Online Inheritance Tax Consent to Transfer Application

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INTRODUCTION

This notice is intended to provide taxpayers and the general public with information regarding the new Online Inheritance Tax Consent to Transfer Application, pursuant to T.C.A. § 67-8-417, which replaces paper forms previously used by the Department.

DISCUSSION

- *Inheritance Tax Consent to Transfer applications should now be submitted electronically.*

Applications for Inheritance Tax Consent to Transfer

Previously, persons seeking to obtain an Inheritance Tax Consent to Transfer (formerly known as an Inheritance Tax Release) were required to submit two forms: the Application for Tennessee Inheritance Tax Waiver and the Inheritance Tax Release for Real or Personal Property. However, effective November 4, 2013, this procedure has been improved and the required forms have been replaced with an online service. Persons now seeking an Inheritance Tax Consent to Transfer should submit an application to the Department of Revenue electronically using the Department's website at: https://tdorbt.tn.gov/consenttotransfer/.

- *If consent is given, the applicant will receive an email response and be directed to print a copy of the consent for his records.*

Applications should be submitted online for consent to transfer stocks, bonds, and other registered securities and real property. Within 7 to 10 business days, the Department will review the application and either approve or deny it. If the application is approved and consent is given, the applicant will receive an email directing him to print a copy of the consent for his records. If the application is denied and consent is not given, the applicant will be contacted by email or by phone.

Completing the Online Application

- *Certain information is required to complete the online application.*

The following information is required to complete the online application:

- Decedent's Information – Name, Date of Death, Social Security Number, and County of Residence
- Fair Market Value of All Assets of Decedent
- Beneficiary's Information – Name, Address, Phone Number, and Relationship
- Stocks, Bonds, and Other Registered Securities Information – Description of Property, Account Numbers, Transferee Information, and Approximate Fair Market Value
- Real Property Information – Location, Map, Parcel, and Value of Real Property
- Email Address of Applicant

- *If property is transferred without consent, the person in control may be personally liable for any taxes due.*

Consent is Required to Transfer Property

If any property is transferred without first obtaining the consent of the Commissioner, the person in possession or control of the property may be held personally liable for the payment of any inheritance tax, penalty, and interest that may be due.

An automatic lien in favor of the State arises at the date of death and attaches to the property of the decedent and to any property acquired in exchange or substitution for any property transferred. Thus, a lien remains on any proceeds received when property is transferred.

Repeal of Inheritance Tax

- *Inheritance Tax is repealed for dates of death in 2016 and after.*

Under Public Chapter 1057 (2012), the Tennessee Inheritance Tax is repealed for dates of death in 2016 and after. Therefore, an Inheritance Tax Consent to Transfer will no longer be required for estates of decedents dying in 2016 and after. For more information about Public Chapter 1057, please refer to Important Notice #12-13, available on our website: www.tn.gov/revenue/notices/inherit/12-13.pdf.

For more information regarding inheritance tax, please refer to the Tennessee Inheritance Tax Outline that is available on the Department of Revenue's website: www.tn.gov/revenue/taxguides/inheritoutline.pdf.

References:

T.C.A. § 67-8-417
T.C.A. § 67-1-1403

The information provided here is current as of the date of publication but may change as a result of new statutes, regulations, or court decisions. While this notice is intended to be comprehensive, events and situations unanticipated by this notice may occur. In such cases you should contact the department or your tax professional for further guidance.