

# WEST VIRGINIA CODE: §42-6-9

## **§42-6-9. Disclaimer of power of appointment or other power not held in fiduciary capacity.**

If a holder disclaims a power of appointment or other power not held in a fiduciary capacity, the following rules apply:

- (1) If the holder has not exercised the power, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable.
- (2) If the holder has exercised the power and the disclaimer is of a power other than a presently exercisable general power of appointment, the disclaimer takes effect immediately after the last exercise of the power.
- (3) The instrument creating the power is construed as if the power expired when the disclaimer became effective.