

[First Reprint]

SENATE, No. 3679

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED FEBRUARY 24, 2026

Sponsored by:

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District 15 (Hunterdon and Mercer)

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District 22 (Somerset and Union)

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SYNOPSIS

Establishes “Uniform Real Property Transfer on Death Act.”

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on May 11, 2026, with amendments.



(Sponsorship Updated As Of: 5/11/2026)

1 AN ACT concerning transfer on death deeds and supplementing
2 Title 3B of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the “Uniform
8 Real Property Transfer on Death Act.”

9

10 2. As used in P.L. , c. (C.) (pending before the
11 Legislature as this bill):

12 “Beneficiary” means a person that receives property under a
13 transfer on death deed.

14 “Designated beneficiary” means a person designated to receive
15 property in a transfer on death deed.

16 “Joint owner” means an individual who owns property
17 concurrently with one or more other individuals with a right of
18 survivorship, and includes a joint tenant. “Joint owner” does not
19 include a tenant in common.

20 “Person” means an individual, corporation, business trust, estate,
21 trust, partnership, limited liability company, association, joint
22 venture, public corporation, government or governmental
23 subdivision, agency, or instrumentality, or any other legal or
24 commercial entity.

25 “Property” means an interest in real property located in this State
26 which is transferable on the death of the owner.

27 “Transfer on death deed” means a deed authorized under P.L. ,
28 c. (pending before the Legislature as this bill).

29 “Transferor” means an individual who makes a transfer on death
30 deed.

31

32 3. a. An individual 18 or more years of age and of sound mind
33 may transfer property to one or more beneficiaries effective at the
34 transferor’s death by a transfer on death deed.

35 b. A transfer on death deed:

36 (1) is revocable even if the deed or another instrument contains a
37 provision to the contrary;

38 (2) is nontestamentary;

39 (3) except as otherwise provided in paragraph (4) of this
40 subsection, shall contain the essential elements and formalities of a
41 properly recorded inter vivos deed and be acknowledged in
42 accordance with R.S.46:14-2.1;

43 (4) shall state that the transfer to the designated beneficiary is to
44 occur at the transferor’s death; and

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCU committee amendments adopted May 11, 2026.

1 (5) shall be recorded before the transferor's death in the public
2 records with the County Clerk of the county where the property is
3 located.

4 c. A transfer on death deed is effective without:

5 (1) notice or delivery to or acceptance by the designated
6 beneficiary during the transferor's life; or

7 (2) consideration.

8

9 4. a. Subject to subsection b. of this section, an instrument is
10 effective to revoke a recorded transfer on death deed, or any part of
11 it, only if the instrument:

12 (1) is acknowledged by the transferor after the
13 acknowledgement of the deed being revoked and recorded before
14 the transferor's death in the public records with the County Clerk of
15 the county where the deed is recorded; and

16 (2) is one of the following:

17 (a) a subsequent transfer on death deed that revokes the deed, or
18 part of the deed, expressly or by inconsistency;

19 (b) an instrument of revocation that expressly revokes the deed
20 or part of the deed; or

21 (c) an inter vivos deed that expressly revokes the transfer on
22 death deed or part of the deed.

23 b. If a transfer on death deed is made by more than one
24 transferor:

25 (1) revocation by a transferor does not affect the deed as to the
26 interest of another transferor; and

27 (2) a deed of joint owners is revoked only if it is revoked by all
28 of the living joint owners.

29 c. After a transfer on death deed is recorded, it may not be
30 revoked by a revocatory act on the deed. For purposes of this
31 subsection, a "revocatory act" includes burning, tearing,
32 obliterating, or destroying the deed or any part of it¹.

33 d. This section shall not limit the effect of an inter vivos transfer
34 of the property.

