

Texas Transfer Toolkit - Passing on Assets after Death

Texas Access to Justice Commission (<https://texaslawhelp.org/directory/court/texas-access-justice-commission>) [1]

Overview

The Texas Transfer Toolkit is a digital resource from the Texas Access to Justice Commission (TAJC) to help Texans with limited means transfer their home, car or money in a bank account to a beneficiary upon their death.

When someone dies without designating a beneficiary to receive these items, their loved ones must go to probate court and have a judge to decide who gets them – a process that can be costly, stressful and time-consuming. Although someone can designate who will get these items in a will, a will still must go through the probate process. Hiring a lawyer to navigate this process may be an unnecessary expense for those without complex estates. If an individual only wishes to transfer a home, car, or money in a bank account, this Toolkit can avoid probate and save money.

What's Included

The Toolkit contains several forms to be completed by an asset owner prior to death, as well as one form to be completed by the beneficiary after the owner's death. The forms and information included in the Toolkit are:

- **Transfer on Death Deed** and **Affidavit of Death**, which transfer title to a home
- **Transfer on Death Deed Cancellation**, in case you change your mind about transferring title to your home
- **Beneficiary Designation for a Motor Vehicle** and **Application for Texas Title and/or Registration** forms to transfer title of a vehicle
- Instructions on how to obtain a **payable on death account** from your bank

Preparing these forms prior to a crisis can save time, money, and stress for those who are grieving.

Who Should Use It

This new resource is primarily for people with very limited assets and not for those with more complex estate issues. However, anyone can use the Toolkit forms to transfer their car, home, or money in a bank account, even if they also need a will to transfer additional assets, such as jewelry or stocks. Individuals

with more assets should consult a lawyer to ensure their wishes are followed.

How to Transfer a Home or Real Estate: Transfer on Death Deed

A transfer on death deed is a simple, inexpensive way for a homeowner to transfer a home or real estate to someone else upon their death. A transfer on death deed does not affect the owner's rights during their lifetime, so the owner can still sell the property, use it as collateral, get property tax exemptions, etc. The beneficiary has no rights until after the owner dies. The owner can also change the beneficiary or cancel the transfer on death deed entirely.



The Toolkit contains forms and instructions to:

- Create and file a transfer on death deed,
- Cancel a transfer on death deed, and
- File an affidavit of death, which allows the beneficiary to obtain the property after the owner dies.

To learn about Transfer on Death Deeds, please read **[Transfer on Death Deed: Information and Answers \(https://texaslawhelp.org/article/transfer-death-deed-information-and-answers\)](https://texaslawhelp.org/article/transfer-death-deed-information-and-answers)** [2].

Go to the **[Transfer on Death Deed Toolkit \(https://texaslawhelp.org/toolkit/i-want-pass-my-house-or-land-without-will?tid=561\)](https://texaslawhelp.org/toolkit/i-want-pass-my-house-or-land-without-will?tid=561)** [3] for forms and instructions.

Changing your Mind: Cancelling the Deed

If you change your mind about who you want your property to go to, you can either make a new Transfer on Death Deed or use this **[Cancellation Form \(https://texaslawhelp.org/form/cancellation-form-transfer-death-deed\)](https://texaslawhelp.org/form/cancellation-form-transfer-death-deed)** [4] to cancel the transfer on death deed.

Important: Tearing up or destroying your copy or the beneficiary's copy of the transfer on death deed will not cancel the deed. You must file a cancellation with the county clerk where the property is located before your death.

How to Transfer a Motor Vehicle

Most people think that they can simply give the car keys to the person they want to have the car when they die. Unfortunately, it isn't that easy. The car title must be legally transferred to show that person now owns the car.

Until recently, the only way to legally transfer title to a car after the owner died

was to go through probate court, which often costs more than the car is worth.

Now, car owners can complete the two Texas Department of Motor Vehicles forms in this kit before they die to choose who they want the car to go to.

Go to **[How to Transfer a Motor Vehicle After Death \(https://texaslawhelp.org/toolkit/how-transfer-motor-vehicle-after-death-designating-beneficiary\)](https://texaslawhelp.org/toolkit/how-transfer-motor-vehicle-after-death-designating-beneficiary)** [5] to learn how to pass a car on to a person you choose.



How to Transfer Money in a Bank Account

A payable on death bank account allows an account holder to name a beneficiary who will get the money in the account upon the owner's death.

If you have a payable on death bank account, all the money in your account will go directly to the people you choose to get it – without the expense and inconvenience to your family and friends of going through probate court.

If you don't have a payable on death bank account, no one can access the money in your account when you die to pay your bills, funeral costs, or other necessities. Any money in your account becomes part of your estate and a probate court judge will decide who can access the money. Going to probate court can take a lot of time and can be expensive for your family and friends (court costs, a lawyer, etc.).

Go to **[How to Transfer a Bank Account After Death \(https://texaslawhelp.org/article/how-transfer-bank-account-after-death-payable-death-bank-accounts\)](https://texaslawhelp.org/article/how-transfer-bank-account-after-death-payable-death-bank-accounts)** [6] to learn how to get a payable on death bank account.

Help for Beneficiaries - After Filing Toolkit Forms, Give This to Your Loved Ones

This **[Instructions for Beneficiaries \(https://texaslawhelp.org/sites/default/files/beneficiaries_instructions-final.pdf\)](https://texaslawhelp.org/sites/default/files/beneficiaries_instructions-final.pdf)** [7] form tells your loved ones how to claim your home, car, or bank account(s) after your death. It is a good idea to fill out this form and give it to all of your beneficiaries (the people who are getting the home, car, or money from the bank account).

It's also a good idea to give each beneficiary a copy of the forms that have been filed along with any other information they need to know to complete the transactions after your death (example: the affidavit of death form needed to transfer title to your home, the vehicle identification number/VIN for your car, the

name of your bank and the branch location where the form was filed, account numbers, etc.).

Download Entire Toolkit

[Texas Transfer Toolkit - Full \(https://texaslawhelp.org/sites/default/files/master_toolkit-all_forms.pdf\)](https://texaslawhelp.org/sites/default/files/master_toolkit-all_forms.pdf) [8]



This PDF Toolkit includes instructions and information on how to pass on real estate, cars, and bank accounts after death.

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Links

- [1] <https://texaslawhelp.org/directory/court/texas-access-justice-commission>
- [2] <https://texaslawhelp.org/article/transfer-death-deed-information-and-answers>
- [3] <https://texaslawhelp.org/toolkit/i-want-pass-my-house-or-land-without-will?tid=561>
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- [7] https://texaslawhelp.org/sites/default/files/beneficiaries_instructions-final.pdf
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