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How to Renounce (Disclaim) an Inheritance in New York

Renunciation of Property Interest — New York EPTL § 2-1.11

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

About this form. A renunciation (also called a disclaimer) lets you **refuse an inheritance** or other property passing to you at someone's death. The property then passes as if you had died before the decedent. People renounce to reduce taxes, protect benefits, or let property pass to their children. New York law sets strict requirements and deadlines.

1. **Act within nine months**

   The renunciation must be filed with the Surrogate's Court **within nine months** after the death (or other effective date). Do not accept any of the property or its income before renouncing.

2. **Describe the disposition and what you renounce**

   Enter the court county, estate name and file number (if any), then initial the source and whether you renounce all or part of your interest.

3. **Sign before a notary**

   New York requires the renunciation to be **signed and acknowledged**. Sign with a current government-issued photo ID. Signing outside New York? The out-of-state certificate is included. **First Choice notaries handle both.**

4. **File and give notice**

   File it with the Surrogate's Court clerk, and serve a copy on the executor, administrator or person holding the property, and on everyone whose share increases. The court may charge a filing fee.

Important

- A renunciation filed with the court is irrevocable.
- Renouncing may affect Medicaid or other benefits, and some people (for example, guardians of minors) need court approval to renounce.
- Talk with a tax professional about federal qualified disclaimer rules before you sign.

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

This form is provided as a free convenience. First Choice Mobile Notary & Apostille is not a law firm, and a notary public cannot give legal advice or help you decide what to write on this form. These instructions are general information only and are not legal advice. If you have questions about your situation, consult a licensed New York attorney.

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SURROGATE'S COURT OF THE STATE OF NEW YORK, COUNTY OF _____

In the Matter of the Estate of _____, Deceased.

File No. _____

RENUNCIATION OF PROPERTY INTEREST

New York Estates, Powers and Trusts Law § 2-1.11

I, _____, residing at _____,

state that I am the _____ of the decedent named above, who died on _____.

relationship

1. The Disposition

I am entitled to receive an interest in property of the decedent by reason of (initial all that apply):

(_____) The decedent's will dated

_____

(_____) Intestacy (the decedent died without a will).

(_____) A trust agreement:

_____

(_____) Joint ownership, a transfer on death deed or registration, a beneficiary designation, or other non-probate transfer:

_____

2. Interest Renounced

(_____) I renounce my **entire** interest in the disposition described above.

(_____) I renounce only the following part or fraction of my interest:

3. Statements

I have not accepted the interest renounced or any of its benefits, and I have not received and will not receive any consideration for this renunciation. I understand that the interest renounced will pass as if I had predeceased the decedent, unless the will, trust or law provides otherwise, and that I cannot direct who receives it. I understand that this renunciation is **irrevocable** once filed. I intend this renunciation to be a qualified disclaimer under Section 2518 of the Internal Revenue Code, to the extent it qualifies.

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Signature of person renouncing

Date

Printed name

ACKNOWLEDGMENT IN NEW YORK (Real Property Law § 309-a)

State of New York)
) ss.:
County of _____)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(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 capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(Notary stamp)

Signature and office of individual taking acknowledgment

Notary Public, State of New York; Qualified in _____ County

Registration No. _____; Commission Expires _____

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ACKNOWLEDGMENT OUTSIDE NEW YORK (Real Property Law § 309-b)

Use this certificate instead of the New York certificate if the document is signed outside New York State.

State (or District / Country) of _____)
) ss.:
County of _____)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(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 capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in _____.

insert the city or other political subdivision and the state or country or other place the acknowledgment was taken

_____
Signature and office of individual taking acknowledgment

(Notary seal or stamp)

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