall state that the action has commenced and identify the name
67 and address of the court and the common designation by which the
68 property is known. The court may require the plaintiff to publish on
69 the sign the name of the plaintiff and the known defendants.

70 Sec. 5. (NEW) (*Effective October 1, 2013*) If the court appoints a
71 committee pursuant to section 52-495 of the general statutes, each
72 committee member shall be disinterested and impartial and not a party
73 to or a participant in the action.

74 Sec. 6. (NEW) (*Effective October 1, 2013*) (a) Except as provided in
75 subsections (b) and (c) of this section, if the court determines that the
76 property that is the subject of a partition action is heirs property, the
77 court shall determine the fair market value of the property by ordering
78 an appraisal pursuant to subsection (d) of this section.

79 (b) If all cotenants have agreed to the value of the property or to
80 another method of valuation, the court shall adopt that value or the
81 value produced by the agreed method of valuation.

82 (c) If the court determines that the evidentiary value of an appraisal
83 is outweighed by the cost of the appraisal, the court, after an
84 evidentiary hearing, shall determine the fair market value of the
85 property and send notice to the parties of the value.

86 (d) If the court orders an appraisal, the court shall appoint a
87 disinterested real estate appraiser licensed in this state to determine
88 the fair market value of the property assuming sole ownership of the
89 fee simple estate. On completion of the appraisal, the appraiser shall
90 file a sworn or verified appraisal with the court.

91 (e) If an appraisal is conducted pursuant to subsection (d) of this
92 section, not later than ten days after the appraisal is filed with the
93 court, the court shall send notice to each party with a known address,
94 stating:

95 (1) The appraised fair market value of the property;

96 (2) That the appraisal is available at the clerk's office; and

97 (3) That a party may file with the court an objection to the appraisal
98 not later than thirty days after the date on which the notice is sent,

99 stating the grounds for the objection.

100 (f) If an appraisal is filed with the court pursuant to subsection (d) of
101 this section, the court shall conduct a hearing to determine the fair
102 market value of the property not earlier than thirty days after the date
103 on which a copy of the notice of the appraisal is sent to each party
104 under subsection (e) of this section, whether or not an objection to the
105 appraisal is filed under subdivision (3) of subsection (e) of this section.
106 In addition to the court-ordered appraisal, the court may consider any
107 other evidence of value offered by a party.

108 (g) After a hearing under subsection (f) of this section, but before
109 considering the merits of the partition action, the court shall determine
110 the fair market value of the property and send notice to the parties of
111 the value.

112 Sec. 7. (NEW) (*Effective October 1, 2013*) (a) If any cotenant requested
113 partition by sale, after the determination of value under section 6 of
114 this act, the court shall send notice to the parties that any cotenant
115 except a cotenant that requested partition by sale may buy all the
116 interests of the cotenants that requested partition by sale.

117 (b) Not later than forty-five days after the date on which the notice
118 is sent under subsection (a) of this section, any cotenant except a
119 cotenant that requested partition by sale may give notice to the court
120 that it elects to buy all the interests of the cotenants that requested
121 partition by sale.

122 (c) The purchase price for each of the interests of a cotenant that
123 requested partition by sale is the value of the entire parcel determined
124 under section 6 of this act, multiplied by the cotenant's fractional
125 ownership of the entire parcel.

126 (d) After expiration of the period in subsection (b) of this section, the
127 following rules apply:

128 (1) If only one cotenant elects to buy all the interests of the cotenants
129 that requested partition by sale, the court shall notify all the parties of
130 that fact.

131 (2) If more than one cotenant elects to buy all the interests of the
132 cotenants that requested partition by sale, the court shall allocate the
133 right to buy those interests among the electing cotenants based on each
134 electing cotenant's existing fractional ownership of the entire parcel
135 divided by the total existing fractional ownership of all cotenants
136 electing to buy and send notice to all the parties of that fact and of the
137 price to be paid by each electing cotenant.

138 (3) If no cotenant elects to buy all the interests of the cotenants that
139 requested partition by sale, the court shall send notice to all the parties
140 of that fact and resolve the partition action under subsections (a) and
141 (b) of section 8 of this act.

