

**Estates and Trusts – Tenants by the Entireties – Disclaimers**

FOR the purpose of repealing a provision of law that requires a deceased tenant by the entireties to consent before the surviving spouse makes a disclaimer; clarifying the right of a surviving tenant by the ~~entities~~ entireties to disclaim a survivorship interest and the time period to file a disclaimer; making stylistic changes; providing for the application of this Act; and generally relating to the filing of disclaimers by tenants by the entireties.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 9-201(b) and 9-202(b)

Annotated Code of Maryland

(1991 Replacement Volume and 1994 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Estates and Trusts**

9-201.

(b) A person who is a grantee, donee, joint tenant, tenant by the entireties, person succeeding to a disclaimed interest, beneficiary under a nontestamentary instrument or contract, or appointee under a power of appointment exercised by a nontestamentary instrument, may disclaim in whole or in part the right of transfer to ~~him~~ THE PERSON of any property or interest in any property, including a future interest, by delivering or filing a disclaimer under this subtitle. A joint tenant or tenant by the entireties may disclaim the entire interest in any property that is the subject of a joint tenancy or tenancy by the entireties if the disclaimant did not join in creating the joint tenancy or tenancy by the entireties and if the disclaimant has not accepted a benefit under the joint tenancy or tenancy by the entireties. A SURVIVING joint tenant may disclaim as a separate interest any property or interest in any property [which otherwise would devolve] DEVOLVING to the disclaimant by right of survivorship. A SURVIVING tenant by the entireties may disclaim as a separate interest any property or interest in any property [which otherwise would devolve] DEVOLVING to the disclaimant by right of survivorship [only if the disclaimant's spouse affixes his or her written consent to the disclaimer].

9-202.

(b) If the property or interest has devolved to the disclaimant under a nontestamentary instrument or contract, the disclaimer shall be delivered or filed, if of a present interest, or an entire interest in a joint tenancy or tenancy by the entireties, not later than nine months after the effective date of the nontestamentary instrument or contract and, if of a future interest, not later than nine months after the event determining that the taker of the property or interest is finally ascertained and that ~~his~~ THE right OF THE TAKER OF THE PROPERTY OR INTEREST to possess or enjoy ~~his~~ THE interest is indefeasibly vested. The effective date of a revocable instrument or contract is the date on which the maker no longer has power to revoke it or to transfer to ~~himself~~ THE MAKER OF THE REVOCABLE INSTRUMENT OR CONTRACT or another the entire legal