

SUBTITLE 4. RULES RELATING TO LEGACIES.

4-401. LEGATEE FAILING TO SURVIVE TESTATOR BY 30 DAYS.

A LEGATEE, OTHER THAN HIS SPOUSE, WHO FAILS TO SURVIVE THE TESTATOR BY 30 FULL DAYS IS CONSIDERED TO HAVE PREDECEASED THE TESTATOR, UNLESS THE WILL OF THE TESTATOR EXPRESSLY CREATES A PRESUMPTION THAT THE LEGATEE IS CONSIDERED TO SURVIVE THE TESTATOR OR REQUIRES THAT THE LEGATEE SURVIVES THE TESTATOR FOR A STATED PERIOD IN ORDER TO TAKE UNDER THE WILL AND THE LEGATEE SURVIVES FOR THE STATED PERIOD.

REVISOR'S NOTE: This section presently appears as Art. 93, §4-401. The only changes are in language.

4-402. PRESUMPTION THAT WILL PASSES ALL PROPERTY.

THERE IS A PRESUMPTION THAT A WILL PASSES ALL PROPERTY THE TESTATOR OWNS AT THE TIME OF HIS DEATH. THIS INCLUDES PROPERTY ACQUIRED AFTER THE EXECUTION OF THE WILL.

REVISOR'S NOTE: This section presently appears as Art. 93, §4-402. The only changes are in style and language.

4-403. LAPSE.

(A) DEATH OF LEGATEE PRIOR TO TESTATOR.

UNLESS A CONTRARY INTENT IS EXPRESSLY INDICATED IN THE WILL, A LEGACY MAY NOT LAPSE OR FAIL BECAUSE OF THE DEATH OF A LEGATEE AFTER THE EXECUTION OF THE WILL BUT PRIOR TO THE DEATH OF THE TESTATOR[[.]] IF THE LEGATEE IS:

(1) ACTUALLY AND SPECIFICALLY NAMED AS LEGATEE;

(2) DESCRIBED OR IN ANY MANNER REFERRED TO, DESIGNATED, OR IDENTIFIED AS LEGATEE IN THE WILL; OR

(3) A MEMBER OF A CLASS IN WHICH FAVOR A LEGACY IS MADE.

(B) EFFECT OF DEATH OF LEGATEE.

A LEGACY DESCRIBED IN SUBSECTION (A) SHALL HAVE THE SAME EFFECT AND OPERATION IN LAW TO DIRECT THE DISTRIBUTION OF THE PROPERTY DIRECTLY FROM THE ESTATE OF THE PERSON WHO OWNED THE PROPERTY TO THOSE PERSONS WHO WOULD HAVE TAKEN THE PROPERTY IF THE LEGATEE HAD DIED,