

SENATE BILL 402

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HB 1118/01 - JUD

2003 Regular Session
3r1255
CF 3r0989

By: **Senator Giannetti**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Uniform Disclaimer of Property Interests Act**

3 FOR the purpose of revising the procedures for disclaimers of succession to property
4 interests created by will, intestacy, or the exercise of testamentary powers of
5 appointment; allowing certain fiduciaries the ability to disclaim certain
6 interests and certain powers; providing for certain rules applying to a disclaimer
7 of a certain interest in property; providing for a disclaimer of rights of
8 survivorship in certain jointly held property; providing for a disclaimer of
9 interest by a certain trustee; providing for a disclaimer of power of appointment
10 or power not held in a fiduciary capacity; providing for a disclaimer by a certain
11 appointee, certain object, or certain taker in default exercise of power of
12 appointment; providing for a disclaimer of power held in certain fiduciary
13 capacity; requiring the delivery or filing of certain disclaimers under certain
14 circumstances; requiring that certain disclaimers be barred or limited under
15 certain circumstances; providing for a tax qualified disclaimer; allowing the
16 recordation of a certain disclaimer; providing for the application of this Act;
17 defining certain terms; providing that the provisions of this Act are severable;
18 and generally relating to revising the procedures for disclaimers of succession to
19 property interests and powers of appointment.

20 BY repealing

21 Article - Estates and Trusts
22 Section 9-201 through 9-209, inclusive
23 Annotated Code of Maryland
24 (2001 Replacement Volume and 2002 Supplement)

25 BY adding to

26 Article - Estates and Trusts
27 Section 9-201 through 9-216, inclusive
28 Annotated Code of Maryland
29 (2001 Replacement Volume and 2002 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 9-201 through 9-209, inclusive, of Article - Estates
3 and Trusts of the Annotated Code of Maryland be repealed.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5 read as follows:

6 **Article - Estates and Trusts**

7 9-201.

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) "BENEFICIARY DESIGNATION" MEANS AN INSTRUMENT, OTHER THAN AN
11 INSTRUMENT CREATING A TRUST, NAMING THE BENEFICIARY OF:

12 (1) AN ANNUITY OR INSURANCE POLICY;

13 (2) AN ACCOUNT WITH A DESIGNATION FOR PAYMENT UPON DEATH;

14 (3) A SECURITY REGISTERED IN BENEFICIARY FORM;

15 (4) A PENSION, PROFIT-SHARING, RETIREMENT, OR OTHER
16 EMPLOYMENT-RELATED BENEFIT PLAN; OR

17 (5) ANY OTHER NONPROBATE TRANSFER AT DEATH.

18 (C) "DISCLAIMANT" MEANS THE PERSON TO WHOM A DISCLAIMED INTEREST
19 OR POWER WOULD HAVE PASSED HAD THE DISCLAIMER NOT BEEN MADE.

20 (D) "DISCLAIMED INTEREST" MEANS THE INTEREST THAT WOULD HAVE
21 PASSED TO THE DISCLAIMANT HAD THE DISCLAIMER NOT BEEN MADE.

22 (E) "DISCLAIMER" MEANS THE REFUSAL TO ACCEPT AN INTEREST IN OR
23 POWER OVER PROPERTY.

24 (F) "FIDUCIARY" MEANS A PERSONAL REPRESENTATIVE, TRUSTEE, AGENT
25 ACTING UNDER A POWER OF ATTORNEY, OR OTHER PERSON AUTHORIZED TO ACT AS
26 A FIDUCIARY WITH RESPECT TO THE PROPERTY OF ANOTHER PERSON.

27 (G) "FUTURE INTEREST" MEANS AN INTEREST THAT TAKES EFFECT IN
28 POSSESSION OR ENJOYMENT, IF AT ALL, LATER THAN THE TIME OF ITS CREATION.

29 (H) "JOINTLY HELD PROPERTY" MEANS PROPERTY HELD IN THE NAME OF
30 TWO OR MORE PERSONS UNDER AN ARRANGEMENT IN WHICH ALL HOLDERS HAVE
31 CONCURRENT INTERESTS AND UNDER WHICH THE LAST SURVIVING HOLDER IS
32 ENTITLED TO THE WHOLE OF THE PROPERTY.

