

Rule 6.1. Disclaimers required to be filed with the court.

(a) Any disclaimer required to be filed with the Court pursuant to *D.C. Code § 19-1512* must be filed with the Register of Wills and shall:

- (1) declare the disclaimer;
- (2) describe the specific interest or the power disclaimed;
- (3) be signed by the person making the disclaimer; and
- (4) include the telephone number and street address of the disclaimant.

(b) The following information, though not required, may be included within or along with the disclaimer:

(1) for an interest created under the law of intestate succession or an interest created by will, the name of the decedent whose death created the interest, the date and place of the decedent's death, and the court having jurisdiction to appoint the personal representative of the decedent's estate;

(2) for an interest in a testamentary trust, the name of the decedent whose will created the trust, the date and place of the decedent's death, the date the trust was created, and the court having jurisdiction to enforce the trust;

(3) for an interest in an inter vivos trust, the name of the trust, the name of the settlor of the trust, the date the trust was created, and the court having jurisdiction to enforce the trust;

(4) for an object of a power of appointment or by a taker in default of exercise of a power of appointment, the name of the person who created the power of appointment, the current holder of the power, and the name and date of the governing instrument under which the power was created;

(5) for an appointee of a nonfiduciary power of appointment, the name of the person who created the power of appointment, the name and date of the governing instrument which created the power, the current holder of the power or the personal representative of the holder's estate, and the court having jurisdiction to appoint the fiduciary;

(6) for a fiduciary of a power over a trust or estate, the name of the governing instrument which created the power and if the governing instrument is:

(A) a will, the name of the decedent whose will created the power, the date and place of the decedent's death, and the court having jurisdiction to appoint the personal representative of the decedent's estate;

(B) a testamentary trust, the name of the decedent whose will created the trust, the date and place of the decedent's death, the date the trust was created and the court having jurisdiction to enforce the trust;

(C) an inter vivos trust, the name of the settlor of the trust, the date the trust was created, and the court having jurisdiction to enforce the trust.

COMMENT:

The requirements of this rule are not intended to address the jurisdictional basis for filing a disclaimer in the District of Columbia Superior Court. Any person filing a disclaimer should assure himself or herself of the jurisdictional basis for filing the disclaimer in the District of

Columbia Superior Court. Paragraph (b) is intended to encourage those filing disclaimers to include information that will assist the Register of Wills in processing disclaimers.