



Cuyahoga County

Great Estates

CHRIS RONAYNE
CUYAHOGA COUNTY EXECUTIVE

JUDGE ANTHONY RUSSO
ADMINISTRATIVE JUDGE
CUYAHOGA COUNTY PROBATE COURT

MICHAEL CHAMBERS
CUYAHOGA COUNTY FISCAL OFFICER

October 18, 2023





KATHERINE GALLAGHER
CUYAHOGA COUNTY
DEPUTY CHIEF OF OPERATIONS
AND COMMUNITY INNOVATION



ANTHONY RUSSO
PRESIDING PROBATE JUDGE OF CUYAHOGA COUNTY

Agenda

Welcome Remarks:

Katherine Gallagher & Judge Russo

Presentation:

Transfer & Recording
Brian O'Malley
Director of Transfer & Recording

Auto Title
Nicole Sanders
Division Manager of Auto Title

Question and Answer



Overview

The Great Estates Program is being offered to inform people of the various inexpensive and easy to use tools that are available to them to assist in their estate planning

Survivorship Deeds

Transfer on Death Designation Affidavit (Real Estate Assets)

Transfer on Death Beneficiary Affidavit (Automobile Assets)

Transfer and Recording Division



Cuyahoga County

Transfer and Recording Division
2079 East 9th Street Room 4-100
Cleveland, Ohio 44115

Survivorship Deeds

Survivorship Tenancies or Joint Tenants with Right of Survivorship (JTWROS)

Is a type of property ownership giving co-owners survivorship rights upon another property owner's death.

Transfer on Death Designation Affidavit (TOD)

When properly recorded, permits the direct transfer of the described real property to the designated beneficiary or beneficiaries upon the death of the owner, thus avoiding Probate administration

Estate by Entireties with Survivorship Deed

Initially established by the Ohio Legislature in 1971 in an attempt to establish a clear tenancy in the law.

The limitation of the initial statute was that it was limited to Husbands & Wives.

In 1985, the Ohio Legislature created the current Survivorship Deed and abolished the Estate by Entireties Deed.

ESTATE BY THE ENTIRETIES WITH SURVIVORSHIP DEED No. 102-B (Revised 1972) The Ohio Legal Blank, Co., Cleveland Publishers and Dealers Since 1888

129850

Know all Men by these Presents

VOL. 85-0955 PAGE 60

That Ernest and Mary, Husband and Wife,
(insert marital status)
of Cuyahoga County, Ohio,
for valuable consideration paid, Grant(s), (Covenants, if any), to
Ernest and Mary
husband and wife, for their joint lives, remainder to the survivor of them,
whose last mailing address is 1163 East Cleveland, Ohio 44106

the following described Real Property: (Description of land or interest therein and encumbrances, reservations, and exceptions, if any)

Situated in the City of Cleveland County of Cuyahoga and State of Ohio and known as being the Northerly 33-1/3 feet of Sublot No. 37 on E.O. Potter's Allotment of part of original One Hundred Acre Lot No. 379, as shown by the recorded plat in Volume 24 of Maps, Page 10 of Cuyahoga County Records, and being a parcel of Land 33-1/3 feet front on the Easterly side of Wallace Street (now known as East 113th St.) and extending back of equal width 105-1/100 feet deep, as appears by said plat.

TRANSFER NOT REQUIRED
DEC 12 1985
ADH
COV. COUNTY AUDITOR

101-23-037

Prior Instrument Reference: Vol. 8844 Page 437 of the Deed
Records of Cuyahoga County, Ohio.

This is an Estate by the Entireties with Survivorship Deed *

*See Sections 5301 and 5302.17 of the Revised Code of Ohio as to covenants made and the warranties given by the Estate by the Entireties Survivorship Deed.