33 (I) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST,
34 ESTATE, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, JOINT

1 VENTURE, GOVERNMENTAL SUBDIVISION, GOVERNMENTAL AGENCY,
2 GOVERNMENTAL INSTRUMENTALITY, PUBLIC CORPORATION, LEGAL ENTITY, OR
3 COMMERCIAL ENTITY.

4 (J) "TIME OF DISTRIBUTION" MEANS THE TIME WHEN A DISCLAIMED
5 INTEREST WOULD HAVE TAKEN EFFECT IN POSSESSION OR ENJOYMENT.

6 (K) "TRUST" MEANS:

7 (1) AN EXPRESS TRUST, CHARITABLE OR NONCHARITABLE, WHENEVER
8 AND HOWEVER CREATED; OR

9 (2) A TRUST CREATED PURSUANT TO A STATUTE, JUDGMENT, OR
10 DECREE THAT REQUIRES THAT THE TRUST BE ADMINISTERED IN THE MANNER OF
11 AN EXPRESS TRUST.

12 9-202.

13 (A) (1) A PERSON MAY DISCLAIM IN WHOLE OR IN PART ANY INTEREST IN
14 OR POWER OVER PROPERTY, INCLUDING A POWER OF APPOINTMENT.

15 (2) A PERSON MAY DISCLAIM THE INTEREST OR POWER EVEN IF THE
16 CREATOR IMPOSED A SPENDTHRIFT PROVISION OR SIMILAR RESTRICTION UPON
17 TRANSFER OR A RESTRICTION OR LIMITATION ON THE RIGHT TO DISCLAIM.

18 (B) (1) EXCEPT TO THE EXTENT THAT A FIDUCIARY'S RIGHT TO DISCLAIM IS
19 EXPRESSLY RESTRICTED OR LIMITED BY ANOTHER STATUTE OF THE STATE OR BY
20 THE INSTRUMENT CREATING THE FIDUCIARY RELATIONSHIP, A FIDUCIARY MAY
21 DISCLAIM IN WHOLE OR IN PART ANY INTEREST IN OR POWER OVER PROPERTY,
22 INCLUDING A POWER OF APPOINTMENT, WHETHER ACTING IN A PERSONAL OR
23 REPRESENTATIVE CAPACITY.

24 (2) A FIDUCIARY MAY DISCLAIM THE INTEREST OR POWER EVEN IF THE
25 CREATOR IMPOSED A SPENDTHRIFT PROVISION OR SIMILAR RESTRICTION UPON
26 TRANSFER OR A RESTRICTION OR LIMITATION ON THE RIGHT TO DISCLAIM, OR AN
27 INSTRUMENT OTHER THAN THE INSTRUMENT THAT CREATED THE FIDUCIARY
28 RELATIONSHIP IMPOSED A RESTRICTION OR LIMITATION ON THE RIGHT TO
29 DISCLAIM.

30 (C) TO BE EFFECTIVE, A DISCLAIMER MUST:

31 (1) BE IN WRITING OR OTHER RECORD;

32 (2) DECLARE THE DISCLAIMER;

33 (3) DESCRIBE THE INTEREST OR POWER DISCLAIMED;

34 (4) BE SIGNED BY THE PERSON MAKING THE DISCLAIMER; AND

35 (5) BE DELIVERED OR FILED IN THE MANNER PROVIDED IN § 9-209 OF
36 THIS SUBTITLE.

1 (D) A PARTIAL DISCLAIMER MAY BE EXPRESSED AS A FRACTION,
2 PERCENTAGE, MONETARY AMOUNT, TERM OF YEARS, LIMITATION OF A POWER, OR
3 ANY OTHER INTEREST OR ESTATE IN THE PROPERTY.

4 (E) A DISCLAIMER BECOMES IRREVOCABLE WHEN IT IS DELIVERED OR FILED
5 PURSUANT TO § 9-209 OF THIS SUBTITLE OR WHEN IT BECOMES EFFECTIVE AS
6 PROVIDED IN §§ 9-203 THROUGH 9-208 OF THIS SUBTITLE, WHICHEVER OCCURS
7 LATER.

8 (F) A DISCLAIMER MADE UNDER THIS SUBTITLE IS NOT A TRANSFER,
9 ASSIGNMENT, OR RELEASE.

10 9-203.

11 (A) EXCEPT FOR A DISCLAIMER UNDER § 9-204 OR § 9-205 OF THIS SUBTITLE,
12 THE FOLLOWING RULES APPLY TO A DISCLAIMER OF AN INTEREST IN PROPERTY.

