

DATES OF DISTRIBUTION AMOUNTING TO NO LESS THAN THE AMOUNT OF THE LEGACY OR TRANSFER AS FINALLY DETERMINED FOR FEDERAL ESTATE TAX PURPOSES UNLESS THE WILL OR OTHER GOVERNING INSTRUMENT EXPRESSLY DIRECTS TO THE CONTRARY.

REVISOR'S NOTE: This section presently appears as Art. 93, §11-107. The only changes are in language and style.

11-108. RELEASE OF POWERS OF APPOINTMENT.

(A) METHOD.

UNLESS THE INSTRUMENT CREATING A POWER OF APPOINTMENT EXPRESSLY PROVIDES TO THE CONTRARY, THE POWER MAY BE WHOLLY OR PARTIALLY RELEASED AS TO ALL OR A PORTION OF THE ASSETS SUBJECT TO IT BY AN INSTRUMENT SIGNED BY THE PERSON HOLDING THE POWER AND ATTESTED BY TWO WITNESSES. IF THE PERSON IS UNDER 18 YEARS OF AGE OR IS OTHERWISE UNDER DISABILITY, A RELEASE PURSUANT TO THIS SECTION MAY BE EXECUTED BY ORDER OF THE COURT HAVING JURISDICTION OF THE PERSON OR PROPERTY OF THE PERSON UNDER DISABILITY.

(B) PROVISIONS OF RELEASE.

A RELEASE PURSUANT TO SUBSECTION (A) SHALL

(1) IDENTIFY THE INSTRUMENT CREATING THE POWER OF APPOINTMENT,

(2) STATE THE PLACE THE INSTRUMENT WAS RECORDED OR ADMITTED TO PROBATE,

(3) CONTAIN A STATEMENT OF THE EXTENT TO WHICH THE POWER IS RELEASED, AND

(4) SPECIFY ~~[[A]]~~ ANY LIMITATION WHICH THE RELEASE, IF PARTIAL, PLACES UPON THE PERSONS, OBJECTS, OR CLASSES IN WHOSE FAVOR THE POWER WOULD OTHERWISE BE EXERCISABLE. THE RELEASE, WHETHER OR NOT FOR CONSIDERATION OR UNDER SEAL, AFTER DELIVERY AS PROVIDED IN SUBSECTION (C), IS IRREVOCABLE FROM AND AFTER THE TIME IT IS DELIVERED.

(C) DELIVERY OF RELEASE.

A RELEASE PURSUANT TO SUBSECTION (A) SHALL BE DELIVERED:

(1) TO THE REGISTER OF THE COUNTY IN WHICH THE WILL CREATING THE POWER OF APPOINTMENT WAS ADMITTED TO PROBATE OR RECORDED;