

CHAPTER 111

(House Bill 256)

AN ACT concerning

Decedents' Estates - Intestate Succession
and Statutory Shares

FOR the purpose of changing the share of an estate which the surviving spouse receives in intestate succession; removing a surviving brother or sister, or issue of a brother or sister, from those eligible to receive under intestate succession if there is a surviving spouse; renumbering certain subsections; and providing that the surviving spouse who exercises his right to an elective share may not take more than a certain share in certain circumstances; and providing that this Act applies only to certain estates.

BY repealing and reenacting, with amendments,

Article - Estates and Trusts
Section 3-102 and 3-203
Annotated Code of Maryland
(1974 Volume and 1977 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Estates and Trusts

3-102.

(a) The share of a surviving spouse shall be as provided [for] in this section.

(b) If there is also a surviving issue, the share shall be [one third] ONE-HALF.

(c) If there is no surviving issue but a surviving parent, the share shall be one half.

[(d) If there is no surviving issue or parent but a surviving brother or sister, or issue of a brother or sister, the share shall be \$4,000 plus one half of the residue.

(e) (D) If there is no surviving issue[,] OR parent, [brother, sister, or issue of a brother or sister,] the share shall be the whole estate.

[(f) (E) For the purposes of this section, the net estate shall be calculated without a deduction for the tax as defined in § 11-109.