13 (B) THE DISCLAIMER TAKES EFFECT AS OF THE TIME THE INSTRUMENT
14 CREATING THE INTEREST BECOMES IRREVOCABLE OR IF THE INTEREST AROSE
15 UNDER THE LAW OF INTESTATE SUCCESSION, AS OF THE TIME OF THE INTESTATE'S
16 DEATH.

17 (C) THE DISCLAIMED INTEREST PASSES ACCORDING TO ANY PROVISION IN
18 THE INSTRUMENT CREATING THE INTEREST PROVIDING FOR THE DISPOSITION OF
19 THE INTEREST, SHOULD IT BE DISCLAIMED, OR OF DISCLAIMED INTERESTS IN
20 GENERAL.

21 (D) IF THE INSTRUMENT DOES NOT CONTAIN A PROVISION DESCRIBED IN
22 SUBSECTION (C) OF THIS SECTION, THE FOLLOWING RULES APPLY:

23 (1) (I) IF THE DISCLAIMANT IS AN INDIVIDUAL, THE DISCLAIMED
24 INTEREST PASSES AS IF THE DISCLAIMANT DIED IMMEDIATELY BEFORE THE TIME
25 OF DISTRIBUTION; OR

26 (II) IF BY LAW OR UNDER THE INSTRUMENT THE DESCENDANTS OF
27 THE DISCLAIMANT WOULD SHARE IN THE DISCLAIMED INTEREST BY ANY METHOD
28 OF REPRESENTATION HAD THE DISCLAIMANT DIED BEFORE THE TIME OF
29 DISTRIBUTION, THE DISCLAIMED INTEREST PASSES ONLY TO THE DESCENDANTS OF
30 THE DISCLAIMANT WHO SURVIVE THE TIME OF DISTRIBUTION; OR

31 (2) IF THE DISCLAIMANT IS NOT AN INDIVIDUAL, THE DISCLAIMED
32 INTEREST PASSES AS IF THE DISCLAIMANT DID NOT EXIST.

33 (E) UPON THE DISCLAIMER OF A PRECEDING INTEREST, A FUTURE INTEREST
34 HELD BY A PERSON OTHER THAN THE DISCLAIMANT TAKES EFFECT AS IF THE
35 DISCLAIMANT HAD DIED OR CEASED TO EXIST IMMEDIATELY BEFORE THE TIME OF
36 DISTRIBUTION, BUT A FUTURE INTEREST HELD BY THE DISCLAIMANT IS NOT
37 ACCELERATED IN POSSESSION OR ENJOYMENT.

1 9-204.

2 (A) UPON THE DEATH OF A HOLDER OF JOINTLY HELD PROPERTY, A
3 SURVIVING HOLDER MAY DISCLAIM IN WHOLE OR IN PART, THE GREATER OF:

4 (1) A FRACTIONAL SHARE OF THE PROPERTY DETERMINED BY DIVIDING
5 THE NUMBER ONE BY THE NUMBER OF JOINT HOLDERS ALIVE IMMEDIATELY
6 BEFORE THE DEATH OF THE HOLDER TO WHOSE DEATH THE DISCLAIMER RELATES;
7 OR

8 (2) ALL OF THE PROPERTY EXCEPT THAT PART OF THE VALUE OF THE
9 ENTIRE INTEREST ATTRIBUTABLE TO THE CONTRIBUTION FURNISHED BY THE
10 DISCLAIMANT.

11 (B) A DISCLAIMER UNDER SUBSECTION (A) OF THIS SECTION TAKES EFFECT
12 AS OF THE DEATH OF THE HOLDER OF JOINTLY HELD PROPERTY TO WHOSE DEATH
13 THE DISCLAIMER RELATES.

14 (C) AN INTEREST IN JOINTLY HELD PROPERTY DISCLAIMED BY A SURVIVING
15 HOLDER OF THE PROPERTY PASSES AS IF THE DISCLAIMANT PREDECEASED THE
16 HOLDER TO WHOSE DEATH THE DISCLAIMER RELATES.

17 9-205.

18 IF A TRUSTEE DISCLAIMS AN INTEREST IN PROPERTY THAT OTHERWISE WOULD
19 BECOME TRUST PROPERTY, THE INTEREST DOES NOT BECOME TRUST PROPERTY.

20 9-206.

