

**DOCUMENTARY TRANSFER TAX EXEMPTIONS AND PROPERTY TAX EXCLUSIONS
FOR TRUST TRANSFER DEEDS**

Grantor	Grantee	Explanation	Documentary Transfer Tax Exemption	Optional Property Tax Exclusion Statement for Deed	PCOR for Deed
I. SETTLOR(S) ALIVE					
Individual(s) who are settlors of their revocable Family Trust	Revocable Family Trust	Deed only changes vesting name; beneficial interests remain the same	This conveyance transfers interest into revocable living trust (R&T 11930).	This is a transfer to a revocable trust which may be revoked by the transferor and is for the benefit of the transferor and transferor's spouse, and therefore does not constitute a change in ownership (R&T 60, 62(d), 63(a)).	Part I, Check "yes" to: A. H. 1. (check both transferor and spouse). Rest of boxes are "no" (probably). Part II, A. Date of Transfer: either date of signing or recording will be OK.
Individual who is settlor	Revocable Family Trust	Deed only changes vesting name; beneficial interest remains the same	This conveyance transfers interest into revocable living trust (R&T 11930).	This is a transfer to a revocable trust which may be revoked by the transferor and is for the benefit of the transferor, and therefore does not constitute a change in ownership (R&T 60, 62(d)).	Part I, Check "yes" to: A. H. 1. (check transferor) Rest of boxes are "no" (probably). Part II, A. Date of Transfer: either date of signing or recording will be OK.
Individual(s) who is(are) settlor(s)	Irrevocable Gift Trust	Beneficial interest transfers from settlor(s) to the present beneficiary(ies) of the trust. Note: If the settlor retains a general power of appointment, withdrawal powers, or power of substitution, the settlor may be deemed the present beneficiary to that extent.	This conveyance transfers interest into irrevocable trust, is a bonafide gift and the grantor received nothing in return (R&T 11911 & 11930).	<i>[If surviving spouse is beneficiary:]</i> This is a transfer to an irrevocable trust for the benefit of the transferor's spouse and therefore does not constitute a change in ownership (R&T 60, 61(h), 63). <i>[If children or eligible grandchildren are beneficiaries:]</i> This is a transfer to an irrevocable trust for the benefit of the transferor's children <i>[or eligible grandchildren]</i> and a Claim for Reassessment Exclusion under R&T 63.1 will be filed. <i>[If some trust beneficiaries have no exclusion:]</i> Some of the beneficial interests of the trust	Part I, Check "yes" to: <i>[If surviving spouse is beneficiary:]</i> H.3. (check Grantor's spouse only) <i>[If children or eligible grandchildren are beneficiaries:]</i> J. (check children or grandchildren) Rest of boxes are "no" (probably). Part II, A. Date of Transfer: Effective date of gift (the same date that will be reported on 709 return). On PCOR attachment add: Settlor(s) __[Name(s)]__ are transferring his/her/their interest

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				have no available exclusion and constitute a change in ownership.	in the property to an irrevocable trust [of which surviving spouse is the sole (or a) present beneficiary] [of which children (or eligible grandchildren) are the beneficiaries, namely _____][of which _____ is the beneficiary(ies) and for which there is no available exclusion]. <i>[Can also add the applicable Property Tax Exclusion Statement from column to the left.]</i>
II. FIRST SETTLOR TO DIE					
Revocable Family Trust	Administrative Trust	Beneficial interests are set the moment of death (spouse and/or others now become the beneficiaries and decedent no longer has any beneficial interest) and are reported on the Change in Ownership Statement Death of Real Property Owner. [Note, if the surviving spouse is not the sole beneficiary of all of the sub-trusts, or if this is for a single settlor, <u>and</u> other exact beneficial interests in each piece of real property, if funded non-pro rata, cannot be decided until the sub-trust funding is finalized, this Statement should only report the death and state, "Exact beneficial interests in each property cannot be ascertained until	This conveyance is only to reflect change of the trust name due to settlor's death and until completion of estate administration, it only changes the manner in which title is held with grantor and grantee continuing to hold the same proportional interests (R&T 11911 & 11930).	This transfer is to reflect on record title the name(s) of the successor trustee(s) and the change of the trust name; it does not transfer beneficial interests and therefore does not constitute a change in ownership (R&T 60, 62(b); Rule 462.240(a) and (b)).	Part I, Check "yes" to: B. and add "change of trustee and name of trust" <i>[For married settlors, can also do:]</i> H.1. (check transferor only [for Survivor's Trust portion]) H.3. (check Grantor's spouse only [for QTIP and any other spouse's beneficial interest]). Rest of boxes are "no" (probably). Part II, A. Date of Transfer: Deceased Spouse's (or single Settlor's) date of death. On PCOR or attachment add: The death of Settlor ____[name]____ on ____[date of death]____ has been reported on Change in Ownership Statement Death of Real Property Owner filed on ____[date]____. <i>[Can also</i>

