
Using a disclaimers

Posted by Lex - 2011/08/03 23:23

I have a question about the use of a disclaimer. I have a question. Brief facts: John Doe sets up a trust for the benefit of Jane Doe for her life and at Jane Doe's death the remaining trust assets are to be distributed to Jane's kids. If the trust for Jane Doe was created in 2001 and Jane Doe dies in 2010, can Jane Doe's kids choose to disclaim the remainder interest in the Jane Doe trust in 2011? I believe that you have 9 months to disclaim an interest in trust property, the question is whether the 9 months starts at Jane's death or at the time John Doe died creating the trust Jane. Also, what if Jane's kids were not aware of the fact that they were remainder beneficiaries of trust. Does that make a difference?

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Re:Using a disclaimers

Posted by Gold Medal - 2011/08/22 23:07

I believe that a disclaimer must be executed within 9 months of the date the interest was created. Since Jane Doe died in 2010, the disclaimer would have to be filed or delivered to the trustee within 9 months of when the trust became irrevocable in 2010.

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