4
282
CUYAHOGA COUNTY RECORDER
PATRICK J. O'MALLEY
DEED 12/30/2005 02:04:43 PM
200512300808

HomeTown USA Title Agency, Ltd.
05113412

SURVIVORSHIP DEED

KNOW ALL MEN BY THESE PRESENTS that, DAVID J. _____, an unmarried individual ("Grantor"), for valuable consideration paid, grants with general warranty covenants, to MATTHEW J. _____ and PAMELA M. _____ (collectively, "Grantee"), for their joint lives, remainder to the survivor of them, whose tax mailing address is 260 _____, Berea, Ohio 44017, the following described real property:

SITUATED IN THE CITY OF BERA, COUNTY OF CUYAHOGA AND STATE OF OHIO, AND KNOWN AS BEING SUBLOT NO. 108 IN FAIR PARK SUBDIVISION NO. 4A OF PART OF ORIGINAL MIDDLEBURG TOWNSHIP SECTION NO. 25, AS SHOWN BY THE RECORDED PLAT IN VOLUME 160 OF MAPS, PAGE 35 OF CUYAHOGA COUNTY RECORDS, AS APPEARS BY SAID PLAT, BE THE SAME MORE OR LESS, BUT SUBJECT TO ALL LEGAL HIGHWAYS.

Permanent Parcel No.

Prior instrument recorded as AFN 200206141104 of Cuyahoga County, Ohio records.

The general warranty covenants of Grantor are subject to (a) any mortgage assumed by Grantee, (b) such restrictions, conditions, easements (however created) and encroachments as do not materially adversely affect the use or value of the property, (c) zoning ordinances, if any, and (d) taxes and assessments, both general and special, not yet due and payable.

ROBERT KLAIBER P.E., P.S.
Legal Description complies with
Cuyahoga County Conveyance
Standards and is approved for
transfer

DEC 30 2005

[Signature]
Agent

Permanent Parcel # 363-33-127
Type Instrument, Survivorship Deed
Tax District # 3050
Grantor -
Grantee -
Balance Assumed \$ 0.00
Total Consideration \$ 139,900.00
Conv Fee Paid \$ 559.60
Transfer Fee Paid \$ 0.50
Fee Paid by HometownUSA Title Agen
Inst # 200935
Check # -
Date 12/30/2005 2:02:00 PM
Tax List Year 2005
Land Use Code: 5100
Land Value 21,200
Building Value 113,800
Total Value 135,000
Arms Length Sale. YES
Rcpt D-12302005-11

CUYAHOGA COUNTY AUDITOR

CUYAHOGA COUNTY RECORDER
200512300808 PAGE 1 of 2

Survivorship Deed

Any Deed can create a Survivorship Tenancy provided the following:

- There is more than one Grantee
- The following language appears after the Grantee clause,
 - “For Their Joint Lives Remainder to the Survivor of them”

Affidavit of Surviving Spouse of Joint Survivor

Form you would execute, notarize and record after the death of a surviving tenant.

Does require a Certified copy of the Death Certificate of the deceased spouse or tenant

STATE OF OHIO)
Affidavit of Surviving Spouse
or Joint Survivor
CO. OF CUYAHOGA) (R.C. 5302.17)

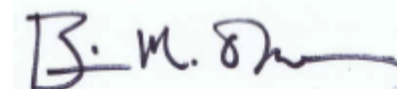
Mary T. Public, Being first duly sworn, deposes and Says

as follows:

- 1) That John Q. Public & Mary T. Public are joint owners of property under a duly recorded survivorship or tenancy by entireties deed.
- 2) That the property is known as 1234 Main Street, Cleveland, OH 44115, Cuyahoga County, State of Ohio and also known as Permanent Parcel No. 999 - 98 - 987 in the records of the county Auditor. The original Survivorship Deed is recorded in the records of the Cuyahoga County Recorder in Vol. 95-2541 Pg. 25.
Legal Description – See Attached Exhibit “A”
- 3) That John Q. Public died on or about July 1, 2023 at Cleveland, OH and said death certificate has been issued and is attached hereto.
- 4) That by virtue of the death of the party listed in Item # 3 above, Mary T. Public is the fee simple owner of the above described property and requests that this fact be reflected on the land and tax records of Cuyahoga County.

Affiant

SWORN TO BEFORE ME and subscribed in my presence this _____ day of _____, 20____.



