

Kansas Transfer on Death Deed



What is a Transfer on Death (TOD) Deed?

A transfer-on-death (TOD) deed, also called a beneficiary deed, looks like a regular deed used to transfer real estate. But there's a crucial divide: **It doesn't take effect until your death.** You are free to change your mind and revoke the deed at any time during your life.

TOD Deeds for Real Estate

For Land, Home, Certain Types of Oil Gas and Mineral Rights, and Royalties Thereof:

- **Preparation:** A TOD is a document that can be prepared and signed at any time.
- **Transfer Timing:** It directs the transfer of your interest in property to another person at the moment of your death.
- **Financial Impact:** It doesn't avoid creditors or SRS Estate Recovery. It doesn't avoid taxes (though only very large estates are taxed in Kansas now).
- **Medicaid:** It doesn't transfer ownership until your death, so you don't cause possible Medicaid Transfer of Asset penalties.
- **Control:** You still own your property, so you can sell it at any time.
- **Joint Tenancy:** Property owned in joint tenancy with right of survivorship is fully transferred to the surviving owner upon the death of one owner.
- **Key Requirement:** You must give an exact legal description of the property, so obtaining a copy of your deed is best.

TOD for Vehicles

For Car, Recreational or Other Vehicle:

- **Process:** This is a label you can have added to your car title using a Transfer on Death Form.
- **Timing:** It is best to do this when you pay your annual vehicle registration.
- **Office:** Work with the County Treasurer or Tag office to complete the paperwork.
- **Transfer:** The vehicle will be transferred to the beneficiary upon the proof of death of all owners.
- **Requirement:** This must be done for each vehicle owned.

Making it Official: The Filing Process

- **Real Estate Filing:** A TOD for land, home, or mineral/oil rights should be filed with the Recorder of Deeds in the county where the real estate is located.
 - A small recording fee is included.
 - You will need a full description of your real estate.
- **Vehicle Filing:** A TOD for Vehicles can be recorded by taking the title to the County Treasurer in the owner's county of residence and paying a fee.
- **Notification:** The grantor need not inform the recipient or get their approval to be able to record a TOD.

Benefits of a Transfer on Death Deed

Bypassing Probate: A TOD allows you to transfer ownership of property after death by naming a recipient and **bypassing the probate process**.

- Even if you name a beneficiary in your will, that property will still need to be probated.
- A TOD avoids the probate system and transfers the property without the need for court and clerical fees.

Creditor Protection: Because the recipient has no interest in the property until the owner dies, the recipient's creditors cannot reach the property.

Cost-Effectiveness: The transfer of property through a TOD deed is much less costly compared to transfer under a revocable trust or a will.

- In any state, a probate proceeding will cost more than the fees related to a TOD deed.

CRITICAL WARNING: TOD vs. WILL

TOD deeds do not replace wills. It is still a good idea to have a valid will in place to properly distribute your entire estate.

Resource: Make sure to check out the KLS resource: [Do I Need A Will?](#)

Possible Drawbacks

A downside of TOD deeds is that people may use them without consulting a lawyer and may make legal mistakes. For example, an owner might name one beneficiary but neglect to arrange for the possibility that the recipient predeceases the owner, which can complicate the estate after the owner's death.

Revoking a TOD Deed

To revoke a TOD, it must be done formally and in writing.

IMPORTANT: Simply denying a TOD in a will is not enough to legally undo the TOD. Formal revocation procedures must be followed.

Need Legal Assistance?

For help with Estate Planning, Wills, and TOD deeds, contact Kansas Legal Services.

Call: 316-267-3975

Or complete an online application:

[Click here to complete an online application](#)

Additional Reading:

[This article from an ABA Journal](#) explains the options provided by a Transfer on Death Deed. Kansas is one of only nine states that allows this option.

Last updated on November 25, 2025.

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