142 (e) If the court sends notice to the parties under subdivisions (1) or
143 (2) of subsection (d) of this section, the court shall set a date, not earlier
144 than sixty days after the date on which the notice was sent, by which
145 electing cotenants must pay their apportioned price into the court.
146 After this date, the following rules apply:

147 (1) If all electing cotenants timely pay their apportioned price into
148 court, the court shall issue an order reallocating all the interests of the
149 cotenants and disburse the amounts held by the court to the persons
150 entitled to them.

151 (2) If no electing cotenant timely pays its apportioned price, the
152 court shall resolve the partition action under subsections (a) and (b) of
153 section 8 of this act, as if the interests of the cotenants that requested
154 partition by sale were not purchased.

155 (3) If one or more but not all of the electing cotenants fail to pay
156 their apportioned price on time, the court, on motion, shall give notice
157 to the electing cotenants that paid their apportioned price of the

158 interest remaining and the price for all that interest.

159 (f) Not later than twenty days after the date on which the court
160 gives notice pursuant to subdivision (3) of subsection (e) of this
161 section, any cotenant that paid may elect to purchase all of the
162 remaining interest by paying the entire price into the court. After the
163 twenty-day period, the following rules apply:

164 (1) If only one cotenant pays the entire price for the remaining
165 interest, the court shall issue an order reallocating the remaining
166 interest to that cotenant. The court shall issue promptly an order
167 reallocating the interests of all of the cotenants and disburse the
168 amounts held by it to the persons entitled to them.

169 (2) If no cotenant pays the entire price for the remaining interest, the
170 court shall resolve the partition action under subsections (a) and (b) of
171 section 8 of this act, as if the interests of the cotenants that requested
172 partition by sale were not purchased.

173 (3) If more than one cotenant pays the entire price for the remaining
174 interest, the court shall reapportion the remaining interest among
175 those paying cotenants, based on each paying cotenant's original
176 fractional ownership of the entire parcel divided by the total original
177 fractional ownership of all cotenants that paid the entire price for the
178 remaining interest. The court shall issue promptly an order
179 reallocating all of the cotenants' interests, disburse the amounts held
180 by it to the persons entitled to them, and promptly refund any excess
181 payment held by the court.

182 (g) Not later than forty-five days after the date on which the court
183 sends notice to the parties pursuant to subsection (a) of this section,
184 any cotenant entitled to buy an interest under this section may request
185 the court to authorize the sale as part of the pending action of the
186 interests of cotenants named as defendants and served with the
187 complaint but that did not appear in the action.

188 (h) If the court receives a timely request under subsection (g) of this
189 section, the court, after hearing, may deny the request or authorize the
190 requested additional sale on such terms as the court determines are
191 fair and reasonable, subject to the following limitations:

192 (1) A sale authorized under this subsection may occur only after the
193 purchase prices for all interests subject to sale under subsections (a) to
194 (f), inclusive, of this section, have been paid into court and those
195 interests have been reallocated among the cotenants as provided in
196 subsections (a) to (f), inclusive, of this section; and

197 (2) The purchase price for the interest of a nonappearing cotenant is
198 based on the court's determination of value under section 6 of this act.

199 Sec. 8. (NEW) (*Effective October 1, 2013*) (a) If all the interests of all
200 cotenants that requested partition by sale are not purchased by other
201 cotenants pursuant to section 7 of this act, or if after conclusion of the
202 buyout under section 7 of this act, a cotenant remains that has
203 requested partition in kind, the court shall order partition in kind
204 unless the court, after consideration of the factors listed in section 9 of
205 this act, finds that partition in kind will result in manifest prejudice to
206 the cotenants as a group. In considering whether to order partition in
207 kind, the court shall approve a request by two or more parties to have
208 their individual interests aggregated.

209 (b) If the court does not order partition in kind under subsection (a)
210 of this section, the court shall order partition by sale pursuant to
211 section 10 of this act or, if no cotenant requested partition by sale, the
212 court shall dismiss the action.

213 (c) If the court orders partition in kind pursuant to subsection (a) of
214 this section, the court may require that one or more cotenants pay one
215 or more other cotenants amounts so that the payments, taken together
216 with the value of the in-kind distributions to the cotenants, will make
217 the partition in kind just and proportionate in value to the fractional
218 interests held.

219 (d) If the court orders partition in kind, the court shall allocate to the
220 cotenants who are unknown, cannot be located, or the subject of a
221 default judgment, if their interests were not bought out pursuant to
222 section 7 of this act, a part of the property representing the combined
223 interests of these cotenants as determined by the court and this part of
224 the property shall remain undivided.

