

SENATE BILL 402

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HB 1118/01 - JUD

2003 Regular Session  
3r1255  
CF 3r0989

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By: **Senator Giannetti**

Introduced and read first time: January 31, 2003  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 25, 2003

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CHAPTER \_\_\_\_\_

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

1 Article - Estates and Trusts  
2 Section 9-201 through 9-216, inclusive  
3 Annotated Code of Maryland  
4 (2001 Replacement Volume and 2002 Supplement)

5 BY repealing and reenacting, with amendments,

6 Article - Estates and Trusts  
7 Section 13-204(a)(4)(ii)  
8 Annotated Code of Maryland  
9 (2001 Replacement Volume and 2002 Supplement)

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12 and Trusts of the Annotated Code of Maryland be repealed.

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

15 **Article - Estates and Trusts**

16 9-201.

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

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

- 21 (1) AN ANNUITY OR INSURANCE POLICY;
- 22 (2) AN ACCOUNT WITH A DESIGNATION FOR PAYMENT UPON DEATH;
- 23 (3) A SECURITY REGISTERED IN BENEFICIARY FORM;
- 24 (4) A PENSION, PROFIT-SHARING, RETIREMENT, OR OTHER  
25 EMPLOYMENT-RELATED BENEFIT PLAN; OR
- 26 (5) ANY OTHER NONPROBATE TRANSFER AT DEATH.

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

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

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

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

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

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

10 (I) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST,  
11 ESTATE, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, JOINT  
12 VENTURE, GOVERNMENTAL SUBDIVISION, GOVERNMENTAL AGENCY,  
13 GOVERNMENTAL INSTRUMENTALITY, PUBLIC CORPORATION, LEGAL ENTITY, OR  
14 COMMERCIAL ENTITY.

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

17 (K) "TRUST" MEANS:

18 (1) AN EXPRESS TRUST, CHARITABLE OR NONCHARITABLE, WHENEVER  
19 AND HOWEVER CREATED; OR

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

23 9-202.

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

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

29 (B) (1) EXCEPT TO THE EXTENT THAT A FIDUCIARY'S RIGHT TO DISCLAIM IS  
30 EXPRESSLY RESTRICTED OR LIMITED BY ANOTHER STATUTE OF THE STATE OR BY  
31 THE INSTRUMENT CREATING THE FIDUCIARY RELATIONSHIP, A FIDUCIARY MAY  
32 DISCLAIM IN WHOLE OR IN PART ANY INTEREST IN OR POWER OVER PROPERTY,  
33 INCLUDING A POWER OF APPOINTMENT, WHETHER ACTING IN A PERSONAL OR  
34 REPRESENTATIVE CAPACITY.

35 (2) A FIDUCIARY MAY DISCLAIM THE INTEREST OR POWER EVEN IF THE  
36 CREATOR IMPOSED A SPENDTHRIFT PROVISION OR SIMILAR RESTRICTION UPON  
37 TRANSFER OR A RESTRICTION OR LIMITATION ON THE RIGHT TO DISCLAIM, OR AN  
38 INSTRUMENT OTHER THAN THE INSTRUMENT THAT CREATED THE FIDUCIARY

1 RELATIONSHIP IMPOSED A RESTRICTION OR LIMITATION ON THE RIGHT TO  
2 DISCLAIM.

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

4 (1) BE IN WRITING OR OTHER RECORD;

5 (2) DECLARE THE DISCLAIMER;

6 (3) DESCRIBE THE INTEREST OR POWER DISCLAIMED;

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

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

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

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

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

19 9-203.

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

22 (B) THE DISCLAIMER TAKES EFFECT AS OF THE TIME THE INSTRUMENT  
23 CREATING THE INTEREST BECOMES IRREVOCABLE OR IF THE INTEREST AROSE  
24 UNDER THE LAW OF INTESTATE SUCCESSION, AS OF THE TIME OF THE INTESTATE'S  
25 DEATH.

26 (C) THE DISCLAIMED INTEREST PASSES ACCORDING TO ANY PROVISION IN  
27 THE INSTRUMENT CREATING THE INTEREST PROVIDING FOR THE DISPOSITION OF  
28 THE INTEREST, SHOULD IT BE DISCLAIMED, OR OF DISCLAIMED INTERESTS IN  
29 GENERAL.

