

**394.640 Waiver and bar.**

- (1) The right to disclaim property or an interest therein is barred by (a) an assignment, conveyance, encumbrance, pledge, or transfer of the property or interest, or a contract therefor, (b) a written waiver of the right to disclaim, (c) an acceptance of the property or interest or benefit thereunder, or (d) a sale of the property or interest under judicial sale made before the disclaimer is effected.
- (2) The right to disclaim exists notwithstanding any limitation on the interest of the disclaimant in the nature of a spendthrift provision or similar restriction.
- (3) The disclaimer or the written waiver of the right to disclaim is binding upon the disclaimant or person waiving and all persons claiming through or under him.

**History:** Created 1974 Ky. Acts ch. 329, sec. 4, effective June 21, 1974.