TRANSFER ON DEATH DEED – with Dower Clause

Know all Men by these Presents

That, **John Q. Public & Mary T. Public,** , the Grantor(s),

who claim title by or through instrument, recorded in A.F.N.202005020325, of the Cuyahoga County Recorder's Office, for the consideration of

Dollars(\$ 10.00)

Received to their full satisfaction of **Steven P. Smith & Jane A. Smith**

For Their Joint Lives, Remainder to the survivor of them, the Grantee(s),

Transfer on Death to our Children: Charles B. Smith
Roger T. Smith
Cheryl C. Smith

Have Given, Granted, Remised, Released and Forever Quit-Claimed, and do by these presents absolutely give, grant, remise, release and forever quit-claim unto the said grantee, their heirs and assigns forever, all such right and title as they, the said grantor, have or ought to have in and to the following described piece or parcel of land.

Legal Description

Situated in the City of Cleveland, County of Cuyahoga & State of Ohio: Further known as being Sublot 999 in Johnsonville Subdivision No. 84 and part of Original Rockport Township, Lot 3 and being further known as Sublot 888 in the Van Sweringen Subdivision as found in the Plat Map Volume 352, Page 45 of Cuyahoga County Fiscal Officer.

Transfer on Death Deed

Created by the Ohio Legislature in 2000

Initially creating a tenancy different from the Survivorship Deed

Can name heir(s) however they have no interest in the real property until one of the owners passes

In the first few years after this legislation passed, many of the initial deeds were prepared inadvertently incorrect.

Based on an errant belief that the legislature had allowed for multiple tenancies, wherein many deeds were prepared attempting to use both Survivorship and Transfer on Death language on the same deed

Transfer on Death Affidavit

Ohio Legislature amended the statute to create the Transfer on Death AFFIDAVIT and abolished the Transfer on Death Deed

State of Ohio) Transfer on Death Designation Affidavit
)
 County of Cuyahoga) (O.R.C. Section 5302.22)

I, John Q. & Mary T. Public,
 being first duly sworn, deposes and states as follows:

That John Q. Public & Mary T. Public, the
 Affiant(s) is/are the owner(s) of record of the following real property located at:
Cleveland, OH 44115 as
 recorded in Volume 15268 Page 524 or AFN of
 Cuyahoga County Records.

Legal Description – *See Attached*

Permanent Parcel No. 999-98-997

That title of record to the above property is held by Affiant(s) as follows:

- Sole Owner
- Tenant(s) in Common
- Tenant(s) in Survivorship
- Tenants by the Entireties

Check only ONE of the following sections and then complete:

A Single Beneficiary or B Multiple Beneficiaries

Section A

Affiant hereby designate(s) the entire undivided interest in the property to be transferred upon
 their death to: NA
 as sole beneficiary.

Complete the following page if option B "Multiple Beneficiaries" applies.

Section B

That Affiant(s) hereby designate the entire undivided interest in the property held by them for
 transfer on death to the person or persons named below, as transfer on death beneficiaries, to
 receive the title upon the death of said Affiant(s).

Name of Beneficiary	Undivided Interest of Affiant(s)	Type of Tenancy
Jennifer Public	1/3	Tenants in common
Stacy Public	1/3	Tenants in common
Jeremy Public	1/3	Tenants in common

That , wife/husband of the Affiant, states
 that her/his dower rights are subordinate to the vesting of title to the real property in the
 transfer on death beneficiary or beneficiaries designated herein.

This Affidavit, and the beneficiary designation(s) set forth herein, hereby revokes,
 replaces and supersedes any prior beneficiary designation(s) by Affiant(s), whether by
 deed or affidavit, related to the above-designated real property.

Affidavit as to Succession Under a Transfer on Death Deed

Complete this form to transfer interest to the heirs listed on the TOD Affidavit.

All forms can be found on the Transfer and Recording Department page at cuyahogacounty.gov

State of Ohio) Affidavit as to Succession Under a
) Transfer on Death Deed
County of Cuyahoga) (O.R.C. Section 5302.22)

I, Mary T. Smith, being first duly sworn, deposes and states as follows:

That the following are the named beneficiary(s) on a Transfer on Death Deed created by: John Q. Public, who died on 8/9/2023, a resident of Cleveland OH, 44115. The decedent died in Cleveland, OH, 44115 and a certificate of death was issued by the Ohio Department of Health & Vital Statistics and said certificate is attached to this Affidavit.

That a "Transfer on Death Deed" was created and signed by: John Q. Public & Mary T. Public, and dated 8/26/2022. Said deed was recorded on 8/27/2022, and is contained in Document No. 202208270999 of the Cuyahoga County Records.

