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How to Complete Your Texas Disclaimer of Interest

Disclaimer of Property Interest (Texas Property Code Chapter 240)

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

About this form. A disclaimer lets you **refuse** an inheritance, life insurance proceeds, a trust interest, or other property, so it passes to the next person in line instead of you.

1. **Describe what you are refusing (Page 1)**
   Identify the decedent or source, and describe the property or interest you are disclaiming, in whole or in part.
2. **Mind the deadline**
   For federal tax purposes, a disclaimer generally must be made within **nine months** of the death or transfer, and before you accept any benefit. Speak with an attorney or tax advisor.
3. **Sign before a notary (Page 2)**
   Bring a current, government-issued photo ID. A notarized disclaimer can be recorded if it involves real estate.
4. **Deliver it**
   Deliver the disclaimer to the executor, trustee, or other person holding the property, and keep proof of delivery.

After It's Signed

- If the interest includes Texas real estate, record the disclaimer with the county clerk where the property is located.
- A disclaimer is irrevocable. The property passes as if you had died before the decedent (or as the governing document provides).
- Disclaimers can affect creditors, Medicaid eligibility, and taxes. Get advice before signing.

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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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(Space reserved for county clerk recording information)

After recording, return to:

Name

Mailing address (street, city, state, ZIP)

DISCLAIMER OF PROPERTY INTEREST

(Texas Uniform Disclaimer of Property Interests Act, Texas Property Code Chapter 240)

I,

Name of disclaimant

Address

declare that I disclaim the interest described below. Source of the interest:

Name of decedent, settlor, or other source

Date of death or transfer

Under (will, trust, intestacy, beneficiary designation, joint account, other)

Description of the interest disclaimed (include county and legal description for real property):

Extent of disclaimer (check one):

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

I disclaim only the following portion or percentage:

Portion or percentage disclaimed

Disclaimant's initials: _____

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This disclaimer is irrevocable and unqualified. I have not accepted the interest disclaimed or any of its benefits. I intend this to be a qualified disclaimer for federal tax purposes to the extent applicable. The disclaimed interest shall pass as provided by Chapter 240, Texas Property Code, and the governing instrument.

This disclaimer is delivered to (name and capacity of the executor, trustee, or other person in possession of the property):

Name and capacity

Date delivered

Date

X

Disclaimant

Printed name

NOTARY ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF §

This instrument was acknowledged before me on

Date

by (name of disclaimant)

X

Notary Public, State of Texas

(Notary seal)

Notary's printed name

Notary ID number

My commission expires

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