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

32 (1) (I) IF THE DISCLAIMANT IS AN INDIVIDUAL, THE DISCLAIMED  
33 INTEREST PASSES AS IF THE DISCLAIMANT DIED IMMEDIATELY BEFORE THE TIME  
34 OF DISTRIBUTION; OR

1 (II) IF BY LAW OR UNDER THE INSTRUMENT THE DESCENDANTS OF  
2 THE DISCLAIMANT WOULD SHARE IN THE DISCLAIMED INTEREST BY ANY METHOD  
3 OF REPRESENTATION HAD THE DISCLAIMANT DIED BEFORE THE TIME OF  
4 DISTRIBUTION, THE DISCLAIMED INTEREST PASSES ONLY TO THE DESCENDANTS OF  
5 THE DISCLAIMANT WHO SURVIVE THE TIME OF DISTRIBUTION; OR

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

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

13 9-204.

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

16 (1) A FRACTIONAL SHARE OF THE PROPERTY DETERMINED BY DIVIDING  
17 THE NUMBER ONE BY THE NUMBER OF JOINT HOLDERS ALIVE IMMEDIATELY  
18 BEFORE THE DEATH OF THE HOLDER TO WHOSE DEATH THE DISCLAIMER RELATES;  
19 OR

20 (2) ALL OF THE PROPERTY EXCEPT THAT PART OF THE VALUE OF THE  
21 ENTIRE INTEREST ATTRIBUTABLE TO THE CONTRIBUTION FURNISHED BY THE  
22 DISCLAIMANT.

23 (B) A DISCLAIMER UNDER SUBSECTION (A) OF THIS SECTION TAKES EFFECT  
24 AS OF THE DEATH OF THE HOLDER OF JOINTLY HELD PROPERTY TO WHOSE DEATH  
25 THE DISCLAIMER RELATES.

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

29 9-205.

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

32 9-206.

33 IF A HOLDER DISCLAIMS A POWER OF APPOINTMENT ~~OF~~ OR OTHER POWER NOT  
34 HELD IN A FIDUCIARY CAPACITY, THE FOLLOWING RULES APPLY:

35 (1) IF THE HOLDER HAS NOT EXERCISED THE POWER, THE DISCLAIMER  
36 TAKES EFFECT AS OF THE TIME THE INSTRUMENT CREATING THE POWER BECOMES  
37 IRREVOCABLE;

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

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

7 9-207.

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

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

14 9-208.

15 (A) IF A FIDUCIARY DISCLAIMS A POWER HELD IN A FIDUCIARY CAPACITY  
16 ~~WHICH THAT~~ HAS NOT BEEN EXERCISED, THE DISCLAIMER TAKES EFFECT AS OF THE  
17 TIME THE INSTRUMENT CREATING THE POWER BECOMES IRREVOCABLE.

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

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

25 9-209.

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

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

32 (1) A DISCLAIMER ~~MUST~~ SHALL BE DELIVERED TO THE PERSONAL  
33 REPRESENTATIVE FOR THE DECEDENT'S ESTATE; OR

34 (2) IF THERE IS NO PERSONAL REPRESENTATIVE, IT ~~MUST~~ SHALL BE  
35 FILED WITH A COURT HAVING JURISDICTION TO APPOINT THE PERSONAL  
36 REPRESENTATIVE.

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

2 (1) A DISCLAIMER ~~MUST~~ SHALL BE DELIVERED TO THE TRUSTEE, OR IF  
3 NO TRUSTEE IS THEN SERVING, TO THE PERSONAL REPRESENTATIVE OF THE  
4 DECEDENT'S ESTATE; OR

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

7 (D) (1) IN THE CASE OF AN INTEREST IN AN INTER VIVOS TRUST, A  
8 DISCLAIMER ~~MUST~~ SHALL BE DELIVERED TO THE TRUSTEE.

9 (2) IF THERE IS NO TRUSTEE, IT ~~MUST~~ SHALL BE FILED WITH A COURT  
10 HAVING JURISDICTION TO ENFORCE THE TRUST.

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

14 (E) IN THE CASE OF AN INTEREST CREATED BY A BENEFICIARY DESIGNATION  
15 MADE BEFORE THE TIME THE DESIGNATION BECOMES IRREVOCABLE, A DISCLAIMER  
16 ~~MUST~~ SHALL BE DELIVERED TO THE PERSON MAKING THE BENEFICIARY  
17 DESIGNATION.

18 (F) IN THE CASE OF AN INTEREST CREATED BY A BENEFICIARY DESIGNATION  
19 MADE AFTER THE TIME THE DESIGNATION BECOMES IRREVOCABLE, A DISCLAIMER  
20 ~~MUST~~ SHALL BE DELIVERED TO THE PERSON OBLIGATED TO DISTRIBUTE THE  
21 INTEREST.