21 IF A HOLDER DISCLAIMS A POWER OF APPOINTMENT OF OTHER POWER NOT
22 HELD IN A FIDUCIARY CAPACITY, THE FOLLOWING RULES APPLY:

23 (1) IF THE HOLDER HAS NOT EXERCISED THE POWER, THE DISCLAIMER
24 TAKES EFFECT AS OF THE TIME THE INSTRUMENT CREATING THE POWER BECOMES
25 IRREVOCABLE;

26 (2) IF THE HOLDER HAS EXERCISED THE POWER AND THE DISCLAIMER
27 IS OF A POWER OTHER THAN A PRESENTLY EXERCISABLE GENERAL POWER OF
28 APPOINTMENT, THE DISCLAIMER TAKES EFFECT IMMEDIATELY AFTER THE LAST
29 EXERCISE OF THE POWER; AND

30 (3) THE INSTRUMENT CREATING THE POWER IS CONSTRUED AS IF THE
31 POWER EXPIRED WHEN THE DISCLAIMER BECAME EFFECTIVE.

32 9-207.

33 (A) A DISCLAIMER OF AN INTEREST IN PROPERTY BY AN APPOINTEE OF A
34 POWER OF APPOINTMENT TAKES EFFECT AS OF THE TIME THE INSTRUMENT BY
35 WHICH THE HOLDER EXERCISES THE POWER BECOMES IRREVOCABLE.

1 (B) A DISCLAIMER OF AN INTEREST IN PROPERTY BY AN OBJECT OR TAKER IN
2 DEFAULT OF AN EXERCISE OF POWER OF APPOINTMENT TAKES EFFECT AS OF THE
3 TIME THE INSTRUMENT CREATING THE POWER BECOMES IRREVOCABLE.

4 9-208.

5 (A) IF A FIDUCIARY DISCLAIMS A POWER HELD IN A FIDUCIARY CAPACITY
6 WHICH HAS NOT BEEN EXERCISED, THE DISCLAIMER TAKES EFFECT AS OF THE TIME
7 THE INSTRUMENT CREATING THE POWER BECOMES IRREVOCABLE.

8 (B) IF A FIDUCIARY DISCLAIMS A POWER HELD IN A FIDUCIARY CAPACITY
9 THAT HAS BEEN EXERCISED, THE DISCLAIMER TAKES EFFECT IMMEDIATELY AFTER
10 THE LAST EXERCISE OF POWER.

11 (C) A DISCLAIMER UNDER THIS SECTION IS EFFECTIVE AS TO ANOTHER
12 FIDUCIARY IF THE DISCLAIMER SO PROVIDES AND THE FIDUCIARY DISCLAIMING
13 HAS THE AUTHORITY TO BIND THE ESTATE, TRUST, OR OTHER PERSON FOR WHOM
14 THE FIDUCIARY IS ACTING.

15 9-209.

16 (A) SUBJECT TO SUBSECTIONS (B) THROUGH (K) OF THIS SECTION, DELIVERY
17 OF A DISCLAIMER MAY BE EFFECTED BY PERSONAL DELIVERY, FIRST-CLASS MAIL,
18 OR ANY OTHER METHOD LIKELY TO RESULT IN ITS RECEIPT.

19 (B) IN THE CASE OF AN INTEREST CREATED UNDER THE LAW OF INTESTATE
20 SUCCESSION OR AN INTEREST CREATED BY WILL, OTHER THAN AN INTEREST IN A
21 TESTAMENTARY TRUST:

22 (1) A DISCLAIMER MUST BE DELIVERED TO THE PERSONAL
23 REPRESENTATIVE FOR THE DECEDENT'S ESTATE; OR

24 (2) IF THERE IS NO PERSONAL REPRESENTATIVE, IT MUST BE FILED
25 WITH A COURT HAVING JURISDICTION TO APPOINT THE PERSONAL
26 REPRESENTATIVE.

27 (C) IN THE CASE OF AN INTEREST IN A TESTAMENTARY TRUST:

28 (1) A DISCLAIMER MUST BE DELIVERED TO THE TRUSTEE, OR IF NO
29 TRUSTEE IS THEN SERVING, TO THE PERSONAL REPRESENTATIVE OF THE
30 DECEDENT'S ESTATE; OR

31 (2) IF THERE IS NO PERSONAL REPRESENTATIVE, IT MUST BE FILED
32 WITH A COURT HAVING JURISDICTION TO ENFORCE THE TRUST.