225 Sec. 9. (NEW) (*Effective October 1, 2013*) (a) In determining under
226 subsection (a) of section 8 of this act, whether partition in kind would
227 result in manifest prejudice to the cotenants as a group, the court shall
228 consider the following:

229 (1) Whether the heirs property practicably can be divided among
230 the cotenants;

231 (2) Whether partition in kind would apportion the property in such
232 a way that the aggregate fair market value of the parcels resulting from
233 the division would be materially less than the value of the property if
234 it were sold as a whole, taking into account the condition under which
235 a court-ordered sale likely would occur;

236 (3) Evidence of the collective duration of ownership or possession of
237 the property by a cotenant and one or more predecessors in title or
238 predecessors in possession to the cotenant who are or were relatives of
239 the cotenant or each other;

240 (4) A cotenant's sentimental attachment to the property, including
241 any attachment arising because the property has ancestral or other
242 unique or special value to the cotenant;

243 (5) The lawful use being made of the property by a cotenant and the
244 degree to which the cotenant would be harmed if the cotenant could
245 not continue the same use of the property;

246 (6) The degree to which the cotenants have contributed their pro
247 rata share of the property taxes, insurance, and other expenses

248 associated with maintaining ownership of the property or have
249 contributed to the physical improvement, maintenance, or upkeep of
250 the property; and

251 (7) Any other relevant factor.

252 (b) The court may not consider any one factor in subsection (a) of
253 this section to be dispositive without weighing the totality of all
254 relevant factors and circumstances.

255 Sec. 10. (NEW) (*Effective October 1, 2013*) (a) If the court orders a sale
256 of heirs property, the sale must be an open-market sale unless the
257 court finds that a sale by sealed bids or an auction would be more
258 economically advantageous and in the best interest of the cotenants as
259 a group.

260 (b) If the court orders an open-market sale and the parties, not later
261 than ten days after the date of entry of the order, agree on a real estate
262 broker licensed in this state to offer the property for sale, the court
263 shall appoint the broker and establish a reasonable commission. If the
264 parties do not agree on a broker, the court shall appoint a disinterested
265 real estate broker licensed in this state to offer the property for sale and
266 shall establish a reasonable commission. The broker shall offer the
267 property for sale in a commercially reasonable manner at a price no
268 lower than the determination of value and on the terms and conditions
269 established by the court.

270 (c) If the broker appointed under subsection (b) of this section
271 obtains, within a reasonable time, an offer to purchase the property for
272 at least the determination of value: (1) The broker shall comply with
273 the reporting requirements in section 11 of this act; and (2) the sale
274 may be completed in accordance with requirement of state law other
275 than the requirements prescribed in sections 1 to 13, inclusive, of this
276 act.

277 (d) If the broker appointed under subsection (b) of this section does

278 not obtain, within a reasonable time, an offer to purchase the property
279 for at least the determination of value, the court, after hearing, may:

280 (1) Approve the highest outstanding offer, if any;

281 (2) Redetermine the value of the property and order that the
282 property continue to be offered for an additional time; or

283 (3) Order that the property be sold by sealed bids or at an auction.

284 (e) If the court orders a sale by sealed bids or an auction, the court
285 shall set terms and conditions of the sale. If the court orders an auction,
286 the auction must be conducted under section 52-495 of the general
287 statutes.

288 (f) If a purchaser is entitled to a share of the proceeds of the sale, the
289 purchaser is entitled to a credit against the price in an amount equal to
290 the purchaser's share of the proceeds.

291 Sec. 11. (NEW) (*Effective October 1, 2013*) (a) A broker appointed
292 under subsection (b) of section 10 of this act, to offer heirs property for
293 open-market sale shall file a report with the court not later than seven
294 days after receiving an offer to purchase the property for at least the
295 value determined under section 6 or 10 of this act.

296 (b) The report required by subsection (a) of this section shall contain
297 the following information:

298 (1) A description of the property to be sold to each buyer;

299 (2) The name of each buyer;

300 (3) The proposed purchase price;

301 (4) The terms and conditions of the proposed sale, including the
302 terms of any owner financing;

303 (5) The amounts to be paid to lienholders;

304 (6) A statement of contractual or other arrangements or conditions
305 of the broker's commission; and

306 (7) Other material facts relevant to the sale.

