

## 4. UPDATE YOUR TENANCY

When a tenant-owner of property passes, Illinois law allows for the notice of the "severance" of that tenancy by the OPTIONAL procedure of a Deceased Joint Tenancy Affidavit and/or a Surviving Tenant Affidavit. Recording such notice is NOT mandatory, but may be helpful to obtain new financing or to sell the property by updating the property's chain of title. An example form can be downloaded from: [cookcountyclerk.com/Forms](http://cookcountyclerk.com/Forms). The below form should not be construed as legal advice.

**SPECIAL NOTICE:**  
This form is NOT required by law, nor the Cook County Recorder of Deeds (CCRD). CCRD employees CANNOT assist with the preparation of this, or ANY LEGAL FORM.

PREPARED BY:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### SURVIVING TENANT AFFIDAVIT

I, \_\_\_\_\_ the surviving tenant of the tenancy created by the deed with the document number: \_\_\_\_\_ do hereby declare under oath that the tenant died on \_\_\_\_\_ as evidenced by the attached certified copy of her/his death certificate (see attached).

I also declare that the aforementioned tenant was an owner of property with the following details:

LEGAL DESCRIPTION

\_\_\_\_\_  
\_\_\_\_\_

PROPERTY IDENTIFICATION NUMBER (PIN):

□ □ - □ □ - □ □ □ □ - □ □ □ □ - □ □ □ □

COMMONLY KNOWN ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_

NOTARY & AFFIANT SIGNATURE SECTION BELOW

Subscribed & Sworn to me by:

Affiant Signature: \_\_\_\_\_

AFFIX NOTARY STAMP IN THIS SECTION

On the Following Date: \_\_\_\_\_



## 5. CLAIM AND/OR 6. RENOUNCE

### CLAIM PROPERTY

### SMALL ESTATE AFFIDAVIT

[www.cyberdriveillinois.com](http://www.cyberdriveillinois.com) -or-  
12.218.239.52/Forms/pdf\_files/CCPN608.pdf

AN AFFIDAVIT TO JESSE WHITE, THE SECRETARY OF THE STATE OF ILLINOIS, PURSUANT TO 755 ILCS 5/2-7, XIV OF THE PROBATE ACT, ILLINOIS COMPILED STATUTES, AS AMENDED BY PUBLIC ACT 93-1036 (SFF 11/16).

STATE OF ILLINOIS  
COUNTY OF \_\_\_\_\_

**SMALL ESTATE AFFIDAVIT**

1. (a) My past office address is: \_\_\_\_\_ (name of affiant), on each date: \_\_\_\_\_  
(b) My residence address is: \_\_\_\_\_ and \_\_\_\_\_  
I understand that if an out-of-state resident I submit regard to the jurisdiction of Illinois courts for all matters related to the preparation and use of this affidavit, I'll agree to service of process in Illinois by \_\_\_\_\_

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

2. I understand that if no person is named herein as my agent for service of process, or if for any reason service on the named person named in the affidavit, the Clerk of the Circuit Court of Cook County shall be recognized by Illinois law as my agent for service of process.

3. The decedent's name is \_\_\_\_\_  
4. The date of the decedent's death was \_\_\_\_\_ and I have attached a copy of the death certificate, hence, \_\_\_\_\_  
5. The decedent's place of residence immediately before his/her death was \_\_\_\_\_

6. No notes of office and none outstanding on the decedent's estate, and no portion for letters is contemplated or pending in Illinois or in any other jurisdiction, to my knowledge.

7. The gross value of the decedent's entire personal assets, including the value of all property passing by any party other than the estate or under a will, does not exceed \$100,000 in value and consists of the following (but each asset and its fair market value):

Including vehicles described below:

Make of Vehicle	Body Type	Year/Model	Vehicle Identification Number
Make of Vehicle	Body Type	Year/Model	Vehicle Identification Number

Let Notarized in the State of Illinois in (Year) \_\_\_\_\_ License Plate Number(s) \_\_\_\_\_

7. Mark (X) other (X) or (X) or (X) All the decedent's funeral expenses and other debts have been paid, or (X) All the debt reported herein are listed and discharged as follows:

Class 1: Funeral and burial expenses, which include reasonable amounts paid for a funeral service, organ, or other, or a burial space, and care of the burial space, organ, or other expenses of administration, and ordinary funeral charges.

