

# ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

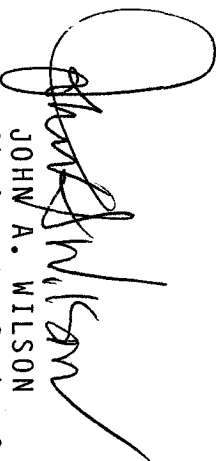
NOTICE

D.C. LAW 8-204

"District of Columbia Uniform Disclaimer of Property Interests Act of 1990".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-84 on first and second readings, November 20, 1990, and December 4, 1990, respectively. Following the signature of the Mayor on December 14, 1990, this legislation was assigned Act No. 8-279, published in the December 28, 1990, edition of the D.C. Register, (Vol. 37 page 8439) and transmitted to Congress on January 11, 1991 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-204, effective March 6, 1991.

  
JOHN A. WILSON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	11,14,15,16,17,18,22,23,24,25,28,29,30,31
February	1,4,5,6,7,19,20,21,22,25,26,27,28
March	1,4,5

A BILL

D.C. ACT 8-279

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC. 14, 1990

To provide an efficient, expeditious, and certain method by which an intended recipient of property by testamentary or inter vivos transfer may disclaim his or her interest in the property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Uniform Disclaimer of Property Interests Act of 1990".

Sec. 2. Right to Disclaim Interest in Property.

A person or the representative of an incapacitated or protected person to whom any interest in real or personal property ("property") devolves may disclaim the interest in property in whole or in part by delivering a written disclaimer pursuant to section 3. The right to disclaim an interest in property shall exist notwithstanding any limitation on the interest of the disclaimant in the nature of a spendthrift provision or similar restriction.

New, Section  
20-1121

Sec. 3. Time of Disclaimer; Delivery.

(a)(1) Except as provided in subsection (c) of this section, if an interest in property has devolved to a disclaimant under a testamentary instrument or by the laws of intestacy, the disclaimer shall be delivered:

New, Section  
20-1122

(A) As to a present interest in the real property, not later than 9 months after the death of the deceased owner or donee of a power of appointment; or

(B) As to a future interest, not later than 9 months after the event determining that the taker of interest in the property has become finally ascertained and the taker's interest is indefeasibly vested.

(2)(A) The disclaimer shall be delivered in person or mailed by registered or certified mail to the:

(i) Personal representative or other fiduciary of the decedent;

(ii) Donee of a power of appointment;

(iii) Holder of the legal title to which the interest relates; or

(iv) Person entitled to the interest in the property in the event of disclaimer.

(B) A copy of the disclaimer may be filed in the Superior Court of the District of Columbia.

(b)(1) Except as provided in subsection (c) of this section, if the interest in property has devolved to the disclaimant under a nontestamentary instrument or contract, the disclaimer shall be delivered:

(A) As to a present interest, not later than 9 months after the effective date of the nontestamentary instrument or contract; or

(B) As to a future interest, not later than 9 months after the event determining that the taker of interest in property has become finally ascertained and the taker's interest indefeasibly vested.

(2) If the person entitled to disclaim has no actual knowledge of the existence of the interest in property, the disclaimer shall be delivered not later than 9 months after he or she has actual knowledge of the existence of the interest in property. The effective date of a revocable instrument or contract shall be the date on which the maker ceases to have the power to revoke the revocable instrument or contract or the power to transfer to the maker or any other person the entire legal and equitable ownership of the interest. The disclaimer shall be delivered in person or mailed by registered or certified mail to the person who has legal title to or possession of the interest disclaimed.

(c) To qualify as a qualified disclaimer, a transfer that creates an interest in a disclaimant that is made after December 31, 1976, and is subject to tax under chapter 11, 12, or 13 of the Internal Revenue Code of 1954, as amended, shall:

(1) Specifically state that the transfer is a qualified disclaimer; and

(2) Be delivered no later than 9 months after the later of:

(A) The date the transfer is made; or

(B) The day on which the person who disclaims attains 21 years of age.

(d) A surviving joint tenant or tenant by the entirety may disclaim as a separate interest any interest in property devolving to the tenant by right of survivorship. A surviving joint tenant or tenant by the entirety may disclaim the entire interest in any property or interest in property that is the subject of a joint tenancy or tenancy by the entirety devolving to the tenant, if the joint tenancy or tenancy by the entirety was created by an act of

a deceased joint tenant or tenant by the entirety and the survivor did not join in the creation of the joint tenancy or tenancy by the entirety.

(e) If an interest in property is disclaimed, a copy of the disclaimer may be recorded in the office of the Recorder of Deeds.