33 (D) (1) IN THE CASE OF AN INTEREST IN AN INTER VIVOS TRUST, A
34 DISCLAIMER MUST BE DELIVERED TO THE TRUSTEE.

35 (2) IF THERE IS NO TRUSTEE, IT MUST BE FILED WITH A COURT HAVING
36 JURISDICTION TO ENFORCE THE TRUST.

1 (3) IF THE DISCLAIMER IS MADE BEFORE THE TIME THE INSTRUMENT
2 CREATING THE TRUST BECOMES IRREVOCABLE, IT MUST BE DELIVERED TO THE
3 SETTLOR OF A REVOCABLE TRUST OR THE TRANSFEROR OF THE INTEREST.

4 (E) IN THE CASE OF AN INTEREST CREATED BY A BENEFICIARY DESIGNATION
5 MADE BEFORE THE TIME THE DESIGNATION BECOMES IRREVOCABLE, A DISCLAIMER
6 MUST BE DELIVERED TO THE PERSON MAKING THE BENEFICIARY DESIGNATION.

7 (F) IN THE CASE OF AN INTEREST CREATED BY A BENEFICIARY DESIGNATION
8 MADE AFTER THE TIME THE DESIGNATION BECOMES IRREVOCABLE, A DISCLAIMER
9 MUST BE DELIVERED TO THE PERSON OBLIGATED TO DISTRIBUTE THE INTEREST.

10 (G) IN THE CASE OF A DISCLAIMER BY A SURVIVING HOLDER OF JOINTLY
11 HELD PROPERTY, THE DISCLAIMER MUST BE DELIVERED TO THE PERSON TO WHOM
12 THE DISCLAIMED INTEREST PASSES.

13 (H) IN THE CASE OF A DISCLAIMER BY AN OBJECT OR TAKER IN DEFAULT OF
14 EXERCISE OF A POWER OF APPOINTMENT AT ANY TIME AFTER THE POWER WAS
15 CREATED:

16 (1) THE DISCLAIMER MUST BE DELIVERED TO THE HOLDER OF THE
17 POWER OR TO THE FIDUCIARY ACTING UNDER THE INSTRUMENT THAT CREATED
18 THE POWER; OR

19 (2) IF THERE IS NO FIDUCIARY, IT MUST BE FILED WITH A COURT
20 HAVING AUTHORITY TO APPOINT THE FIDUCIARY.

21 (I) IN THE CASE OF A DISCLAIMER BY AN APPOINTEE OF A NONFIDUCIARY
22 POWER OF APPOINTMENT:

23 (1) THE DISCLAIMER MUST BE DELIVERED TO THE HOLDER, THE
24 PERSONAL REPRESENTATIVE OF THE HOLDER'S ESTATE, OR TO THE FIDUCIARY
25 UNDER THE INSTRUMENT THAT CREATED THE POWER; OR

26 (2) IF THERE IS NO FIDUCIARY, IT MUST BE FILED WITH A COURT
27 HAVING AUTHORITY TO APPOINT THE FIDUCIARY.

28 (J) IN THE CASE OF A DISCLAIMER BY A FIDUCIARY OF A POWER OVER A
29 TRUST OR ESTATE, THE DISCLAIMER MUST BE DELIVERED AS PROVIDED IN
30 SUBSECTION (B), (C), OR (D) AS IF THE POWER DISCLAIMED WERE AN INTEREST IN
31 PROPERTY.

32 (K) IN THE CASE OF A DISCLAIMER OF A POWER BY AN AGENT, THE
33 DISCLAIMER MUST BE DELIVERED TO THE PRINCIPAL OR THE PRINCIPAL'S
34 REPRESENTATIVE.

35 9-210.

36 (A) A DISCLAIMER IS BARRED BY A WRITTEN WAIVER OF THE RIGHT TO
37 DISCLAIM.

1 (B) A DISCLAIMER OF AN INTEREST IN PROPERTY IS BARRED IF ANY OF THE
2 FOLLOWING OCCURS BEFORE THE DISCLAIMER BECOMES EFFECTIVE:

3 (1) THE DISCLAIMANT ACCEPTS THE INTEREST SOUGHT TO BE
4 DISCLAIMED;

5 (2) THE DISCLAIMANT VOLUNTARILY ASSIGNS, CONVEYS, ENCUMBERS,
6 PLEDGES, OR TRANSFERS THE INTEREST SOUGHT TO BE DISCLAIMED OR
7 CONTRACTS TO DO SO; OR

8 (3) A JUDICIAL SALE OF THE INTEREST SOUGHT TO BE DISCLAIMED
9 OCCURS.