Name: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_ Amount \$ \_\_\_\_\_

Class 2: Outstanding accounts of decedent or estate, if applicable.

Name: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_ Amount \$ \_\_\_\_\_

Class 3: Debts due the United States.

Name: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_ Amount \$ \_\_\_\_\_

In limited circumstances a Small Estate Affidavit MAY be used to claim property. **Please see an Attorney for details.**



Pursuant to §755 ILCS 5/25-1

### DISCLAIMER OF INTEREST

### RENOUNCE PROPERTY

[cookcountyclerk.com/Forms](http://cookcountyclerk.com/Forms)

In limited circumstances, an heir who inherits certain residential property MAY be able to renounce any interest in that property based on certain criteria. **Please consult an attorney for more details or questions.**

The Above Area is Reserved for the Plaintiff's Use

**DISCLAIMER OF INTEREST IN PROPERTY PURSUANT TO § 755 ILCS 5/2-7**

I, \_\_\_\_\_ the statutory heir of \_\_\_\_\_ who died intestate (without a will) on \_\_\_\_\_ and was the owner in fee simple of the property/ies located at:

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_  
Name: \_\_\_\_\_ In COOK COUNTY \_\_\_\_\_ In COOK COUNTY \_\_\_\_\_ In COOK COUNTY \_\_\_\_\_

with the Property Identification Number(s) of:

1. □ □ - □ □ - □ □ □ □ - □ □ □ □  
2. □ □ - □ □ - □ □ □ □ - □ □ □ □  
3. □ □ - □ □ - □ □ □ □ - □ □ □ □

and Legal Description(s) of:

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

do hereby invoke my right to disclaim interest in property, pursuant to 755 ILCS 5/2-7, and am now disclaiming any property interest (in its entirety) to the above referenced property/ies. Furthermore,

Pursuant to §755 ILCS 5/2-7



**COOK COUNTY CLERK'S OFFICE**  
**PROPERTY after DEATH**  
**RESOURCE GUIDE**

More information regarding the documents you need to  
**TRANSFER YOUR HOME, TRANSFER YOUR CAR, and**  
**TRANSFER YOUR BANK ACCOUNT, and AVOID PROBATE**



# 1. TRANSFER YOUR HOME

Thanks to the Illinois Residential Real Property Transfer Act (§755 ILCS 27/1 et seq.), Illinois property owners can now transfer their residential property at death with a single document called a Transfer on Death Instrument ("TODI").

The Clerk's Office offers one type of TODI, available for download at: [cookcountyclerk.com/Forms](http://cookcountyclerk.com/Forms) This form should not be construed as legal advice. This statute also provides for the beneficiary's notice and acceptance form after death.

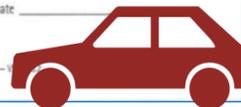
**TRANSFER ON DEATH INSTRUMENT (TODI)**  
 PURSUANT TO 755 ILCS 27/1 ET SEQ. (ILLINOIS RESIDENTIAL REAL PROPERTY TRANSFER ON DEATH INSTRUMENT)  
 THIS TRANSFER ON DEATH INSTRUMENT (hereinafter referred to as a "TODI"), which was executed on this \_\_\_\_\_ day of \_\_\_\_\_ in the year of \_\_\_\_\_, by \_\_\_\_\_, who reside at \_\_\_\_\_, \_\_\_\_\_, State of Illinois. The residential real estate is legally described as: \_\_\_\_\_  
 WITH THE PROPERTY IDENTIFICATION NUMBER (PIN) OF: \_\_\_\_\_  
 PROPERTY COMMONLY REFERRED TO ADDRESS: \_\_\_\_\_  
 The owner(s), being of competent mind and capacity, and waiving and releasing all rights under the Homestead Exemption of the State of Illinois, do hereby convey and transfer, effective on death of the Owner last to die, the above-described real estate to the beneficiary named herein.  
 SPECIAL NOTICE: THIS DOCUMENT HAS BEEN PROVIDED AS A COURTESY FROM THE COOK COUNTY RECORDING CLERK'S OFFICE. THIS FORM IS NOT LEGAL ADVICE OR ASSISTANCE WITH YOUR INDIVIDUAL ESTATE PLAN. FURTHERMORE, IT WAS PROVIDED AS A COURTESY FROM THE CLERK'S OFFICE. ANY TITLE EXAMINATION OR REVIEW OF YOUR INDIVIDUAL ESTATE, PLEASE CONSULT AN ATTORNEY IF YOU HAVE ANY QUESTIONS.



