



UNDERSTANDING TRANSFERRING INHERITANCES

A complete estate plan should include a will that describes inheritors for all major portions of the decedent's estate. This may include passing ownership of an automobile to a grandson, bestowing control of a family business to a daughter, giving a home to a spouse and so on.

As inflexible as a will may seem, inherited items do not necessarily need to go to the planned inheritor and may instead be transferred.

If you are the heir to a piece of inheritance, you will need to decide during probate whether to accept the piece or disclaim it. By disclaiming it, you are stating that you are not interested in owning or controlling the portion of the estate. The probate court will then need to turn to state law to see to whom to transfer that piece. In most cases, this will be a sibling or another immediate family member of yours.

There are several reasons you would want to disclaim an inheritance.

- **Minimal estate size:** For tax purposes, you may want to keep the size of your own estate as small as possible. Disclaiming a large piece of an estate may be the only way you can do so.
- **Giftng:** You may realize that someone else will benefit from the inheritance more than you will. In a move of goodwill, you can disclaim it to easily pass it along without tying up matters in red tape.
- **Property debt:** Sometimes when you get a piece of inheritance, you also absorb any debt tied to it, such as those on a car or house title. In some cases, you can disclaim an item to avoid burdening yourself with those debts.

To most people, the idea of disclaiming a piece of inheritance is unfamiliar. It does not come up often and is therefore not widely understood. If you choose to transfer an inheritance, there are aspects to consider when determining beneficiaries.

As previously mentioned, the transferring of inheritance is often directed to one of your siblings as they are assumed to be in a similar relationship to the decedent as you are. If they are not named anywhere in the will, however, this transfer cannot be established.

In such a case, the primary beneficiaries — the people who are receiving the largest pieces of the estate — may be chosen to accept the disclaimed inheritance. Without any will in place, a surviving spouse or children may be the next in line for a transfer.

PREPARATION IS KEY IN ALL INHERITANCE TRANSFER CASES

Success matters when considering transferring an inheritance. If you think that you would like to transfer a piece of property being discussed in probate, rather than accepting it for yourself, you should speak with our probate litigation lawyers at The Vaughn Law Offices. We have extensive estate planning and probate experience and can help you decide how best to handle an inheritance transfer situation.



Whatever your needs may be, we would be happy to discuss them during an [initial consultation](#).

Since 2001, the attorneys at The Vaughn Law Offices have been providing legal assistance to clients involved in estate and probate matters.

When success matters, contact us at 303-586-5905 and tell us what you need.