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How to Complete a California Disclaimer of Interest

Refusing an Inheritance, Gift, or Beneficiary Interest (Probate Code Sections 275–295)

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR DISCLAIMER OF INTEREST.

About this form. You may **refuse** (disclaim) all or part of something left to you — under a will, a trust, by intestate succession, or as a named beneficiary. People disclaim to let the inheritance pass to their children or others, or for tax or planning reasons. A disclaimer is **permanent**, has strict deadlines, and can affect taxes, creditors, and public benefits, so **talk to an attorney before signing**.

1. **Act quickly — and do not accept anything**
   A disclaimer is presumed timely if made within **9 months** of the death (federal tax rules use a similar deadline). You cannot disclaim after you accept the property or any benefit from it.
2. **Identify the creator and source**
   Enter the decedent's name and date of death, and mark whether the interest comes from a will, trust, intestacy, or beneficiary designation.
3. **Describe exactly what you are refusing**
   Describe the property or share precisely. For real estate, include the legal description and parcel number.
4. **Choose all or part**
   You may disclaim the whole interest or only a stated part, such as a percentage or a specific asset.
5. **Sign in front of a notary**
   Do **not** sign ahead of time. Bring a current government-issued photo ID. We come to your home or office.
6. **Deliver it — and record it if real estate is involved**
   Deliver the signed disclaimer to the executor, administrator, or trustee (or file it with the probate court), and ask them to sign the receipt. If it involves real estate, also record it in the county where the property is located.

Good to Know

- You cannot choose who receives what you disclaim. It passes as if you had died first, under the will, trust, or law.
- A disclaimer may not protect property from your creditors or bankruptcy, and may affect Medi-Cal or other benefits.
- For a qualified disclaimer for federal tax purposes, additional requirements apply. A tax advisor or attorney can confirm.

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California-Commissioned Notaries

SCAN TO BOOK

Questions about this document? Talk to an attorney. Gavrilov & Brooks Law Firm has attorneys licensed in California, Nevada, and other states. Phone and video consultations are available. **(916) 504-0529** · **www.gavrilovlaw.com**

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YOUR FORM BEGINS ON THE NEXT PAGE

Recording Requested By:

_____

When Recorded Mail This Document To:

Name: _____

Address: _____

City, State, ZIP: _____

Space Above This Line For Recorder's Use

DISCLAIMER OF INTEREST

Refusal of an Inheritance or Gift (California Probate Code Sections 275–295)

_____ Assessor's Parcel Number (APN), if real property

_____ Estate / Case No. (if any)

DECLARATION OF EXEMPTION FROM GOV. CODE § 27388.1 FEE (Building Homes and Jobs Act)

☐ Exempt per GC § 27388.1(a)(2): recorded "in connection with" a transfer of a residential dwelling to an owner-occupier

☐ Exempt per GC § 27388.1(a)(1): fee cap of $225 reached

☐ Not exempt — fee to be paid at recording

1. Disclaimant. I, the undersigned,

_____ (full name of person disclaiming)

_____ (address)

2. Creator of the interest. The interest was created by:

_____ (name of decedent or person who created the interest)

_____ (date of death, if any)

3. Source of the interest (mark one):

☐ Will dated _____

☐ Trust named _____ dated _____

☐ Intestate succession (no will)

☐ Beneficiary designation, joint tenancy, or other:

_____ (describe, e.g., "payable-on-death account at First Bank")

4. Interest disclaimed. The interest I disclaim is described as follows (include the legal description if it is real property):

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5. Extent (mark one):

☐ I disclaim the **entire** interest described above.

☐ I disclaim only the following part of the interest (a percentage, dollar amount, or specific asset):

_____

(describe the part disclaimed)

6. Disclaimer. I irrevocably and unconditionally disclaim the interest described above, to the extent stated. I have not accepted the interest or any of its benefits. I understand that, unless the instrument creating the interest provides otherwise, the disclaimed interest passes as if I had died before the creator of the interest, and that this disclaimer cannot be revoked.

Dated: _____

_____ _____

(signature of disclaimant) (signature of guardian, conservator, or agent, if signing for disclaimant)

_____ _____

(printed name) (printed name)

Sign in front of the notary public, who will complete the acknowledgment on the next page.

RECEIPT (optional — signed by the personal representative, trustee, or other person who receives this disclaimer)

_____ _____ _____

(signature) (printed name and capacity) (date received)

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CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____

(here insert name and title of the officer)

personally appeared _____

, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Seal)

Signature _____

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