Sec. 4. Form of Disclaimer.

The disclaimer shall describe the property or interest disclaimed, declare the disclaimer and extent of the disclaimer, and be signed by the disclaimant.

New, Section  
20-1123

Sec. 5. Effect of Disclaimer.

(a) If the interest in property devolved to a disclaimant under a testamentary instrument or the laws of intestacy, and the deceased owner or donee of a power of appointment has not provided for another disposition, the interest in property shall devolve as if the disclaimant had predeceased the decedent. If the disclaimant was designated to take under a power of appointment exercised by a testamentary instrument, the interest in property shall devolve as if the disclaimant had predeceased the donee of the power of appointment. If a future interest takes effect after the termination of the estate or interest disclaimed, it shall take effect as if the disclaimant had died before the event determining that the taker of the property or interest had become finally ascertained and the taker's interest is indefeasibly vested. For all purposes, a disclaimer shall relate back to the date of death of the decedent, the date of death of the donee of the power of appointment, or the determinative event.

New, Section  
20-1124

(b)(1) If an interest in property devolves to a disclaimant under a nontestamentary instrument or contract that does not provide for another disposition:

(A) The interest in property shall devolve as if the disclaimant had died before the effective date of the instrument or contract; and

(B) A future interest that takes effect in possession or enjoyment at or after the termination of the disclaimed interest shall take effect as if the disclaimant had died before the event determining that the taker of the interest in property became finally ascertained and the taker's interest indefeasibly vested.

(2) For all purposes, a disclaimer shall relate back to the effective date of the instrument or contract or the date of the determinative event.

(c) The disclaimer or the written waiver of the right to disclaim shall be binding upon the disclaimant or person who waives the right to disclaim and any person who claims through or under the disclaimant.

**Sec. 6. Waiver and Bar.**

New, Section  
20-1125

The right to disclaim an interest in property is barred by:

- (1) An assignment, conveyance, encumbrance, pledge, or transfer of the interest in property;
- (2) A contract to assign, convey, encumber, pledge, or transfer the interest in property;
- (3) A written waiver of the right to disclaim;
- (4) An acceptance of the interest in property or a benefit of an interest in property; or
- (5) A judicial sale of the interest in property made before the disclaimer is effected.

**Sec. 7. Remedy Not Exclusive.**

New, Section  
20-1126

This act shall not abridge the right of a person to waive, release, disclaim, or renounce an interest in property under any other statute.

**Sec. 8. Application.**

New, Section  
20-1127

An interest in property that exists on the effective date of this act may be disclaimed within 9 months of the effective date of this act if:

- (1) In the case of a present interest, the time for delivering a disclaimer under this act has not expired; or
- (2) In the case of a a future interest, the interest has not become indefeasibly vested or the taker finally ascertained.

**Sec. 9. Uniformity of Application and Construction.**

New, Section  
20-1128

This act shall be applied and construed to effectuate the general purpose to make uniform the law with respect to the subject of this act among states that enact it.

**Sec. 10. Repeal.**

Section  
20-1101

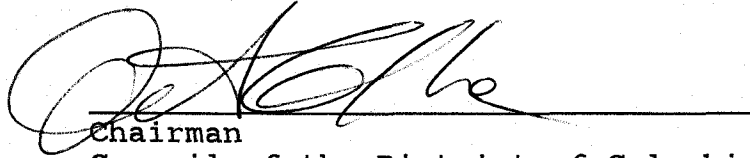
Section 20-1101 of title 20 of the District of Columbia Code is repealed.

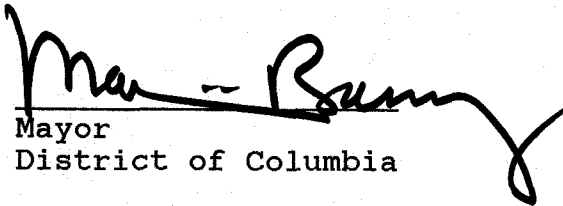
**Sec. 11. Effective Date.**

Sec. 11. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia

**Enrolled Original**

Statutes-at-Large, or the District of Columbia Municipal  
Regulations.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED: December 14, 1990



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Council Period Eight**

**RECORD OF OFFICIAL COUNCIL VOTE**

DOCKET NO: Bill 8-84

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-20-90

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_ / \_\_\_ / \_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Russell G. Smith  
 Secretary to the Council

10 December 1990  
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-4-90

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_ / \_\_\_ / \_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Russell G. Smith  
 Secretary to the Council

10 December 1990  
 Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_ / \_\_\_ / \_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date