Transfer-on-Death Deed (TOD)

IMPORTANT NOTICE

This handout provides general information only and does not constitute legal advice. Individuals are encouraged to consult an attorney with questions before preparing or filing legal documents.

What Is a Transfer-on-Death Deed?

Georgia's Transfer-on-Death Deed law, O.C.G.A. §§ 44-17-1 through 44-17-7, took effect July 1, 2024, following the passage of Senate Bill 420. House Bill 413, passed in 2026, amended the applicable code sections.

A Transfer-on-Death Deed (TOD) allows an owner of record to designate a beneficiary to receive real property upon the owner's death, subject to applicable law.

Preparing Your TOD

An attorney or document preparation service may prepare the deed. You may choose to prepare the deed yourself.

The Clerk of Superior Court's Office cannot provide legal advice, prepare the deed, or assist with completing the form.

Once prepared, the deed must be filed with the Clerk of Superior Court's Office. A PT-61 form is not required upon recording a transfer-on-death deed since no property is being conveyed at the time of recording. However, when the grantee files their affidavit accepting the real estate, a PT-61form will be required.

Filing fee: $25.00

How to File

1. Electronic Filing (eFile)

Self-represented individuals <u>are required</u> to eFile real estate documents under House Bill 1292, effective January 1, 2025, website: https://www.cherokeecourtclerk.com/efiling

2. Paper Filing or eFile: The following may choose to file electronically or via paper, in person or by mail:

- Georgia-licensed attorneys
- Mortgage lenders licensed in Georgia or exempt from licensing
- Mortgage servicers, as defined by 12 C.F.R. § 1024.2
- Federally insured banks or credit unions
- Georgia-licensed surveyors
- Georgia-licensed title insurance companies
- Georgia-licensed real estate brokers or salespersons
- Public officials

In Person: Monday–Friday, 8:00 a.m.–4:30 p.m.

By Mail

- Cherokee County Clerk of Superior Court
  Deeds and Records
  90 North Street, Suite G-150
  Canton, GA 30114

Please ensure your documents and applicable fees are included with your submission.

For filing information, visit the Cherokee County Clerk of Superior Court website. For legal advice regarding a Transfer-on-Death Deed, consult an attorney.