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By: **Senator Giannetti**

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

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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 2003 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 2003 Supplement)

30 BY repealing and reenacting, with amendments,

31 Article - Estates and Trusts

1 Section 13-204(a)(4)(ii)  
2 Annotated Code of Maryland  
3 (2001 Replacement Volume and 2003 Supplement)

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6 and Trusts of the Annotated Code of Maryland be repealed.

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

9 **Article - Estates and Trusts**

10 9-201.

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
12 INDICATED.

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

15 (1) AN ANNUITY OR INSURANCE POLICY;

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

17 (3) A SECURITY REGISTERED IN BENEFICIARY FORM;

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

20 (5) ANY OTHER NONPROBATE TRANSFER AT DEATH.

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

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

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

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

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

32 (H) "JOINTLY HELD PROPERTY" MEANS PROPERTY HELD IN THE NAME OF  
33 TWO OR MORE PERSONS UNDER AN ARRANGEMENT IN WHICH ALL HOLDERS HAVE

1 CONCURRENT INTERESTS AND UNDER WHICH THE LAST SURVIVING HOLDER IS  
2 ENTITLED TO THE WHOLE OF THE PROPERTY.

3 (I) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST,  
4 ESTATE, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, JOINT  
5 VENTURE, GOVERNMENTAL SUBDIVISION, GOVERNMENTAL AGENCY,  
6 GOVERNMENTAL INSTRUMENTALITY, PUBLIC CORPORATION, LEGAL ENTITY, OR  
7 COMMERCIAL ENTITY.

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

10 (K) "TRUST" MEANS:

11 (1) AN EXPRESS TRUST, CHARITABLE OR NONCHARITABLE, WHENEVER  
12 AND HOWEVER CREATED; OR

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

16 9-202.

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

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

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

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

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

35 (1) BE IN WRITING OR OTHER RECORD;

36 (2) DECLARE THE DISCLAIMER;

- 1 (3) DESCRIBE THE INTEREST OR POWER DISCLAIMED;
- 2 (4) BE SIGNED BY THE PERSON MAKING THE DISCLAIMED; AND
- 3 (5) BE DELIVERED OR FILED IN THE MANNER PROVIDED IN § 9-209 OF  
4 THIS SUBTITLE.

5 (D) A PARTIAL DISCLAIMED MAY BE EXPRESSED AS A FRACTION,  
6 PERCENTAGE, MONETARY AMOUNT, TERM OF YEARS, LIMITATION OF A POWER, OR  
7 ANY OTHER INTEREST OR ESTATE IN THE PROPERTY.

8 (E) A DISCLAIMED BECOMES IRREVOCABLE WHEN IT IS DELIVERED OR FILED  
9 PURSUANT TO § 9-209 OF THIS SUBTITLE OR WHEN IT BECOMES EFFECTIVE AS  
10 PROVIDED IN §§ 9-203 THROUGH 9-208 OF THIS SUBTITLE, WHICHEVER OCCURS  
11 LATER.

12 (F) A DISCLAIMED MADE UNDER THIS SUBTITLE IS NOT A TRANSFER,  
13 ASSIGNMENT, OR RELEASE.

14 9-203.

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

17 (B) THE DISCLAIMED TAKES EFFECT AS OF THE TIME THE INSTRUMENT  
18 CREATING THE INTEREST BECOMES IRREVOCABLE OR IF THE INTEREST AROSE  
19 UNDER THE LAW OF INTESTATE SUCCESSION, AS OF THE TIME OF THE INTESTATE'S  
20 DEATH.

21 (C) THE DISCLAIMED INTEREST PASSES ACCORDING TO ANY PROVISION IN  
22 THE INSTRUMENT CREATING THE INTEREST PROVIDING FOR THE DISPOSITION OF  
23 THE INTEREST, SHOULD IT BE DISCLAIMED, OR OF DISCLAIMED INTERESTS IN  
24 GENERAL.

