

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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