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# How to Complete Your Florida Disclaimer of Interest

Disclaimer of Interest in Property (Chapter 739, Florida Statutes)

**INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR DOCUMENT.**

**About this form.** A **disclaimer** (sometimes called a renunciation) lets you refuse an inheritance or other interest in property, in whole or in part, so that it passes to the next person in line. People use disclaimers for tax planning or to pass property to their children.

1. **Identify what you are disclaiming**
   Enter the decedent or other source of the interest, and describe the property or the part you are disclaiming. For real estate, include the legal description.
2. **Mind the deadline**
   For the disclaimer to qualify for federal tax purposes, it generally must be delivered within nine months after the death or transfer, and before you accept any benefit from the property. Speak with an attorney or tax adviser about timing.
3. **Sign in front of two witnesses and a notary**
   Florida requires a disclaimer to be witnessed and acknowledged in the manner provided for deeds, which means two witnesses and a notary. First Choice can provide witnesses for an additional fee.

## After It's Signed

- Deliver the disclaimer to the personal representative, trustee, or other person holding the property, as chapter 739 requires.
- If the interest involves Florida real estate, record the disclaimer with the Clerk of the Circuit Court in the county where the property is located. If there is a probate case, it may also be filed with the court.
- A disclaimer is irrevocable. The disclaimed interest passes as if you had died before the decedent, unless the governing document says otherwise.

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**Have questions about this document?** To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**. Main headquarters: 2315 Capitol Avenue, Sacramento, CA 95816.

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**This instrument was prepared by and, after recording, return to:**

Name

Street address

City, state, ZIP

Space reserved for the Clerk of the Circuit Court

# DISCLAIMER OF INTEREST IN PROPERTY

(Chapter 739, Florida Statutes)

I, (name of disclaimant)

Post office address

make this disclaimer under chapter 739, Florida Statutes, of the interest described below.

1. **Source of the interest.** The interest arose from (check and complete):

the estate of the following decedent:

Name of decedent

Date of death

the following trust, beneficiary designation, account, or other instrument:

Description and date

2. **Interest disclaimed.** I disclaim (check one):

all of my interest in the property described below.

the following fractional share, percentage, or specific part of my interest:

Part disclaimed

Description of the property (for real property, include the legal description and county, or attach Exhibit A)

Disclaimant's initials: _____



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3. **Declaration.** I declare that this is a disclaimer of the interest described above. I have not accepted the disclaimed interest or any of its benefits. This disclaimer is irrevocable.

4. **Delivery.** This disclaimer will be delivered as required by chapter 739, Florida Statutes, and, if it relates to real property, recorded in the county where the property is located.

**IN WITNESS WHEREOF**, I have signed this disclaimer on the following date:

Date

**Signed, sealed, and delivered in our presence:**

X _____ Signature of witness 1

Printed name

Post office address (required for recording)

X _____ Signature of witness 2

Printed name

Post office address (required for recording)

X _____ Signature of disclaimant

Printed name

Post office address



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## NOTARY ACKNOWLEDGMENT

State of

County of

The foregoing instrument was acknowledged before me by means of

physical presence or

online notarization,

this day of

month

year

by (name of disclaimant)

Personally Known OR

Produced Identification

Type of identification produced

X

Signature of Notary Public

(Notary seal)

Print, type, or stamp commissioned name of Notary Public

Commission number

Commission expires



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