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

27 (1) (I) IF THE DISCLAIMANT IS AN INDIVIDUAL, THE DISCLAIMED  
28 INTEREST PASSES AS IF THE DISCLAIMANT DIED IMMEDIATELY BEFORE THE TIME  
29 OF DISTRIBUTION; OR

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

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

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

6 9-204.

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

9 (1) A FRACTIONAL SHARE OF THE PROPERTY DETERMINED BY DIVIDING  
10 THE NUMBER ONE BY THE NUMBER OF JOINT HOLDERS ALIVE IMMEDIATELY  
11 BEFORE THE DEATH OF THE HOLDER TO WHOSE DEATH THE DISCLAIMER RELATES;  
12 OR

13 (2) ALL OF THE PROPERTY EXCEPT THAT PART OF THE VALUE OF THE  
14 ENTIRE INTEREST ATTRIBUTABLE TO THE CONTRIBUTION FURNISHED BY THE  
15 DISCLAIMANT.

16 (B) A DISCLAIMER UNDER SUBSECTION (A) OF THIS SECTION TAKES EFFECT  
17 AS OF THE DEATH OF THE HOLDER OF JOINTLY HELD PROPERTY TO WHOSE DEATH  
18 THE DISCLAIMER RELATES.

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

22 9-205.

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

25 9-206.

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

28 (1) IF THE HOLDER HAS NOT EXERCISED THE POWER, THE DISCLAIMER  
29 TAKES EFFECT AS OF THE TIME THE INSTRUMENT CREATING THE POWER BECOMES  
30 IRREVOCABLE;

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

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

1 9-207.

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

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

8 9-208.

9 (A) IF A FIDUCIARY DISCLAIMS A POWER HELD IN A FIDUCIARY CAPACITY  
10 THAT HAS NOT BEEN EXERCISED, THE DISCLAIMER TAKES EFFECT AS OF THE TIME  
11 THE INSTRUMENT CREATING THE POWER BECOMES IRREVOCABLE.

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

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

19 9-209.

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

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

26 (1) A DISCLAIMER SHALL BE DELIVERED TO THE PERSONAL  
27 REPRESENTATIVE FOR THE DECEDENT'S ESTATE; OR

28 (2) IF THERE IS NO PERSONAL REPRESENTATIVE, IT SHALL BE FILED  
29 WITH A COURT HAVING JURISDICTION TO APPOINT THE PERSONAL  
30 REPRESENTATIVE.

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

32 (1) A DISCLAIMER SHALL BE DELIVERED TO THE TRUSTEE, OR IF NO  
33 TRUSTEE IS THEN SERVING, TO THE PERSONAL REPRESENTATIVE OF THE  
34 DECEDENT'S ESTATE; OR

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

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

3 (2) IF THERE IS NO TRUSTEE, IT SHALL BE FILED WITH A COURT HAVING  
4 JURISDICTION TO ENFORCE THE TRUST.

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

8 (E) IN THE CASE OF AN INTEREST CREATED BY A BENEFICIARY DESIGNATION  
9 MADE BEFORE THE TIME THE DESIGNATION BECOMES IRREVOCABLE, A DISCLAIMER  
10 SHALL BE DELIVERED TO THE PERSON MAKING THE BENEFICIARY DESIGNATION.

11 (F) IN THE CASE OF AN INTEREST CREATED BY A BENEFICIARY DESIGNATION  
12 MADE AFTER THE TIME THE DESIGNATION BECOMES IRREVOCABLE, A DISCLAIMER  
13 SHALL BE DELIVERED TO THE PERSON OBLIGATED TO DISTRIBUTE THE INTEREST.

14 (G) IN THE CASE OF A DISCLAIMER BY A SURVIVING HOLDER OF JOINTLY  
15 HELD PROPERTY, THE DISCLAIMER SHALL BE DELIVERED TO THE PERSON TO WHOM  
16 THE DISCLAIMED INTEREST PASSES.