# 2. TRANSFER YOUR CAR

Pursuant to the Illinois Application for certificate of title (§625 ILCS 5/3-104), Illinois residents can now transfer their Vehicle upon death with one document called a Beneficiary Affidavit. A Secretary of State Beneficiary Affidavit is available for download at: [https://www.cyberdriveillinois.com/publications/pdf\\_publications/vsd773.pdf](https://www.cyberdriveillinois.com/publications/pdf_publications/vsd773.pdf)  
 The below form should not be construed as legal advice.

**Secretary of State Beneficiary Affidavit**  
 This form allows a vehicle owner to change, add or remove a beneficiary on the title.  
 The vehicle must be solely owned and not a business. Only one name may be listed on the Certificate of Title as the beneficiary. A beneficiary cannot be added to the title when there is a lienholder; lessor or ownership is designated as "joint tenancy." The beneficiary does not have interest or control of the vehicle. If a lienholder or lessor is added to the title later, the beneficiary will be removed from the title.  
 To transfer the ownership to the beneficiary, the beneficiary must submit the title (if available), \$95 title fee, certified death certificate of the vehicle's legal owner, and the appropriate tax form and check payable to Illinois Department of Revenue, if applicable.  
 Upon the death of the sole owner of the vehicle and the beneficiary has been established on a Certificate of Title, the beneficiary may not be changed or revoked by a will, any other instrument, or a change in circumstances, or otherwise be changed or revoked, except by a court of law.  
 Please select one:  Adding Beneficiary  Removing Beneficiary  Changing Beneficiary  
 Full Legal Name of Beneficiary: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
 Driver's License or ID Card Number: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Vehicle Identification Number: \_\_\_\_\_  
 Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Body Type: \_\_\_\_\_  
 I hereby release, discharge and agree to hold harmless the Illinois Secretary of State and from any and all liability to anyone whatsoever which may arise by reason of any contest of the validity of the beneficiary named herein, or the validity of the beneficiary in the manner prescribed in Public Act 095-0784 (625 ILCS 5/3-104).  
 Printed Full Legal Name of Owner: \_\_\_\_\_  
 Illinois Driver's License or ID Card Number: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 Notary Public Signature \_\_\_\_\_ Date: \_\_\_\_\_



# 3. TRANSFER YOUR MONEY

Thanks to the Illinois Trust and Payable on Death Accounts Act (§205 ILCS 625/1 et. seq.), Illinois residents can now transfer their Checking and Savings account balance(s) upon death by establishing a Payable on Death Account ("POD").  
 For more details or questions regarding a POD, please visit a local branch of your bank or Credit Union.  
 The below info should not be construed as legal advice.

**Some Basic Terms for "Payable on Death" Accounts**  
 For an individual or joint account, you may choose to make your account payable on your death to one or more payable on death ("POD") beneficiaries. You can make your account a POD account by instructing us to list each POD beneficiary on the account and complying with the applicable state law. The applicable state law usually imposes requirements that must be met to create a POD account. As an example, you may have to include certain words or letters in the account title to create a POD account, such as: "payable on death," "POD," "in trust for," "ITF," "as trustee for," "ATF," "transfer on death," "TOD," or "Totten Trust." You are solely responsible for meeting these requirements. We may treat an account which names a POD beneficiary as a POD account. However, if the applicable requirements are not met, we may treat your account as though there is no POD beneficiary.

above info obtained from Bank of America disclosures



**Cedric Giles**  
 Cook County Clerk

**Some Final Thoughts**  
 This brochure is provided for informational purposes only, and should not be considered legal advice. Further, the Clerk's Office cannot advise you which option is preferable based on your unique situation. It is recommended that you consult an estate planning and/or real estate attorney to determine your available options. Property After Death Workshops available.

Call 312.603.3974 or visit us on the web at [cookcountyclerk.com/Recordings](http://cookcountyclerk.com/Recordings)