Legal Description – See Attached
Property Address: 1234 Main Street, Cleveland, OH 44115
Permanent Parcel No. 999-98-997

This Affidavit is executed to show that the title to this real estate now vests solely in the name(s) of: Scott Public, Jennifer Public & Jeremy Public

the decedents (enter relationship) Children,

and to enable the County Auditor's office to transfer the ownership into the name of the present sole owner and out of the name of the deceased owner.

CUYAHOGA COUNTY RECORDER
PATRICK J. O'MALLEY
DTOD 09/26/2003 02:22:50 PM
200309261061

LIMITED WARRANTY DEED
TRANSFER ON DEATH

CUYAHOGA COUNTY RECORDER
200309261061 PAGE 1 of 2

KNOW ALL MEN BY THESE PRESENTS, that I, KAREN M. , divorced and not remarried, the Grantor, who claims title by or through instrument, recorded in Instrument Number 200309261060, Cuyahoga County Recorder's Office, for the consideration of Ten Dollars (\$10.00) received to my full satisfaction of KAREN M. , divorced and not remarried, the Grantee, whose TAX MAILING ADDRESS will be 4146 West 140th Street, Cleveland, Ohio 44135, **transfer on death** to KAREN M. , TRUSTEE UNDER THE KAREN M. MUSSER TRUST AGREEMENT DATED DECEMBER 2002, AS AMENDED ON SEPTEMBER , 2003, the Beneficiary, do hereby give, grant, bargain, sell and convey with limited warranty covenants unto the said Grantee, her heirs and assigns, the following described premises (hereinafter the "Property") situated in the City of Cleveland, County of Cuyahoga and State of Ohio:

And known as being Sublot No. 108 in The Ford Realty Company's Liberty Subdivision No. 1 of part of original Rockport Township Section No. 9, as shown by the recorded plat in Volume 65 of Maps, Page 13 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 140th Street (formerly West Park Boulevard) and extending back of equal width 130 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel Number: 022-28-054
Property Address: 4146 West 140th Street, Cleveland, Ohio 44135

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereunto belonging, unto the said Grantee, her heirs and assigns forever. And I, the said Grantor, do for myself and my heirs and assigns covenant with the said Grantee, her heirs and assigns, that at and until the ensembling of these presents, I am well seized of the Property, have a good and indefeasible estate in FEE SIMPLE, and have good right to bargain and sell the same in manner and form as above written, that the same are free and clear from all encumbrances made by the Grantor, except (i) matters which would be disclosed by an accurate survey and inspection of the Property; (ii) zoning and building ordinances and regulations; (iii) general and special real estate taxes and assessments that are a lien on the date of transfer of title but are not yet due and payable; (iv) covenants, conditions, restrictions, agreements and easements of record; and that I will **WARRANT AND DEFEND** the Property, with the appurtenances thereunto belonging, to the said Grantee, her heirs and assigns forever. **CONVEYANCE IS IN COMPLIANCE WITH SEC. 319.202 O.R.C.**

SEP 23 2003

ROBERT KLAIBER P.E., P.S.
Legal Description complies with
Cuyahoga County Conveyance
Standards and is approved for
transfer.

Conveyance Fee Receipt No. 25345
FRANK RUSSELL, Cuyahoga County Recorder by [Signature] Deputy

SEP 26 2003

Agent

Transfer on Death to a Trust

A family trust can be listed as the primary beneficiary on a TOD.

It is recommended that you consult a licensed attorney to assist you in establishing a family trust if you chose to do so

Cuyahoga County Property Alerts Service

<https://Recorder.CuyahogaCounty.us>

Then Click on “Property Alert”

GovOS Property Alerts

Get notified against potentially fraudulent claims or transactions regarding Real Property. Receive email alerts any time your personal or entity name is used in a Real Property filing within the county. This is a free service provided by GovOS and your County Transfer & Recording Office designed with the goal of reducing fraudulently-recorded documents that could affect your property ownership.



THERE ARE TWO WAYS TO SET UP A FREE PROPERTY ALERT:

Already created an alert? [View Dashboard](#)
For further details, visit our [Property Alert FAQ](#)



Create an alert from a personal or entity name

You can set up a property alert by entering a name or multiple names. Optionally you can include alternate spelling variations.



