

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

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

9-202.

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

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

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

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

(C) TO BE EFFECTIVE, A DISCLAIMER MUST:

(1) BE IN WRITING OR OTHER RECORD;

(2) DECLARE THE DISCLAIMER;

(3) DESCRIBE THE INTEREST OR POWER DISCLAIMED;

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

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

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

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