

Alaska Disclaimer Elements AS 13.70.030(c)	Tax-Qualified Disclaimer 26 U.S.C. 2518
<p>Writing that: Declares that the writing is a disclaimer. Describes the interest or power disclaimed. Signed by person making disclaimer.</p>	<p>Writing that adequately describes the disclaimed property. 2518(b)(1)</p>
<p>Delivered or Filed under AS 13.70.100</p> <ul style="list-style-type: none"> • Personal delivery, first class mail or any other method likely to result in its receipt. • Very specific provisions on who to deliver disclaimer to. • NO time requirement. 	<p>Received not later than 9 months after the date of the taxable transfer or the disclaimant’s 21st birthday. 2518(b)(2)</p> <ul style="list-style-type: none"> • Delivered to transferor, legal representative, or holder of legal title. • No extension on the deadline. • Deadline applies to successive disclaimers based on same starting date.
<p>Not Otherwise Barred AS 13.70.110</p> <ul style="list-style-type: none"> • Written waiver of right to disclaim. • Disclaimant has already accepted the interest. • Disclaimant has voluntarily assigned, conveyed, encumbered, pledges or transferred the interest. • Judicial or Foreclosure sale has occurred. • Child support arrears/pending child support proceeding. • BUT Disclaimer of future exercise of a fiduciary power is not barred by its previous exercise. • Disclaimer of future exercise of a non-fiduciary power is not barred by previous exercise, unless exerciseable in favor of disclaimant. 	<p>No Benefits or Acceptance</p> <ul style="list-style-type: none"> • For Example: Accepting dividends, rents, or interest from property; directing others to act with respect to property. • Merely acting as a fiduciary is not acceptance, unless the fiduciary has the power to direct where property is to go.
	<p>The Passage Test</p> <ul style="list-style-type: none"> • Disclaimed interest must (1) pass without any direction by the disclaimant and (2) must pass to a person other than the disclaimant or to the transferor’s spouse.
	<p>State Law Validity</p> <ul style="list-style-type: none"> • Disclaimed interest must be transferred to another person without any direction on the part of a disclaimant. • If missed a state law requirement, may still be tax-qualified if passes all of the other tests.