307 Sec. 12. (NEW) (*Effective October 1, 2013*) In applying and construing
308 the provisions of the Uniform Partition of Heirs Property Act,
309 consideration shall be given to the need to promote uniformity of the
310 law with respect to its subject matter among states that enact said act.

311 Sec. 13. (NEW) (*Effective October 1, 2013*) The provisions of sections 1
312 to 12, inclusive, of this act, modify, limit and supersede the Electronic
313 Signatures in Global and National Commerce Act, 15 USC Section 7001
314 et seq., but do not modify, limit or supersede Section 101(c) of said act,
315 15 USC Section 7001(c), or authorize electronic delivery of any of the
316 notices described in Section 103(b) of said act, 15 USC Section 7003(b).

317 Sec. 14. (NEW) (*Effective October 1, 2013*) The provisions of sections
318 14 to 32, inclusive, of this act may be cited as the Uniform Real
319 Property Transfer on Death Act.

320 Sec. 15. (NEW) (*Effective October 1, 2013*) As used in sections 14 to 32,
321 inclusive, of this act:

322 (1) "Beneficiary" means a person that receives property under a
323 transfer on death deed;

324 (2) "Designated beneficiary" means a person designated to receive
325 property in a transfer on death deed;

326 (3) "Joint owner" means an individual who owns property
327 concurrently with one or more other individuals with a right of
328 survivorship. The term includes a joint tenant and tenant by the
329 entirety. The term does not include a tenant in common;

330 (4) "Person" means an individual, corporation, business trust, estate,
331 trust, partnership, limited liability company, association, joint venture,

332 public corporation, government or governmental subdivision, agency,
333 or instrumentality or any other legal or commercial entity;

334 (5) "Property" means an interest in real property located in this state
335 which is transferable on the death of the owner;

336 (6) "Transfer on death deed" means a deed authorized under
337 sections 14 to 32, inclusive, of this act; and

338 (7) "Transferor" means an individual who makes a transfer on death
339 deed.

340 Sec. 16. (NEW) (*Effective October 1, 2013*) The provisions of sections
341 14 to 32, inclusive, of this act apply to a transfer on death deed made
342 before, on, or after October 1, 2013, by a transferor dying on or after
343 October 1, 2013.

344 Sec. 17. (NEW) (*Effective October 1, 2013*) The provisions of sections
345 14 to 32, inclusive, of this act do not affect any method of transferring
346 property otherwise permitted under the law of this state.

347 Sec. 18. (NEW) (*Effective October 1, 2013*) An individual may transfer
348 property to one or more beneficiaries effective at the transferor's death
349 by a transfer on death deed.

350 Sec. 19. (NEW) (*Effective October 1, 2013*) A transfer on death deed is
351 revocable even if the deed or another instrument contains a contrary
352 provision.

353 Sec. 20. (NEW) (*Effective October 1, 2013*) A transfer on death deed is
354 nontestamentary.

355 Sec. 21. (NEW) (*Effective October 1, 2013*) The capacity required to
356 make or revoke a transfer on death deed is the same as the capacity
357 required to make a will.

358 Sec. 22. (NEW) (*Effective October 1, 2013*) A transfer on death deed

359 shall: (1) Contain the essential elements and formalities of a properly
360 recordable inter vivos deed, except that the transfer on death deed
361 shall state that the transfer to the designated beneficiary is to occur at
362 the transferor's death; and (2) be recorded before the transferor's death
363 in the public records in the office of the town clerk of the town where
364 the property is located.

365 Sec. 23. (NEW) (*Effective October 1, 2013*) A transfer on death deed
366 shall be effective without: (1) Notice or delivery to or acceptance by the
367 designated beneficiary during the transferor's life; or (2) consideration.

368 Sec. 24. (NEW) (*Effective October 1, 2013*) (a) Subject to the provisions
369 of subsection (b) of this section, an instrument is effective to revoke a
370 recorded transfer on death deed, or any part of it, only if the
371 instrument is:

372 (1) One of the following: (A) A transfer on death deed that revokes
373 the deed or part of the deed expressly or by inconsistency; (B) an
374 instrument of revocation that expressly revokes the deed or part of the
375 deed; or (C) an inter vivos deed that expressly revokes the transfer on
376 death deed or part of the deed; and

377 (2) Acknowledged by the transferor after the acknowledgment of
378 the deed being revoked and recorded before the transferor's death in
379 the public records in the office of the town clerk of the town where the
380 deed is recorded.

