

IC 32-17.5-7

Chapter 7. Delivery or Filing of Disclaimer

IC 32-17.5-7-1

Delivery; in general

Sec. 1. Subject to sections 2 through 11 of this chapter, a disclaimer may be delivered by:

- (1) personal delivery;
- (2) first class mail; or
- (3) any other method likely to result in receipt of the disclaimer.

As added by P.L.5-2003, SEC.1.

IC 32-17.5-7-2

Interest created by intestate succession or will

Sec. 2. A disclaimer of an interest created under the law of intestate succession or an interest created by will, other than an interest in a testamentary trust, must be:

- (1) delivered to the personal representative of the decedent's estate; or
- (2) filed with a court having jurisdiction to appoint the personal representative if no personal representative is then serving.

As added by P.L.5-2003, SEC.1.

IC 32-17.5-7-3

Interest in testamentary trust

Sec. 3. A disclaimer of an interest in a testamentary trust must be:

- (1) delivered to the trustee then serving;
- (2) delivered to the personal representative of the decedent's estate if no trustee is then serving; or
- (3) filed with a court having jurisdiction to enforce the trust if no personal representative is then serving.

As added by P.L.5-2003, SEC.1.

IC 32-17.5-7-4

Interest in an intervivos trust

Sec. 4. A disclaimer of an interest in an inter vivos trust must be:

- (1) delivered to the trustee then serving;
- (2) filed with a court having jurisdiction to enforce the trust if no trustee is then serving; or
- (3) delivered to the settlor of a revocable trust or the transferor of the interest if the disclaimer is made before the time the instrument creating the trust becomes irrevocable.

As added by P.L.5-2003, SEC.1.

IC 32-17.5-7-5

Interest created by beneficiary designation

Sec. 5. A disclaimer of an interest created by a beneficiary designation made before the time the designation becomes irrevocable must be delivered to the person making the beneficiary designation.

As added by P.L.5-2003, SEC.1.

IC 32-17.5-7-6

Disclaiming after beneficiary designation irrevocable

Sec. 6. A disclaimer of an interest created by a beneficiary designation made after the time the designation becomes irrevocable must be delivered to the person obligated to distribute the interest.

As added by P.L.5-2003, SEC.1.

IC 32-17.5-7-7

Jointly held property

Sec. 7. A disclaimer by a surviving holder of jointly held property must be delivered to the person to whom the disclaimed interest passes.

As added by P.L.5-2003, SEC.1.

IC 32-17.5-7-8

Disclaimer by object or taker in default of exercise of power of appointment

Sec. 8. (a) This section applies to a disclaimer of an interest in property by:

- (1) an object; or
- (2) a taker in default;

of exercise of a power of appointment.

(b) At any time after the power was created, the disclaimer must be:

- (1) delivered to the holder of the power or to the fiduciary acting under the instrument that created the power; or
- (2) filed with a court having authority to appoint a fiduciary if no fiduciary is then serving.

As added by P.L.5-2003, SEC.1.

IC 32-17.5-7-9

Appointee of nonfiduciary power of appointment

Sec. 9. A disclaimer by an appointee of a nonfiduciary power of appointment must be:

- (1) delivered to:
 - (A) the holder;
 - (B) the personal representative of the holder's estate; or
 - (C) the fiduciary under the instrument that created the power; or
- (2) filed with a court having authority to appoint the fiduciary if no fiduciary is then serving.

As added by P.L.5-2003, SEC.1.

IC 32-17.5-7-10

Fiduciary of a power over a trust or estate

Sec. 10. A disclaimer by a fiduciary of a power over a trust or estate must be delivered as provided in section 2, 3, or 4 of this chapter as if the power disclaimed were an interest in property.

As added by P.L.5-2003, SEC.1.

IC 32-17.5-7-11

Disclaimer by agent

Sec. 11. In the case of a disclaimer of a power by an agent, the disclaimer must be delivered to the principal or the principal's representative.

As added by P.L.5-2003, SEC.1.