

*controlling instrument, in terms of the maximum marital deduction allowable under such tax law, such definitions shall not be construed as a direction by the decedent to the fiduciary to exercise any election respecting the deduction of estate administration expenses or the determination of the estate tax valuation date, which the fiduciary may have under such tax law, only in such manner as will result in a larger allowable estate tax marital deduction than if the contrary election had been made.*

*11-107. Distribution in kind, using federal estate tax values.*

*Whenever a will or other governing instrument (i) specifically authorizes a fiduciary to satisfy a legacy or transfer by selection and distribution of assets in kind and (ii) provides that the value of the assets to be so distributed shall be determined by reference to their value for purposes of payment of federal estate taxes, the fiduciary shall distribute assets, including cash, having an aggregate fair market value at the date or dates of distribution amounting to no less than the amount of such legacy or transfer as finally determined for federal estate tax purposes unless the will or other governing instrument expressly directs otherwise.*

*11-108. Release of powers of appointment.*

*(a) Unless the instrument creating a power of appointment expressly provides to the contrary, such power may be wholly or partially released as to all or any portion of the assets subject thereto by an instrument signed by the person holding the power and attested by two witnesses. If such person is a minor or is otherwise under disability, a release pursuant to this Section may be exercised by order of the court having jurisdiction of the person or property of the individual under disability. A release pursuant to this Section shall identify the instrument creating the power of appointment; the place such instrument was recorded or admitted to probate; a statement of the extent to which the power is released; and any limitation which the release, if partial, places upon the persons, objects or classes thereof in whose favor the power would otherwise be exercisable. Such release, whether or not for consideration or under seal, after delivery as provided in subsection (b), shall be irrevocable from and after the time that it is delivered.*

*(b) A release pursuant to subsection (a) shall be delivered—*

*(i) to the Register of the County in which the will creating the power of appointment was admitted to probate or recorded; or*

*(ii) to the Clerk of the appropriate court for recordation among the land records of any County in which the instrument creating the power of appointment has been recorded; or*

*(iii) in the case of all instruments creating powers of appointment which are not recorded, to the person making the instrument which created the power of appointment or to any person holding, individually or jointly with others, a substantial portion of the assets subject to such power of appointment. In addition, any release referred to in this Section may be recorded among the land records of the County in which such maker or fiduciary resides.*

*The Register or Clerk shall index and record any such release in the same manner as the instrument creating the power of appointment*