381 (b) If a transfer on death deed is made by more than one transferor:
382 (1) Revocation by a transferor does not affect the deed as to the interest
383 of another transferor; and (2) a deed of joint owners is revoked only if
384 it is revoked by all of the living joint owners.

385 (c) After a transfer on death deed is recorded, it may not be revoked
386 by a revocatory act on the deed.

387 (d) The provisions of this section do not limit the effect of an inter

388 vivos transfer of the property.

389 Sec. 25. (NEW) (*Effective October 1, 2013*) During a transferor's life, a
390 transfer on death deed does not:

391 (1) Affect an interest or right of the transferor or any other owner,
392 including the right to transfer or encumber the property;

393 (2) Affect an interest or right of a transferee, even if the transferee
394 has actual or constructive notice of the deed;

395 (3) Affect an interest or right of a secured or unsecured creditor or
396 future creditor of the transferor, even if the creditor has actual or
397 constructive notice of the deed;

398 (4) Affect the transferor's or designated beneficiary's eligibility for
399 any form of public assistance;

400 (5) Create a legal or equitable interest in favor of the designated
401 beneficiary; or

402 (6) Subject the property to claims or process of a creditor of the
403 designated beneficiary.

404 Sec. 26. (NEW) (*Effective October 1, 2013*) (a) Except as provided in
405 the transfer on death deed, this section, or in section 45a-257c, 45a-336,
406 45a-440, 45a-441 or 45a-447 of the general statutes, on the death of the
407 transferor, the following rules apply to property that is the subject of a
408 transfer on death deed and owned by the transferor at death:

409 (1) Subject to the provisions of subdivision (2) of this subsection, the
410 interest in the property is transferred to the designated beneficiary in
411 accordance with the deed.

412 (2) The interest of a designated beneficiary is contingent on the
413 designated beneficiary surviving the transferor. The interest of a
414 designated beneficiary that fails to survive the transferor lapses.

415 (3) Subject to the provisions of subdivision (4) of this subsection,
416 concurrent interests are transferred to the beneficiaries in equal and
417 undivided shares with no right of survivorship.

418 (4) If the transferor has identified two or more designated
419 beneficiaries to receive concurrent interests in the property, the share
420 of one which lapses or fails for any reason is transferred to the other, or
421 to the others in proportion to the interest of each in the remaining part
422 of the property held concurrently.

423 (b) Subject to the provisions of section 47-10 of the general statutes,
424 a beneficiary takes the property subject to all conveyances,
425 encumbrances, assignments, contracts, mortgages, liens and other
426 interests to which the property is subject at the transferor's death. For
427 purposes of this subsection and section 47-10 of the general statutes,
428 the recording of the transfer on death deed is deemed to have occurred
429 at the transferor's death.

430 (c) If a transferor is a joint owner and is: (1) Survived by one or more
431 other joint owners, the property that is the subject of a transfer on
432 death deed belongs to the surviving joint owner or owners with right
433 of survivorship; or (2) the last surviving joint owner, the transfer on
434 death deed is effective.

435 (d) A transfer on death deed transfers property without covenant or
436 warranty of title even if the deed contains a contrary provision.

437 Sec. 27. (NEW) (*Effective October 1, 2013*) A beneficiary may disclaim
438 all or part of the beneficiary's interest as provided by sections 45a-578
439 to 45a-585, inclusive, of the general statutes.

440 Sec. 28. (NEW) (*Effective October 1, 2013*) (a) To the extent the
441 transferor's probate estate is insufficient to satisfy an allowed claim
442 against the estate or a statutory allowance to a surviving spouse or
443 child, the estate may enforce the liability against property transferred
444 at the transferor's death by a transfer on death deed.

T5

Legal description of the property:

....

T6 PRIMARY BENEFICIARY

T7 I designate the following beneficiary if the beneficiary survives me.

T8

....

Printed name

....

Mailing address, if available

T9 ALTERNATE BENEFICIARY - Optional

T10 If my primary beneficiary does not survive me, I designate the following alternate beneficiary if that beneficiary survives me.

