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How to Revoke a California Living Trust

Revocation of a Revocable Trust (Probate Code Section 15401)

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR REVOCATION OF LIVING TRUST.

About this form. The person who created a **revocable** living trust (the **settlor**) can usually cancel it. California lets a settlor revoke a trust by the method the trust document describes, or by a signed writing delivered to the trustee — unless the trust says its own method is the only one allowed. Revoking a trust has major estate-planning consequences, so **talk to an attorney first**, especially if you plan to create a new trust.

1. **Read your trust's revocation section**
   Many trusts explain exactly how to revoke them. If your trust says its method is exclusive, you must follow it.
2. **Fill in the trust details**
   Enter the trust's exact name and date, the settlor(s), and the current trustee(s).
3. **Choose the method and effective date**
   Mark whether you are following the trust's own method or a signed writing, and when the revocation takes effect.
4. **Plan where the property goes**
   Revoking does not move property by itself. Deeds and account changes are needed to take assets out of the trust's name.
5. **Sign in front of a notary**
   Each settlor signs. Do **not** sign ahead of time. Bring a current government-issued photo ID. We come to your home or office.
6. **Deliver it to the trustee**
   Give the signed revocation to every trustee who is not a settlor, and ask them to sign the receipt. Keep the original.

Good to Know

- For a joint trust, special rules can apply to community property and to revocation by one spouse. Ask an attorney.
- Only the settlor (or someone with express authority in the trust) can revoke. An agent under a power of attorney may need specific authority.
- Want to change your trust rather than cancel it? An amendment or restatement may be better. Gavrilov & Brooks can help.

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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

REVOCATION OF LIVING TRUST

(California Probate Code Section 15401)

1. Settlor(s). I/We, the undersigned,

_____

(name(s) of settlor(s) / trustor(s) who created the trust)

am/are the settlor(s) of the following revocable trust (the "Trust"):

_____ _____

(exact name of trust) (date of trust)

_____

(name(s) of current trustee(s))

2. Power to revoke. I/We hold the power to revoke the Trust, and the Trust is revocable. This revocation is made (mark one):

☐ In compliance with the method of revocation stated in the trust instrument, at Article/Section _____; or

☐ By this signed writing delivered to the trustee, as permitted by Probate Code Section 15401(a)(2), because the trust instrument does not explicitly make another method of revocation exclusive.

3. Revocation. I/We hereby **revoke the Trust in its entirety**, including all amendments to it, effective on (mark one) ☐ delivery of this revocation to the trustee ☐ the following date: _____.

4. Return of property. I/We direct the trustee to deliver all trust property, and all records relating to it, to me/us (or as follows), and to sign any deeds, assignments, and other documents needed to transfer title out of the Trust:

_____

(where the property should go, if not to the settlor(s))

5. Acknowledgment. I/We understand that, once the Trust is revoked, property transferred back to me/us may be subject to probate at death unless other arrangements are made.

Dated: _____

_____ _____

(signature of settlor) (signature of second settlor, if any)

_____ _____

(printed name) (printed name)

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

TRUSTEE'S RECEIPT OF DELIVERY (to be signed by each trustee who is not a settlor)

I received this Revocation of Living Trust on the date shown.

_____ _____ _____

(signature of trustee) (printed name) (date received)

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CERTIFICATE OF ACKNOWLEDGMENT

Notary acknowledgment of the settlor signature(s) on this Revocation of Living Trust.

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 _____