22 (G) IN THE CASE OF A DISCLAIMER BY A SURVIVING HOLDER OF JOINTLY  
23 HELD PROPERTY, THE DISCLAIMER ~~MUST~~ SHALL BE DELIVERED TO THE PERSON TO  
24 WHOM THE DISCLAIMED INTEREST PASSES.

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

28 (1) THE DISCLAIMER ~~MUST~~ SHALL BE DELIVERED TO THE HOLDER OF  
29 THE POWER OR TO THE FIDUCIARY ACTING UNDER THE INSTRUMENT THAT  
30 CREATED THE POWER; OR

31 (2) IF THERE IS NO FIDUCIARY, IT ~~MUST~~ SHALL BE FILED WITH A COURT  
32 HAVING AUTHORITY TO APPOINT THE FIDUCIARY.

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

35 (1) THE DISCLAIMER ~~MUST~~ SHALL BE DELIVERED TO THE HOLDER, THE  
36 PERSONAL REPRESENTATIVE OF THE HOLDER'S ESTATE, OR TO THE FIDUCIARY  
37 UNDER THE INSTRUMENT THAT CREATED THE POWER; OR

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

3 (J) IN THE CASE OF A DISCLAIMER BY A FIDUCIARY OF A POWER OVER A  
4 TRUST OR ESTATE, THE DISCLAIMER ~~MUST~~ SHALL BE DELIVERED AS PROVIDED IN  
5 SUBSECTION (B), (C), OR (D) AS IF THE POWER DISCLAIMED WERE AN INTEREST IN  
6 PROPERTY.

7 (K) IN THE CASE OF A DISCLAIMER OF A POWER BY AN AGENT, THE  
8 DISCLAIMER ~~MUST~~ SHALL BE DELIVERED TO THE PRINCIPAL OR THE PRINCIPAL'S  
9 REPRESENTATIVE.

10 9-210.

11 (A) A DISCLAIMER IS BARRED BY A WRITTEN WAIVER OF THE RIGHT TO  
12 DISCLAIM.

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

15 (1) THE DISCLAIMANT ACCEPTS THE INTEREST SOUGHT TO BE  
16 DISCLAIMED;

17 (2) THE DISCLAIMANT VOLUNTARILY ASSIGNS, CONVEYS, ENCUMBERS,  
18 PLEDGES, OR TRANSFERS THE INTEREST SOUGHT TO BE DISCLAIMED OR  
19 CONTRACTS TO DO SO; OR

20 (3) A JUDICIAL SALE OF THE INTEREST SOUGHT TO BE DISCLAIMED  
21 OCCURS.

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

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

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

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

31 (2) A DISCLAIMER OF AN INTEREST IN PROPERTY ~~WHICH THAT~~ IS  
32 BARRED BY THIS SECTION TAKES EFFECT AS A TRANSFER OF THE INTEREST  
33 DISCLAIMED TO THE PERSONS WHO WOULD HAVE TAKEN THE INTEREST UNDER  
34 THIS SUBTITLE HAD THE DISCLAIMER NOT BEEN BARRED.



1 9-211.

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

7 9-212.

8 (A) IF AN INSTRUMENT TRANSFERRING AN INTEREST IN OR POWER OVER  
9 PROPERTY SUBJECT TO A DISCLAIMER IS REQUIRED OR PERMITTED BY LAW TO BE  
10 FILED, RECORDED, OR REGISTERED, THE DISCLAIMER MAY BE FILED, RECORDED, OR  
11 REGISTERED.

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

15 9-213.

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

20 9-214.

21 IF ANY PROVISION OF THIS SUBTITLE OR ITS APPLICATION TO ANY PERSON OR  
22 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER  
23 PROVISIONS OR APPLICATIONS OF THIS SUBTITLE THAT CAN BE GIVEN EFFECT  
24 WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE  
25 PROVISIONS OF THIS SUBTITLE ARE SEVERABLE.

26 9-215.

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

30 9-216.

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

33 13-204.

34 (a) If a basis exists as described in § 13-201 of this subtitle for assuming  
35 jurisdiction over the property of a minor or disabled person, the circuit court, without  
36 appointing a guardian, may authorize or direct a transaction with respect to the

1 property, service, or care arrangement of the minor or disabled person. These  
2 transactions include but are not limited to:

3           (4)     Any other transaction described in:

4                   (ii)     [\§ 9-201(c) of this article] TITLE 9, SUBTITLE 2 OF THIS  
5 ARTICLE; or

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