T11

....

Printed name

....

Mailing address, if available

T12 TRANSFER ON DEATH

T13 At my death, I transfer my interest in the described property to the beneficiaries as designated above.

T14

Before my death, I have the right to revoke this deed.

T15 SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED

T16

....

Signature

[(SEAL)]....

Date

T17

....

Signature

[(SEAL)]....

Date

T18 ACKNOWLEDGMENT

T19 (insert acknowledgment for deed here)

463 (back of form)

464 COMMON QUESTIONS ABOUT THE USE OF THIS FORM

465 What does the Transfer on Death (TOD) deed do? When you
466 die, this deed transfers the described property, subject to any liens or
467 mortgages (or other encumbrances) on the property at your death.
468 Probate is not required. The TOD deed has no effect until you die. You
469 can revoke it at any time. You are also free to transfer the property to
470 someone else during your lifetime. If you do not own any interest in
471 the property when you die, this deed will have no effect.

472 How do I make a TOD deed? Complete this form. Have it
473 acknowledged before a notary public or other individual authorized
474 by law to take acknowledgments. Record the form in each town where
475 any part of the property is located. The form has no effect unless it is
476 acknowledged and recorded before your death.

477 Is the "legal description" of the property necessary? Yes.

478 How do I find the "legal description" of the property? This
479 information may be on the deed you received when you became an
480 owner of the property. This information may also be available in the
481 office of the town clerk for the town where the property is located. If
482 you are not absolutely sure, consult a lawyer.

483 Can I change my mind before I record the TOD deed? Yes. If
484 you have not yet recorded the deed and want to change your mind,
485 simply tear up or otherwise destroy the deed.

486 How do I "record" the TOD deed? Take the completed and
487 acknowledged form to the office of the town clerk of the town where
488 the property is located. Follow the instructions given by the town clerk
489 to make the form part of the official property records. If the property is
490 in more than one town, you should record the deed in each town.

491 Can I later revoke the TOD deed if I change my mind? Yes. You
492 can revoke the TOD deed. No one, including the beneficiaries, can
493 prevent you from revoking the deed.

494 How do I revoke the TOD deed after it is recorded? There are
495 three ways to revoke a recorded TOD deed: (1) Complete and
496 acknowledge a revocation form, and record it in each town where the
497 property is located. (2) Complete and acknowledge a new TOD deed
498 that disposes of the same property, and record it in each town where
499 the property is located. (3) Transfer the property to someone else
500 during your lifetime by a recorded deed that expressly revokes the
501 TOD deed. You may not revoke the TOD deed by will.

502 I am being pressured to complete this form. What should I do?
503 Do not complete this form under pressure. Seek help from a trusted
504 family member, friend, or lawyer.

505 Do I need to tell the beneficiaries about the TOD deed? No, but
506 it is recommended. Secrecy can cause later complications and might
507 make it easier for others to commit fraud.

508 I have other questions about this form. What should I do? This
509 form is designed to fit some but not all situations. If you have other
510 questions, you are encouraged to consult a lawyer.

511 Sec. 30. (NEW) (*Effective October 1, 2013*) The following form may be
512 used to create an instrument of revocation under section 24 of this act.
513 Sections 14 to 32, inclusive, of this act govern the effect of this or any
514 other instrument used to revoke a transfer on death deed.

515 (front of form)

516 REVOCATION OF TRANSFER ON DEATH DEED

T20 NOTICE TO OWNER

T21 This revocation must be recorded before you die or it will not be

effective. This revocation is effective only as to the interests in the property of owners who sign this revocation.

T22 IDENTIFYING INFORMATION

T23 Owner or Owners of Property Making This Revocation:

T24
Printed name Mailing address

T25
Printed name Mailing address

T26 Legal description of the property:

....

T27 REVOCATION

T28 I revoke all my previous transfers of this property by transfer on death deed.

T29 SIGNATURE OF OWNER OR OWNERS MAKING THIS REVOCATION

T30 [(SEAL)]....
Signature Date

T31 [(SEAL)]....
Signature Date

T32 ACKNOWLEDGMENT

T33 (insert acknowledgment here)

517 (back of form)

518 COMMON QUESTIONS ABOUT THE USE OF THIS FORM

519 How do I use this form to revoke a Transfer on Death (TOD)
520 deed? Complete this form. Have it acknowledged before a notary

521 public or other individual authorized to take acknowledgments.
522 Record the form in the public records in the office of the town clerk of
523 each town where the property is located. The form must be
524 acknowledged and recorded before your death or it has no effect.

