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January 14, 2010

Robert A. Stein, President
Uniform Law Commission
111 N. Wabash Ave., Suite 1010
Chicago, Illinois 60602

Dear Mr. Stein,

I am writing on behalf of the American Bar Association Commission on Law and Aging in support of the Uniform Real Property Transfer on Death Act (Act).

The Act, promulgated by the Uniform Law Commission (formerly known as the National Conference of Commissioners on Uniform State Laws), enables an owner of real property to pass the property simply and directly to a beneficiary on the owner's death without probate. The property passes by operation of law by means of a recorded transfer on death (TOD) deed.

Non-probate transfers of personal property to beneficiaries have become common in our society. Examples include beneficiary designations in life insurance policies or pension plans, registration of securities in TOD form, and payable on death bank accounts. These mechanisms are inexpensive, user-friendly, and help to avoid probate. However, a straightforward, inexpensive, and reliable means of passing real property (which may be the decedent's major asset) directly to a beneficiary is not generally available.

The Act makes this option available by building on the existing state statutes to provide an uncomplicated, effective, and affordable option to pass this important type of asset at death. It spells out the operation and effect of the TOD deed and provides a standardized method for the straightforward non-probate transfer of real property after the owner's death. During the owner's lifetime, the beneficiary of a TOD deed has no interest in the property and the owner retains full power to transfer or encumber the property or to revoke the deed. On the owner's death, the property passes to the beneficiary, much like the survivorship feature of joint tenancy.

The TOD deed offers a number of advantages over joint tenancy. Because the TOD deed does not convey an immediate interest to the beneficiary, the property is not subject partition or to the beneficiary's creditors. The deed remains

revocable, enabling the owner to make a different disposition of the property. It does not trigger an acceleration clause in a mortgage or a property tax reassessment during the transferor's life. Nor does it create adverse Medicaid consequences for either the owner or the beneficiary.

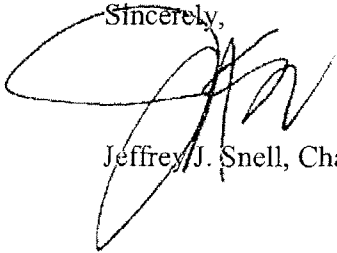
The American Bar Association Commission on Law and Aging along with the estate planning, real property, title insurance, banking, and senior legal communities, participated in the development of the Act. It has the endorsement not only of the American Bar Association Commission on Law and Aging, but also the American Bar Association Real Property, Trust & Estate Law Section.

Thirteen states currently authorize real property transfers on death, and the Act is currently pending in some additional 17 states. In addition, several of the remaining states are studying the Act for future consideration.

My state of Ohio has had TOD deeds since August 2000. I have found them to be very useful in my practice.

As more and more states adopt the concept of real property transfers on death, the need for adoption of a uniform act increases. The American Bar Association Commission on Law and Aging urges states and territories to adopt the Uniform Real Property Transfer on Death Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey J. Snell', written over a large, loopy flourish.

Jeffrey J. Snell, Chair