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		<p>the estate has been appraised, the U.S. Estate Tax Return is filed, and the Trustee has exercised his/her discretion in funding of the sub-trusts. The beneficial interests will be further reported to the Assessor once these have been determined."</p> <p>This deed does not transfer any beneficial interests but only bare legal title as to successor trustee(s) and new trust name.</p>			<p><i>add the Property Tax Exclusion Statement from column to the left.]</i></p>
<p>Revocable Family Trust or Administrative Trust</p>	<p>Survivor's Trust</p>	<p>Surviving Spouse is the settlor/transferor of the Survivor's Trust and it contains his/her community property and his/her separate property, and trust remains revocable. No beneficial interest actually transfers as to these assets; the deed only reflects the new trust name and possibly new trustee(s).</p>	<p>Transfer to sub-trust due to settlor's death (R&T 11930); conveyance only changes manner in which title is held, grantor and grantee continue to hold the same proportional interests (R&T 11911).</p>	<p>This is a transfer from, and a transfer to, a revocable trust that may be revoked by the transferor and is for the benefit of the transferor and therefore does not constitute a change in ownership (R&T 60, 62(d)).</p>	<p>Part I, Check "yes" to: B. and add "change of trustee and name of trust" H.1. (check transferor only) Rest of boxes are "no" (probably).</p> <p>Part II, A. Date of Transfer: Deceased Spouse's date of death.</p> <p>On PCOR attachment add: The death of Settlor ___[name]___ on ___[date of death]___ has been reported on Change in Ownership Statement Death of Real Property Owner filed on ___[date]___ [and supplemented on ___[date]___]. The interest being transferred herein is surviving spouse ___[name]___'s share of the community property and/or</p>

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					his/her separate property, and is being funded to a revocable trust of which surviving spouse has the power to revoke and is the sole present beneficiary. <i>[Can also add the Property Tax Exclusion Statement from column to the left.]</i>
Revocable Family Trust or Administrative Trust	QTIP Trust	Deceased Spouse is the settlor/transferor of the QTIP Trust and it contains his/her community and/or separate property. The trust is irrevocable. Surviving Spouse is the sole present beneficiary (must be for a QTIP). The deed, therefore, represents a transfer between spouses. Such transfer is legally effective as of deceased spouse's date of death (regardless of the deed execution date).	Transfer to sub-trust due to settlor's death (R&T 11930).	This is a transfer to an irrevocable trust for the sole benefit of the transferor's spouse and therefore does not constitute a change in ownership (R&T 60, 61(h), 63).	Part I, Check "yes" to: H.3. (check Grantor's spouse) Rest of boxes are "no" (probably). Part II, A. Date of Transfer: Deceased Spouse's date of death. On PCOR attachment add: The death of Settlor ___[name]___ on ___[date of death]___ has been reported on Change in Ownership Statement Death of Real Property Owner filed on ___[date]___ [and supplemented on ___[date]___]. The interest being transferred herein is deceased spouse ___[name]___'s share of the community property and/or his/her separate property, and is being funded to an irrevocable trust of which surviving spouse ___[name]___ is the sole present beneficiary. <i>[Can also add the Property Tax Exclusion Statement from column to the left.]</i>
Revocable Family Trust or Administrative Trust	Bypass/Credit Shelter Trust	Deceased Spouse is the settlor/transferor of the Bypass Trust and it	Transfer to sub-trust due to settlor's death (R&T 11930).	<i>[If surviving spouse is beneficiary:]</i> This is a transfer to an irrevocable trust for the	Part I, Check "yes" to: <i>[If surviving spouse is beneficiary:]</i>