525 How do I find the "legal description" of the property? This
526 information may be on the TOD deed. It may also be available in the
527 office of the town clerk for the town where the property is located. If
528 you are not absolutely sure, consult a lawyer.

529 How do I "record" the form? Take the completed and
530 acknowledged form to the office of the town clerk of the town where
531 the property is located. Follow the instructions given by the town clerk
532 to make the form part of the official property records. If the property is
533 located in more than one town, you should record the form in each of
534 those towns.

535 I am being pressured to complete this form. What should I do?
536 Do not complete this form under pressure. Seek help from a trusted
537 family member, friend, or lawyer.

538 I have other questions about this form. What should I do? This
539 form is designed to fit some but not all situations. If you have other
540 questions, consult a lawyer.

541 Sec. 31. (NEW) (*Effective October 1, 2013*) In applying and construing
542 the provisions of the Uniform Real Property Transfer on Death Act,
543 consideration shall be given to the need to promote uniformity of the
544 law with respect to its subject matter among states that enact said act.

545 Sec. 32. (NEW) (*Effective October 1, 2013*) The provisions of sections
546 14 to 31, inclusive, of this act modify, limit and supersede the
547 Electronic Signatures in Global and National Commerce Act, 15 USC
548 Section 7001 et seq., but do not modify, limit or supersede Section
549 101(c) of said act, 15 USC Section 7001(c), or authorize electronic
550 delivery of any of the notices described in Section 103(b) of said act, 15

551 USC Section 7003(b).

552 Sec. 33. Subsection (d) of section 1-43 of the general statutes is
 553 repealed and the following is substituted in lieu thereof (*Effective*
 554 *October 1, 2013*):

555 (d) (1) The principal may indicate that a power of attorney duly
 556 acknowledged in accordance with this section shall take effect upon
 557 the occurrence of a specified contingency, including a date certain or
 558 the occurrence of an event, provided that an agent designated by the
 559 principal executes a written affidavit in accordance with section 1-56h
 560 that such contingency has occurred.

561 (2) The principal may indicate the circumstance, exclusive means of
 562 revocation or date certain upon which the power of attorney shall
 563 cease to be effective.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>October 1, 2013</i>	New section
Sec. 3	<i>October 1, 2013</i>	New section
Sec. 4	<i>October 1, 2013</i>	New section
Sec. 5	<i>October 1, 2013</i>	New section
Sec. 6	<i>October 1, 2013</i>	New section
Sec. 7	<i>October 1, 2013</i>	New section
Sec. 8	<i>October 1, 2013</i>	New section
Sec. 9	<i>October 1, 2013</i>	New section
Sec. 10	<i>October 1, 2013</i>	New section
Sec. 11	<i>October 1, 2013</i>	New section
Sec. 12	<i>October 1, 2013</i>	New section
Sec. 13	<i>October 1, 2013</i>	New section
Sec. 14	<i>October 1, 2013</i>	New section
Sec. 15	<i>October 1, 2013</i>	New section
Sec. 16	<i>October 1, 2013</i>	New section
Sec. 17	<i>October 1, 2013</i>	New section
Sec. 18	<i>October 1, 2013</i>	New section

Sec. 19	<i>October 1, 2013</i>	New section
Sec. 20	<i>October 1, 2013</i>	New section
Sec. 21	<i>October 1, 2013</i>	New section
Sec. 22	<i>October 1, 2013</i>	New section
Sec. 23	<i>October 1, 2013</i>	New section
Sec. 24	<i>October 1, 2013</i>	New section
Sec. 25	<i>October 1, 2013</i>	New section
Sec. 26	<i>October 1, 2013</i>	New section
Sec. 27	<i>October 1, 2013</i>	New section
Sec. 28	<i>October 1, 2013</i>	New section
Sec. 29	<i>October 1, 2013</i>	New section
Sec. 30	<i>October 1, 2013</i>	New section
Sec. 31	<i>October 1, 2013</i>	New section
Sec. 32	<i>October 1, 2013</i>	New section
Sec. 33	<i>October 1, 2013</i>	1-43(d)