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

20 (1) THE DISCLAIMER SHALL BE DELIVERED TO THE HOLDER OF THE  
21 POWER OR TO THE FIDUCIARY ACTING UNDER THE INSTRUMENT THAT CREATED  
22 THE POWER; OR

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

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

27 (1) THE DISCLAIMER SHALL BE DELIVERED TO THE HOLDER, THE  
28 PERSONAL REPRESENTATIVE OF THE HOLDER'S ESTATE, OR TO THE FIDUCIARY  
29 UNDER THE INSTRUMENT THAT CREATED THE POWER; OR

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

32 (J) IN THE CASE OF A DISCLAIMER BY A FIDUCIARY OF A POWER OVER A  
33 TRUST OR ESTATE, THE DISCLAIMER SHALL BE DELIVERED AS PROVIDED IN  
34 SUBSECTION (B), (C), OR (D) OF THIS SECTION AS IF THE POWER DISCLAIMED WERE  
35 AN INTEREST IN PROPERTY.

1 (K) IN THE CASE OF A DISCLAIMER OF A POWER BY AN AGENT, THE  
2 DISCLAIMER SHALL BE DELIVERED TO THE PRINCIPAL OR THE PRINCIPAL'S  
3 REPRESENTATIVE.

4 9-210.

5 (A) A DISCLAIMER IS BARRED BY A WRITTEN WAIVER OF THE RIGHT TO  
6 DISCLAIM.

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

9 (1) THE DISCLAIMANT ACCEPTS THE INTEREST SOUGHT TO BE  
10 DISCLAIMED;

11 (2) THE DISCLAIMANT VOLUNTARILY ASSIGNS, CONVEYS, ENCUMBERS,  
12 PLEDGES, OR TRANSFERS THE INTEREST SOUGHT TO BE DISCLAIMED OR  
13 CONTRACTS TO DO SO; OR

14 (3) A JUDICIAL SALE OF THE INTEREST SOUGHT TO BE DISCLAIMED  
15 OCCURS.

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

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

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

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

25 (2) A DISCLAIMER OF AN INTEREST IN PROPERTY THAT IS BARRED BY  
26 THIS SECTION TAKES EFFECT AS A TRANSFER OF THE INTEREST DISCLAIMED TO  
27 THE PERSONS WHO WOULD HAVE TAKEN THE INTEREST UNDER THIS SUBTITLE HAD  
28 THE DISCLAIMER NOT BEEN BARRED.

29 9-211.

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



1 9-212.

2 (A) IF AN INSTRUMENT TRANSFERRING AN INTEREST IN OR POWER OVER  
3 PROPERTY SUBJECT TO A DISCLAIMER IS REQUIRED OR PERMITTED BY LAW TO BE  
4 FILED, RECORDED, OR REGISTERED, THE DISCLAIMER MAY BE FILED, RECORDED, OR  
5 REGISTERED.

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

9 9-213.

10 EXCEPT AS OTHERWISE PROVIDED IN § 9-210 OF THIS SUBTITLE, AN INTEREST  
11 IN OR POWER OVER PROPERTY EXISTING ON OCTOBER 1, 2004, AS TO WHICH THE  
12 TIME FOR DELIVERING OR FILING A DISCLAIMER UNDER LAW SUPERSEDED BY THIS  
13 SUBTITLE HAS NOT EXPIRED, MAY BE DISCLAIMED AFTER OCTOBER 1, 2004.

14 9-214.

15 IF ANY PROVISION OF THIS SUBTITLE OR ITS APPLICATION TO ANY PERSON OR  
16 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER  
17 PROVISIONS OR APPLICATIONS OF THIS SUBTITLE THAT CAN BE GIVEN EFFECT  
18 WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE  
19 PROVISIONS OF THIS SUBTITLE ARE SEVERABLE.

20 9-215.

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

24 9-216.

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

27 13-204.

28 (a) If a basis exists as described in § 13-201 of this subtitle for assuming  
29 jurisdiction over the property of a minor or disabled person, the circuit court, without  
30 appointing a guardian, may authorize or direct a transaction with respect to the  
31 property, service, or care arrangement of the minor or disabled person. These  
32 transactions include but are not limited to:

33 (4) Any other transaction described in:

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect October 1, 2004.