

**Statement of Person Claiming
 Refund Due a Deceased Taxpayer**

► For Paperwork Reduction Act Notice, see instructions on back of form.

Tax year decedent was due a refund:

Calendar year _____, or other tax year beginning _____, 19____, and ending _____, 19____.

Please type or print

Name of decedent	Date of death	Social security number of decedent
Name of person claiming refund		
Address (number and street)		
City or town, State, and ZIP code		

I am filing this statement as (check only one box):

- A** Surviving spouse, claiming a refund based on a joint return. (See **Death of Taxpayer** in Instructions for Form 1040.)
- B** Decedent's personal representative.¹ Attach a court certificate showing your appointment.
- C** Person, other than **A** or **B**, claiming refund for the decedent's estate. Complete Schedule A and attach a copy of the death certificate or proof of death.²

Please attach requested information and sign below. If you checked Box C, also complete Schedule A.

Schedule A (To be completed only if you checked Box C above.)	Yes	No
1 Did the decedent leave a will?		
2 a Has a personal representative been appointed for the estate of the decedent?		
b If "No," will one be appointed?		
<i>If 2 a or b is answered "Yes," do not file this form. The personal representative should file for the refund.</i>		
3 As the person claiming the refund for the decedent's estate, will you pay out the refund according to the laws of the State where the decedent was a legal resident?		
<i>If "No," a refund cannot be made until you submit a court certificate showing your appointment as personal representative or other evidence that you are entitled, under State law, to receive the refund.</i>		

Signature and Verification

I request a refund of taxes overpaid by or on behalf of the decedent. Under penalties of perjury, I declare that I have examined this claim and to the best of my knowledge and belief, it is true, correct, and complete.

Signature of person claiming refund ► _____ **Date** ► _____

¹ For purposes of this form, personal representative means the executor, executrix, administrator, or administratrix of the decedent's estate; if no executor, executrix, administrator, or administratrix is appointed, qualified and acting within the United States, personal representative means any person in actual or constructive possession of any property of the decedent.

² May be the original or an authentic copy of a telegram or letter from the Department of Defense notifying the next of kin of the decedent's death while in active service, or a death certificate issued by the Department of Defense.

Instructions

Paperwork Reduction Act Notice

We ask for this information to carry out the Internal Revenue laws of the United States. We need it to ensure that taxpayers are complying with these laws and to allow us to figure and collect the right amount of tax. You are required to give us this information.

Who Must File

File Form 1310 if you are claiming a refund on behalf of a taxpayer who has died. Attach Form 1310 to the return of the taxpayer who has died. However, if you are a surviving spouse filing a joint return with the decedent, you do not have to file Form 1310.