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Instructions for Using An Arizona Beneficiary Deed – for a Married Couple Who Own Property Jointly

Caution: Do not use this form document unless you modify it for your specific situation. This document requires that you edit it before using it.

- Form:** Beneficiary Deed – for a Married Couple Who Own Arizona Rea Property Jointly
- Form Number:** RE-10
- Form Date:** 10/14/08
- Computer File Type:** Word 2003
- Drafted for State:** Arizona. This document is drafted to comply with the laws of Arizona. No part of this agreement should be used in any state other than Arizona without first being reviewed by and modified by an experienced real estate attorney in the other state.
- Signers/Parties:** This document should be used only by the owner(s) of Arizona real property who are married, the sole owners of the real property and who own the property as community property. This deed cannot be used by an entity to transfer title to real property.
- Stand Alone Document:** Yes, but it should always be recorded immediately after it is signed and notarized with the county recorder of the county in which the property is located.
- Notary Required:** Yes. The county recorder will not record the deed unless it is notarized.
- Warning:** If all of the beneficiaries named in the deed are people and they all die before the owner, the deed will not have any affect and will not transfer the real property to any person. We advise owners to name one or more contingent beneficiaries in their Will who will inherit the real property if the Beneficiary Deed if the scenario described in the

preceding sentence were to occur.

A Beneficiary Deed becomes effective and transfers title to Arizona real property only after the last owner dies. It is possible that one spouse could die and the survivor could revoke the Beneficiary Deed, which would mean that the real property would not go to the beneficiaries named in the Beneficiary Deed. If a spouse wants to insure that property goes to the deceased spouse's beneficiaries, the couple should not use a Beneficiary Deed, but should create a trust to hold title and make sure it goes to the intended beneficiaries on the death of the second spouse.

Disclaimer:

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**GENERAL INSTRUCTIONS & EDITING INSTRUCTIONS
READ THESE INSTRUCTIONS BEFORE USING THIS FORM**

1. You must read and edit the entire text of the Exhibit before signing and recording it. The document is in Word 2003 format. You may add to, edit or delete any text in the form, but we are not responsible for any change you make to the form.
2. **Important Instructions & Information:** Text that is **[inside brackets]** and in red is

important. You must read and follow the instructions inside the brackets.

3. **Delete Text Inside Brackets:** DELETE THE BRACKETS AND ALL TEXT INSIDE THE BRACKETS BEFORE YOU PRINT THE FINAL DOCUMENT FOR SIGNING.
4. **Bracket Check:** Before you print the document, search for [then search for] to make sure you have deleted all brackets and all text inside the brackets. In Word, press F7 to search then type the symbol to be searched.
5. **Text You Must Edit:** Look for text throughout the document that is inside caret symbols that look like this: <legal name of 1st spouse>. Every place you find text within the carets < > you must do the following:
 - A. replace the text inside the carets with the correct text
 - B. delete the beginning caret < and the end caret >
6. **Caret Check:** Before you print the document, search for < then search for > to make sure you have replaced all text inside the carets and deleted all caret symbols. In Word, press F7 to search then type the symbol to be searched.
7. **Mail to Address:** Insert the name of the person and address to whom the County Recorder is to mail the deed after recording.
8. **Names of Owners:** The names of the owners should be the exact names on the deed by which the owners acquired title (the "Vesting Deed").
9. **Names of Beneficiaries:** In the first paragraph of the deed you must insert the legal names of all people to whom you want to leave the real property after the last spouse dies. Replace the text inside the carets. Indicate the relationship of the beneficiary to the spouses. This is where you name the people to inherit the property. If you do not want to leave the property to any person, you can replace the text inside the carets with the name of an entity or a charity and its address. Edit this text as necessary for the number of beneficiaries you have. Add more or delete some depending on the number of beneficiaries.
10. **Legal Description:** Insert the exact legal description contained on the deed (the "Vesting Deed") by which the spouses acquired title to the real property. You must copy the legal description from the Vesting Deed. An incorrect legal description could create a problem with the title that prevents your beneficiaries from getting good title after the death of the second spouse.
11. **County:** In the first paragraph, insert the county in which the real property is located.
12. **Options 1 & 2:** Use the text of Option 1 or Option 2, but do not use both Options in the same deed. Delete the entire paragraph that does not apply to you.

13. **Option 1:** Include this paragraph only if a named beneficiary dies and you want the gift that would have gone to the deceased beneficiary to go instead equally to the other living beneficiaries.
14. **Option 2:** Include this paragraph only if a named beneficiary dies and you want the gift that would have gone to the deceased beneficiary to go instead equally to the living beneficiaries of the deceased beneficiary.
15. **Date:** Insert the actual or approximate date of signing the Beneficiary Deed.
16. **Signature Lines:** Insert the names of each owner under a signature line. The names under the signature lines should be identical to names in the first paragraph.
17. **Notary Block:** Insert the state and the county where the notary is located and the owners sign the deed. Also insert the names of both spouses.
18. **Notary:** The owners must sign the deed in the presence of a notary and have the notary complete the information in the notary block.

SIGNING INSTRUCTIONS

1. **Before Printing:** After you make all edits and changes, run your spell checker and correct any typos.
2. **Print the Document:** Print the document.
3. **Discard Informational Pages:** The actual form begins on the page following page labeled iv at the bottom. The actual form begins on the 5th page. Discard the first four pages and do not use any of them because they are not part of the actual deed.
4. **Copies of Signed Document:** Make at least one copy of the fully signed document for your records. .
5. **Mail the Signed and Notarized Deed to the County Recorder.** Put the signed and notarized deed with original signatures (not a copy) in an envelope and mail it with the transmittal letter and a check for the recording fee to the county recorder of the county in which the real property is located.

**The Actual Deed Begins
on the Next Page
Do Not Use Any Text From Above**