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Trust		contains his/her community and/or separate property. The trust is irrevocable. Whether or not there is a change in ownership triggering reassessment depends on who has all the beneficial interests in the trust. The deed, therefore, represents a transfer from deceased spouse to all the trust beneficiaries. Such transfer is legally effective as of deceased spouse's date of death (regardless of the deed execution date).		benefit of the transferor's spouse and therefore does not constitute a change in ownership (R&T 60, 61(h), 63). <i>[If children or eligible grandchildren are beneficiaries:]</i> This is a transfer to an irrevocable trust for the benefit of the transferor's children <i>[eligible grandchildren]</i> and a Claim for Reassessment Exclusion under R&T 63.1 will be filed. <i>[If some trust beneficiaries have no exclusion:]</i> Some of the beneficial interests of the trust have no available exclusion and constitute a change in ownership.	H.3. (check Grantor's spouse only) <i>[If children or eligible grandchildren are beneficiaries:]</i> J. (check children or grandchildren) Rest of boxes are "no" (probably). Part II, A. Date of Transfer: Deceased Spouse's date of death. On PCOR attachment add: The death of Settlor ___[name]___ on ___[date of death]___ has been reported on Change in Ownership Statement Death of Real Property Owner filed on ___[date]___ [and supplemented on ___[date]___]. The interest being transferred herein is deceased spouse ___[name]___'s share of the community property and/or his/her separate property, and is being funded to an irrevocable trust [of which surviving spouse is the sole (or a) present beneficiary] [of which children (or eligible grandchildren) are the beneficiaries]. [Or: See Change in Ownership Statement Death of Real Property Owner for list of beneficial interests.] <i>[Can also add the applicable Property Tax Exclusion Statement from column to the left.]</i>

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Family Trust or Administrative Trust (e.g., where single settlor)	Sub-Trust for Child [would be the same for eligible grandchild]	Child's trust is irrevocable (except check whether there are any general powers of appointment or rights to withdraw, particularly the Non-GST exempt shares). Whether or not there is a change in ownership triggering reassessment depends on who has all the beneficial interests in the trust, including any discretionary distributions. For this deed we are assuming the single Settlor's child is the sole present beneficiary and no one else has any present interests in the trust. The deed, therefore, represents a transfer of beneficial interests from Settlor/parent/transferor to child/transferee. Such transfer is legally effective as of Settlor's date of death (regardless of the deed execution date).	Transfer to sub-trust due to settlor's death (R&T 11930).	<i>[If eligible for claim:]</i> This is a transfer to an irrevocable trust for the benefit of the transferor's child and a Claim for Reassessment Exclusion under R&T 63.1 will be filed.	Part I, Check "yes" to: J. (check children) Rest of boxes are "no" (probably). Part II, A. Date of Transfer: Settlor's date of death. On PCOR attachment add: The death of Settlor ___[name]___ on ___[date of death]___ has been reported on Change in Ownership Statement Death of Real Property Owner filed on ___[date]___ [and supplemented on ___[date]___]. ___[Name of Settlor]___, as settlor of the trust, is the transferor of the interest being transferred which is being funded to an irrevocable trust for the benefit of ___[name of child]___, of which he/she is the sole present beneficiary. <i>[If eligible for claim:]</i> A Claim for Reassessment Exclusion under R&T 63.1 will be filed.
Revocable Family Trust or Administrative Trust	Distribution outright to beneficiary	Whether there is a change in ownership depends on which spouse is the settlor/transferor and who is the beneficiary/transferee.	Distribution from trust to beneficiary due to settlor's death (R&T 11930).	Will be similar to above for transfer to Bypass/Credit Shelter Trust above, depending on who the beneficiary is, but modify for outright distribution (not being held in trust).	Will be similar to above for transfer to Bypass/Credit Shelter Trust above, depending on who the beneficiary is, but modify for outright distribution (not being held in trust).

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III. SECOND SETTLOR TO DIE					
Any of the above trusts	Distribution outright to beneficiary	Whether there is a change in ownership depends on which spouse is the settlor/transferor of that trust and who is the beneficiary/transferee.	Distribution from trust to beneficiary due to settlor's death (R&T 11930).	Will be similar to prior row above.	Will be similar to prior row above.
Survivor's Trust	Administrative Trust	Beneficial interests are set the moment of death (others now become the beneficiaries and the second spouse to die no longer has any beneficial interest) and are reported on the Change in Ownership Statement Death of Real Property Owner. [Note, if the exact beneficial interests in each piece of real property, if funded non-pro rata, cannot be decided until the sub-trust funding is finalized, this Statement should only report the death and state, "Exact beneficial interests in each property cannot be ascertained until the estate has been appraised, the U.S. Estate Tax Return is filed, and the Trustee has exercised his/her discretion in funding of the sub-trusts. The beneficial interests will be further reported to the Assessor once these have been determined."	This conveyance is only to reflect change of the trust name due to settlor's death and until completion of estate administration, it only changes the manner in which title is held with grantor and grantee continuing to hold the same proportional interests (R&T 11911 & 11930).	This transfer is to reflect on record title the name(s) of the successor trustee(s) and the change of the trust name; it does not transfer beneficial interests and therefore does not constitute a change in ownership (R&T 60, 62(b); Rule 462.240(a) and (b)).	<p>Part I, Check "yes" to: B. and add "change of trustee and name of trust" J. could be checked if it applies, but if non-pro rata funding of each property will not be determined until later probably better to leave unchecked for now. Rest of boxes are "no" (probably).</p> <p>Part II, A. Date of Transfer: Surviving Spouse's date of death.</p> <p>On PCOR or attachment add: The death of Settlor ___[name]___ on ___[date of death]___ has been reported on Change in Ownership Statement Death of Real Property Owner filed on ___[date]___. [Can also add the Optional Property Tax Exclusion Statement for Deed from column to the left.]</p>