Click on the alert shield while viewing a document

Once you've found the right document, select Property Alert from the menu above and select your notification criteria.

OR





Auto Title Division



Cuyahoga County

Auto Title Division
2079 East 9th Street Room 3-200
Cleveland, Ohio 44115

Transfer on Death Affidavit (BMV 3811)

Allows titled possessions to be transferred to one or more beneficiaries

Beneficiaries:

Can be added or removed at any time

Can be an individual, corp., trust, org. or other legal entity

Cannot be added to title with lien unless permission given by lienholder

Can be added to a title with "WROS"



OHIO DEPARTMENT OF PUBLIC SAFETY
BUREAU OF MOTOR VEHICLES
**TRANSFER ON DEATH BENEFICIARY
DESIGNATION / REMOVAL AFFIDAVIT**
Ohio Revised Code (R.C.) section 2131.13

This form is used to add and/or remove a transfer on death beneficiary. Please only check one box for the action you are taking.

DESIGNATION

REMOVAL

An individual with sole ownership or two persons who have established joint ownership with right of survivorship of a motor vehicle, watercraft, or outboard motor, all-purpose vehicle, off-highway motorcycle may make an application for a Certificate of Title to designate/remove one or more beneficiaries of the property.

I / We, _____ being the sole owner or the joint owners with right of survivorship of the
(PRINTED NAME)

vehicle, watercraft, outboard motor, all-purpose vehicle, or off-highway motorcycle described in this form, do designate/remove the following beneficiaries for this property:

BENEFICIARY FULL LEGAL NAME	SSN	DATE OF BIRTH
-----------------------------	-----	---------------

BENEFICIARY FULL LEGAL NAME	SSN	DATE OF BIRTH
-----------------------------	-----	---------------

BENEFICIARY FULL LEGAL NAME	SSN	DATE OF BIRTH
-----------------------------	-----	---------------

VIN / HIN / MIN	YEAR
-----------------	------

MAKE	MODEL	BODY TYPE
------	-------	-----------

APPLICANT(S) / OWNER(S) SIGNATURE	DATE
-----------------------------------	------

X

Notary:

Sworn to and subscribed in my presence this _____ day of _____, 20____ in _____ County,

State of _____

(Notary Seal)

X _____ My commission expires _____
Signature of Notary Public or other Authorized Officer by law

NOTE: A motor vehicle dealer licensed in accordance with 4517 of the R.C., who is the owner or purchaser of the motor vehicle, is not required to have this document notarized under section 4505.083 of the R.C.

With Rights of Survivorship (WROS)

Allows titled possessions to be transferred to the surviving joint owner

Can only be added to the title if both owners are living

“WROS” notation can be added at any time

Must be two owners to add “WROS”

Can be added even if there is a lien

No extra forms needed



Surviving Spouse

Allows titled possessions to be transferred to the surviving spouse without having to go through Probate Court

Only applies to motor vehicles, watercraft and outboard motors

Does not apply to a mobile home or recreational vehicle

Is not affected by a title with an active lien

Can only transfer \$65,000 worth of property



F.A.Q.

1. “Family member has Dementia or is in assisted living – what can I do?” A Guardian must be appointed, Contact Probate Court Guardian Division for guidance at 216-443-8769
2. “Can a trust be the primary heir on a Transfer on Death Affidavit? - Yes, you can absolutely name a Trust as the beneficiary on a Transfer on Death Designation Affidavit. It is important to include the name of the Trustee of the Trust and make sure it has been properly executed and funded. Consult an Attorney.
3. “Can I list my underage children as heirs?” You should never list minors as the heirs on a Transfer on Death Designation Affidavit. Minors cannot legally hold title to Real Property in Ohio.
4. Will vs. Trust:
 - a. A last will and testament is a legal document that states how a person wishes to distribute their assets upon their death.
 - b. A trust can be used to determine how a person's money should be managed and distributed while that person is alive or after death. A trust helps an estate avoid taxes and probate. It can protect assets from creditors and dictate the terms of inheritance for beneficiaries. When transferring Real Property into a Trust, the Trustee must be named in the Grantee clause as shown below:
 - 1e. “John Smith, Trustee of the Smith Family Trust udt 5/14/2020”





Question and Answer

Call: 216-443-7020