



## **Inheritance Tax Waiver**

*(This Form is for Informational Purposes Only! Exact Forms & Protocols Vary from State to State and .  
Please consult with your financial advisor/accountant/attorney)*

No tax is claimed upon the following items of property described as being in your possession or under your control in your report of \_\_\_\_\_, relating to the estate of \_\_\_\_\_ late of \_\_\_\_\_.

The consent of the Commonwealth [or State] of \_\_\_\_\_ is hereby given to the immediate transfer of described property listed above.

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### **Inheritance Tax Waiver List (Revised 11/14/05)**

#### **State Inheritance Tax Waiver List**

The information in this Appendix is based on information published as of June 27, 2005 in the Securities Transfer Guide, a publication of CCH Incorporated, or obtained from the applicable state tax agency. For current information, please consult your legal counsel or, to the extent you subscribe to the Securities Transfer Guide or similar publication, please contact the publisher. This STA publication is published with the understanding that neither the authors nor the publisher is engaged in rendering legal advice or other professional services. The information contained in this publication is provided as a reference resource with the understanding that it does not constitute and should not be construed as legal advice. You should seek the guidance of your attorney and other advisors with regard to your individual situation. The STA disclaims any responsibility for the accuracy and completeness of the information contained herein.

#### **States Without Inheritance Tax Waiver Requirements - 34 States & District of Columbia**

Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Oregon, South Carolina, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming



### **States For Which You Need To Check Date Of Death – 8 States**

- Arizona Not required if decedent died after 8/20/98.
- Hawaii Not required if decedent died on or after 7/1/83; required if decedent died before 7/1/83 *and* was a legal resident of Hawaii *and* stock is of a corporation incorporated in Hawaii
- Illinois Not required if the decedent died on or after 1/1/83; required if decedent died before 1/1/83 *and* was a legal resident of Illinois.
- Missouri Not required if decedent died after 1/1/81; required if decedent died before 1/1/81 *and* was a legal resident of Missouri. Also not required if assets were held jointly with Rights of Survivorship, except for transfer of joint property of decedents who died prior to 8-13-74.
- Montana Not required if decedent died on or after 1/1/01; required if decedent died prior to 1/1/01 *and* was a legal resident of Montana.
- North Dakota Not required if decedent died on or after 8/1/97.
- South Dakota Not required if decedent died on or after 7/1/01.
- West Virginia Not required if decedent died on or after 7/1/85; required if decedent died prior to 7/1/85 *and* was a legal resident of West Virginia.

### **States With Other Qualifications - 8 States and Puerto Rico**

- Indiana Waiver required if decedent was a legal resident of Indiana. BUT, no waiver or consent to transfer is required if the stock is being transferred to the surviving spouse.
- New Jersey Waiver required if (1) the decedent was a legal resident of New Jersey, and (2) stock is of a corporation incorporated in New Jersey. BUT, an affidavit of waiver should be used in the following situations: a) When the transfer is to the surviving spouse and the death occurred after 7/1/87; or b) When transfer is to be a beneficiary who is a kin and death occurred after 7/1/88.
- New York Not required if decedent died on or after 2/1/00; required for assets belonging to or jointly owned with decedent if decedent died before 2/1/00 *and* was a resident of New York *and* assets valued over \$30,000. BUT, no waiver required if stock is held in the name of decedent and decedent's surviving spouse as tenants by the entirety or joint tenants WROS *and* is transferred to the surviving spouse.



- Ohio Waiver required if decedent was a legal resident of Ohio. BUT, no waiver is required for any property passing to the surviving spouse either through the estate of the decedent or by joint tenancy, or for assets valued at \$25,000.00 or less.
- Oklahoma Waiver required if decedent was a legal resident of Oklahoma. BUT, no waiver is required for any property passing to the surviving spouse either through the estate of the decedent or by joint tenancy.
- Pennsylvania Waiver only required if shares are registered in TOD, POD or other type of beneficiary designated registration (where shares go directly to the beneficiary at death of owner and beneficiary is not a surviving spouse).
- Rhode Island Waiver required if (1) decedent was a legal resident of Rhode Island, and (2) stock was issued by a Rhode Island corporation.
- Puerto Rico Required if decedent was a legal resident of Puerto Rico. For non-residents of Puerto Rico, may be required.
- Tennessee Waiver required if decedent was a legal resident of Tennessee. BUT, no tax waiver or consent is required for property passing to the surviving spouse, tenant by entirety or joint tenant with rights of survivorship.