

Problem: C.R.S. § 15-15-414 is drafted such that a disclaimer may be construed to be something other than a refusal to accept property. However, a disclaimer is a refusal to accept property. It is important that Colorado law be consistent, and that the law support the doctrine that a disclaimer is a type of refusal, rather than something other than a refusal. Amending § 15-15-414 to include the phrase "disclaim or otherwise refuse" should suffice.

Proposes Amendment to C.R.S. § 15-15-414

Current language

C.R.S. § 15-15-414. Disclaimer. A grantee-beneficiary may refuse to accept all or any part of the real property interest described in the beneficiary deed. A grantee-beneficiary may disclaim all or any part of the real property interest described in a beneficiary deed by any method provided by law. If a grantee-beneficiary refuses to accept or disclaims any real property interest, the grantee-beneficiary shall have no liability by reason of being designated as a grantee-beneficiary under this part 4.

Proposed Amendment

C.R.S. § 15-15-414. Disclaimer or Other Refusal. A grantee-beneficiary may disclaim or otherwise refuse to accept, by any method provided by law, all or any part of the real property interest described in the beneficiary deed. If a grantee-beneficiary disclaims or otherwise refuses to accept any real property interest, the grantee-beneficiary shall have no liability by reason of being designated as a grantee-beneficiary under this part 4.

Comparison

Propose Amendment to C.R.S. § 15-15-414

Current language

C.R.S. § 15-15-414. Disclaimer or Other Refusal. A grantee-beneficiary may disclaim or otherwise refuse to accept, by any method provided by law, all or any part of the real property interest described in the beneficiary deed. ~~A grantee-beneficiary may disclaim all or any part of the real property interest described in a beneficiary deed by any method provided by law.~~ If a grantee-beneficiary disclaims or otherwise refuses to accept ~~or disclaims~~ any real property interest, the grantee-beneficiary shall have no liability by reason of being designated as a grantee-beneficiary under this part 4.