



## Ohio Revised Code

### Section 5731.05 Value of gross estate includes transfers in contemplation of death.

Effective: June 30, 2005

Legislation: House Bill 66 - 126th General Assembly

---

(A) Except as provided in divisions (B) and (C) of this section, the value of the gross estate shall include the value of all property, to the extent of any interest in property, of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of death.

(B) Any transfer, except as provided in division (C) of this section, by trust or otherwise, made within a period of three years ending with the date of the decedent's death shall be deemed to have been made in contemplation of death, unless the contrary is shown. No transfer made before that three-year period shall be treated as having been made in contemplation of death.

(C) This section does not apply to any of the following:

- (1) A bona fide sale for an adequate and full consideration in money or money's worth;
- (2) A transfer of property that would not be included in the decedent's gross estate if retained by the decedent until death;
- (3) The first ten thousand dollars of the transfers that were made by the decedent to each transferee, other than the spouse of the decedent, in each calendar year, but only to the extent that those transfers qualify as present interests under section 2503(b) and (c) of the Internal Revenue Code. The exclusion provided by division (C)(3) of this section does not apply to any portion of a transfer that is treated as being made by the spouse of the decedent under section 2513 of the Internal Revenue Code.
- (4) A transfer of property made to the spouse of the transferor, except as provided in section 5731.131 of the Revised Code;
- (5) Federal or state gift taxes paid with respect to any includible transfer.



AUTHENTICATED,  
OHIO LEGISLATIVE SERVICE  
COMMISSION  
DOCUMENT #231511

---