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**CONFIDENTIAL  
ATTORNEY-CLIENT INFORMATION**

November 30, 2009

**Via email to: <Rep.Max.Gruenberg@legis.state.ak.us>**

Representative Max Gruenberg  
House District 20—Anchorage  
716 West Fourth Avenue, Suite 350  
Anchorage, AK 99501-2133

**Re: House Bill 201—Uniform Disclaimer of Property Interests Act**

Dear Representative Gruenberg:

Thank you for your interest in sponsoring the Uniform Disclaimer of Property Interests Act. As you know, this act was initially introduced as House Bill 201 in the Twenty-Fifth Legislature by Representative LeDoux. Both Representative LeDoux and you asked our group to review the bill and provide our comments. Our group consists of an informal group of estate and trust attorneys who practice primarily in this area in Alaska. We have been working with the Legislature over the past 12 years to make recommendations that will improve Alaska's estate and trust statutes.

We have reviewed House Bill 201 and various articles which have been written suggesting certain changes to this uniform act. In addition, we have reviewed the recent changes to this uniform act enacted by the State of Florida. It should be noted that of the 12 states which have enacted this uniform act, ten states have enacted changes.

We have recommended the changes summarized below. These changes are contained in "CS For House Bill 201", designated "25-LS0615\N (Bannister) 3/17/08". These changes from the uniform act are as follows:

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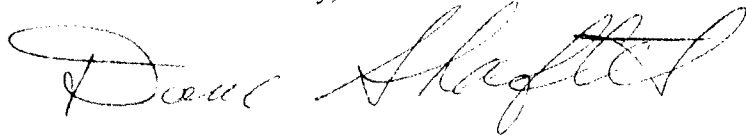
1. **AS 13.70.030(a)**: Allows for conditional disclaimers;
2. **AS 13.70.030(b)**: Requires court approval for a disclaimer by a fiduciary;
3. **AS 13.70.030(b)**: Allows a parent to disclaim for a minor child if the child receives an interest because the parent has disclaimed;
4. **AS 13.70.040(a)(3)(D)**: States that if the statute does not provide for an alternative disposition for an interest or power of appointment disclaimed during the benefactor's lifetime, the interest or power of appointment will revert to the benefactor;
5. **AS 13.70.040(b)(1)**: Clarifies that a disclaimed interest is created at the death of the benefactor or such earlier time, if any, that the benefactor's transfer of the interest is a completed gift for federal gift tax purposes;
6. **AS 13.70.040(b)(2)**: Treats disclaimers of interests in revocable trusts the same as disclaimers of interests in wills;
7. **AS 13.70.060**: Adds a provision covering disclaimers of property held as tenancy by the entirety;
8. **AS 13.70.110(a)**: States the majority rule that a disclaimer is permitted even though the disclaimant is insolvent;
9. **AS 13.70.110(f)**: States that a disclaimer of an interest or power over property is barred and not effective to the extent that the disclaimant is in arrears in child support payments.
10. **AS 13.70.120(b)**: Adds a notice that the Internal Revenue Code provides time limits for qualified disclaimers;
11. **AS 13.70.190**: Adds definitions; and
12. **AS 13.[ENTIRE STATUTE]**: A number of drafting clarifications are added.

Enclosed with this letter is a copy of "CS For House Bill No. 201, 25-LS0615\N" and Legal Services' sectional summary, dated March 16, 2007. In our group's opinion, this bill is now ready for reintroduction and passage. It will make a solid improvement to Alaska's estate and trust statutes.

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Thank you very much for your consideration of this legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "David G. Shaftel". The signature is written in black ink and is positioned above the printed name.

David G. Shaftel

Enclosure: As stated