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		This deed does not transfer any beneficial interests but only bare legal title as to successor trustee(s) and new trust name.			
Survivor's Trust or the Survivor's Administrative Trust	Sub-Trust for Child [would be the same for eligible grandchild]	<p>Surviving Spouse is the settlor/transferor of this property (note for the parent/child claim). The new trust is irrevocable (except check whether there are any general powers of appointment or rights to withdraw, particularly the Non-GST exempt shares). Whether or not there is a change in ownership triggering reassessment depends on who has all the beneficial interests in the trust, including any discretionary distributions.</p> <p>For this deed we are assuming Surviving spouse's child is the sole present beneficiary and no one else has any present interests in the trust. The deed, therefore, represents a transfer of beneficial interests from surviving (now deceased) spouse to child. Such transfer is legally effective as of</p>	Transfer to sub-trust due to settlor's death (R&T 11930).	<i>[If eligible for claim:]</i> This is a transfer to an irrevocable trust for the benefit of the transferor's children and a Claim for Reassessment Exclusion under R&T 63.1 will be filed.	<p>Part I, Check "yes" to: J. (check children) Rest of boxes are "no" (probably).</p> <p>Part II, A. Date of Transfer: Surviving Spouse's date of death.</p> <p>On PCOR attachment add: The death of Settlor ___[name]___ on ___[date of death]___ has been reported on Change in Ownership Statement Death of Real Property Owner filed on ___[date]___ [and supplemented on ___[date]___]. ___[Name of surviving spouse, now deceased]___, as settlor of the trust, is the transferor of the interest being transferred which is being funded to an irrevocable trust for the benefit of ___[name of child]___, of which he/she is the sole present beneficiary. <i>[If eligible for claim:]</i> A Claim for Reassessment Exclusion under R&T 63.1 will be filed.</p>

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		deceased spouse's date of death (regardless of the deed execution date).			
QTIP or Bypass/Credit Shelter Trust	Sub-Trust for Child [would be the same for eligible grandchild]	<p>Deceased Spouse (first to die) is the settlor/transferor of these two trusts (note for the parent/child claim). The new trust is irrevocable (except check whether there are any general powers of appointment or rights to withdraw, particularly the Non-GST exempt shares). Whether or not there is a change in ownership triggering reassessment depends on who has all the beneficial interests in the trust, including any sprinkling or withdrawal rights – but for this deed we are assuming Surviving spouse's child is the sole present beneficiary and no one else has any current interests in the trust.</p> <p>The deed, therefore, represents a transfer of beneficial interests from Deceased Spouse (first to die) to child. Such transfer is legally effective as of Surviving Spouse's (second to die) date of death (regardless of the deed execution date).</p>	Transfer to sub-trust due to settlor's death (R&T 11930).	This is a transfer to an irrevocable trust for the benefit of the transferor's child and a Claim for Reassessment Exclusion under R&T 63.1 will be filed.	<p>Part I, Check "yes" to: J. (check children or grandchildren) Rest of boxes are "no" (probably).</p> <p>Part II, A. Date of Transfer: Surviving Spouse's (second to die) date of death.</p> <p>On PCOR attachment add: The death of Settlor ___[Surviving Spouse's name]___ on ___[date of death]___ has been reported on Change in Ownership Statement Death of Real Property Owner filed on ___[date]___ [and supplemented on ___[date]___]. He/she had a lifetime interest in the ___[name of QTIP or Bypass Trust]___ of which his/her predeceased spouse, ___[name of first spouse to die]___, was the settlor and therefore is now the transferor. The interest being transferred herein is being funded to an irrevocable trust for the benefit of ___[name of first spouse to die]___'s child, who is the sole present beneficiary of the trust. A Claim for Reassessment Exclusion under R&T 63.1 will be filed.</p>