35

36 5. During the transferor's life, a transfer on death deed shall
37 not:

38 a. affect an interest or right of:

39 (1) the transferor or any other owner, including the right to
40 transfer or encumber the property;

41 (2) a transferee, even if the transferee has an actual or
42 constructive notice of the deed;

43 (3) a secured or unsecured creditor or future creditor of the
44 transferor, even if the creditor has actual or constructive notice of
45 the deed;

46 b. affect the transferor's or designated beneficiary's eligibility
47 for any form of public assistance;

1 c. create a legal or equitable interest in favor of the designated
2 beneficiary; or

3 d. subject the property to the claims or process of a creditor of
4 the designated beneficiary.

5

6 6. a. Except as provided in the transfer on death deed, this
7 section, or N.J.S.3B:3-14, on the death of the transferor, the
8 following shall apply to the property that is the subject of a transfer
9 on death deed and owned by the transferor at death:

10 (1) Subject to paragraph (2), the interest in the property is
11 transferred to the designated beneficiary in accordance with the
12 deed.

13 (2) The interest of a designated beneficiary is contingent on the
14 designated beneficiary surviving the transferor. The interest of a
15 designated beneficiary that fails to survive the transferor lapses.

16 (3) Subject to paragraph (4), concurrent interests are transferred
17 to the beneficiaries in equal and undivided shares with no right of
18 survivorship.

19 (4) If the transferor has identified two or more designated
20 beneficiaries to receive concurrent interest in the property, the share
21 of one which lapses or fails for any reason is transferred to the
22 other, or to the others in proportion to the interest of each in the
23 remaining part of the property held concurrently.

24 b. A beneficiary shall take the property subject to all
25 conveyances, encumbrances, assignments, contracts, mortgages,
26 liens, and other interests to which the property is subject at the
27 transferor's death. For purposes of this subsection, the recording of
28 the transfer on death deed is deemed to have occurred at the
29 transferor's death.

30 c. If the transferor is a joint owner and is:

31 (1) survived by one or more other joint owners, the property that
32 is subject of the transfer on death deed belongs to the surviving
33 joint owners or owners with right of survivorship; or

34 (2) the last surviving joint owner, the transfer on death deed is
35 effective.

36 d. A transfer on death deed transfers property without covenant
37 or warranty of title even if the deed contains a contrary provision.

38 e. A beneficiary may disclaim all or part of the beneficiary's
39 interest in accordance with the requirements of a disclaimer as
40 provided for in chapter 9 of Title 3B of the New Jersey Statutes.

41

42 7. a. To the extent the transferor's probate estate is insufficient
43 to satisfy an allowed claim against the estate or a statutory
44 allowance to a surviving spouse or child, the estate may enforce the
45 liability against the property transferred at the transferor's death by
46 a transfer on death deed.

47 b. If more than one property is transferred by one or more
48 transfer on death deeds, the liability under subsection a. is

1 appropriated among the properties in proportion to their net values
2 at the transferor's death.

3 c. A proceeding to enforce the liability under this section shall
4 be commenced no later than 18 months after the transferor's death.

5

6 8. P.L. , c. (C.) (pending before the Legislature as this
7 bill) shall not affect any method of the transfer of property
8 otherwise permitted under the laws of this State.

9

10 9. P.L. , c. (C.) (pending before the Legislature as this
11 bill) limits, modifies, and supersedes the federal Electronic
12 Signatures in Global and National Commerce Act, 15 U.S.C.
13 s.7001, et seq., but does not modify, limit, or supersede s.101(c) of
14 that act, 15 U.S.C. s.7001(c), or authorize electronic delivery of any
15 of the notices described in s.103(b) of that act, 15 U.S.C. s.7003(b).

16

17 10. If any provision of this act or its application to any person or
18 circumstances is held invalid, the invalidity does not affect other
19 provisions or applications of this act which can be given effect
20 without the invalid provision or application, and to this end the
21 provisions of this act are severable.

22

23 11. This act shall take effect ¹**[immediately]** 60 days after the
24 date of enactment¹ and shall apply to a transfer on death deed made
25 ¹**[before, on,]** on¹ or after the effective date of
26 P.L. , c. (C.) (pending before the Legislature as this bill)
27 by a transferor dying on or after the effective date of P.L. , c.
28 (C.) (pending before the Legislature as this bill).