10 (C) A DISCLAIMER IN WHOLE OR IN PART OF THE FUTURE EXERCISE OF A
11 POWER HELD IN A FIDUCIARY CAPACITY IS NOT BARRED BY ITS PREVIOUS EXERCISE.

12 (D) A DISCLAIMER IN WHOLE OR IN PART OF THE FUTURE EXERCISE OF
13 POWER NOT HELD IN A FIDUCIARY CAPACITY IS NOT BARRED BY ITS PREVIOUS
14 EXERCISE UNLESS THE POWER IS EXERCISABLE IN FAVOR OF THE DISCLAIMANT.

15 (E) A DISCLAIMER IS BARRED OR LIMITED IF SO PROVIDED BY LAW OTHER
16 THAN THIS SUBTITLE.

17 (F) (1) A DISCLAIMER OF A POWER OVER PROPERTY THAT IS BARRED BY
18 THIS SECTION IS INEFFECTIVE.

19 (2) A DISCLAIMER OF AN INTEREST IN PROPERTY WHICH IS BARRED BY
20 THIS SECTION TAKES EFFECT AS A TRANSFER OF THE INTEREST DISCLAIMED TO
21 THE PERSONS WHO WOULD HAVE TAKEN THE INTEREST UNDER THIS SUBTITLE HAD
22 THE DISCLAIMER NOT BEEN BARRED.

23 9-211.

24 IF AS A RESULT OF A DISCLAIMER OR TRANSFER THE DISCLAIMED OR
25 TRANSFERRED INTEREST IS TREATED PURSUANT TO THE PROVISIONS OF TITLE 26
26 OF THE UNITED STATES CODE, ANY OTHER SUCCESSOR STATUTE, OR REGULATIONS
27 AS NEVER HAVING BEEN TRANSFERRED TO THE DISCLAIMANT, THEN THE
28 DISCLAIMER OR TRANSFER IS EFFECTIVE AS A DISCLAIMER UNDER THIS SUBTITLE.

29 9-212.

30 (A) IF AN INSTRUMENT TRANSFERRING AN INTEREST IN OR POWER OVER
31 PROPERTY SUBJECT TO A DISCLAIMER IS REQUIRED OR PERMITTED BY LAW TO BE
32 FILED, RECORDED, OR REGISTERED, THE DISCLAIMER MAY BE FILED, RECORDED, OR
33 REGISTERED.

34 (B) FAILURE TO FILE, RECORD, OR REGISTER THE DISCLAIMER DOES NOT
35 AFFECT ITS VALIDITY AS BETWEEN THE DISCLAIMANT AND THE PERSONS TO WHOM
36 THE PROPERTY INTEREST OR POWER PASSES BY REASON OF THE DISCLAIMER.

1 9-213.

2 EXCEPT AS OTHERWISE PROVIDED IN § 9-210 OF THIS SUBTITLE, AN INTEREST
3 IN OR POWER OVER PROPERTY EXISTING ON OCTOBER 1, 2003, AS TO WHICH THE
4 TIME FOR DELIVERING OR FILING A DISCLAIMER UNDER LAW SUPERSEDED BY THIS
5 SUBTITLE HAS NOT EXPIRED, MAY BE DISCLAIMED AFTER OCTOBER 1, 2003.

6 9-214.

7 IF ANY PROVISION OF THIS SUBTITLE OR ITS APPLICATION TO ANY PERSON OR
8 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER
9 PROVISIONS OR APPLICATIONS OF THIS SUBTITLE THAT CAN BE GIVEN EFFECT
10 WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE
11 PROVISIONS OF THIS SUBTITLE ARE SEVERABLE.

12 9-215.

13 THIS SUBTITLE DOES NOT ABRIDGE THE RIGHT OF A PERSON TO WAIVE,
14 RELEASE, DISCLAIM, OR RENOUNCE PROPERTY OR AN INTEREST IN PROPERTY
15 UNDER ANY OTHER STATUTE.

16 9-216.

17 THIS SUBTITLE MAY BE CITED AS THE "MARYLAND UNIFORM DISCLAIMER OF
18 PROPERTY INTERESTS ACT".

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October 1, 2003.