

**524.2-1106 WHEN DISCLAIMER IS BARRED OR LIMITED.**

- (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 events occur before the disclaimer becomes effective:
  - (1) the disclaimant accepts the portion of the interest sought to be disclaimed;
  - (2) the disclaimant voluntarily assigns, conveys, encumbers, pledges, or transfers the portion of the interest sought to be disclaimed or contracts to do so;
  - (3) the portion of the interest sought to be disclaimed is sold pursuant to a judicial sale; or
  - (4) the disclaimant is insolvent when the disclaimer becomes irrevocable.
- (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 a 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 of an interest in, or a power over, property which is barred by this section is ineffective.

**History:** 2009 c 67 s 6