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## Disclaimer without probate?

Posted by Miami LS - 2008/03/08 01:30

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Florida probate code states that a disclaimer must be filed within 9 months of the decedent's death. If decedent's assets passed via his living trust and no probate was required, do I still need to open a probate estate to file the disclaimer? Looks like its a gap in the system.

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## Re:Disclaimer without probate?

Posted by Kash - 2008/03/09 13:30

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I believe you have to open up a probate estate to file a deed...anyway. I believe the purpose is to have it on record. Otherwise its not a disclaimer and the IRS will consider the beneficiary to have taken the gift.

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## Re:Disclaimer without probate?

Posted by great1 - 2008/03/11 14:15

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To open a probate estate you need to list assets in an inventory. If there is no probate assets then the inventory will be zero(?) So, do you still file an inventory?

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