

Per Stirpes

FOR the purpose of clarifying that certain laws, concerning language contained in a will or intervivos trust which provides for distribution to certain persons by representation or per stirpes, govern unless a contrary intention expressly appears; and generally relating to distribution by representation or per stirpes.

BY repealing and reenacting, with amendments,

Article - Estates and Trusts
Section 1-210.1 and 14-102
Annotated Code of Maryland
(1974 Volume and 1981 Supplement)

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

Article - Estates and Trusts

1-210.1.

(a) UNLESS A CONTRARY INTENTION EXPRESSLY APPEARS, SUBSECTION [Subsection] (b) of this section applies to the provisions of a will requiring that upon the occurrence of an event, distribution shall be made by representation or per stirpes to the issue of one specified person.

(b) (1) On the occurrence of the event designated by the will, the property to be distributed shall be divided into as many equal shares as there are children of the person whose issue are to take by representation or per stirpes, excluding those children who were not living at the time of the occurrence of the event and did not leave issue who were living at the time of the occurrence of the event.

(2) Distribution of the shares shall be made as follows:

(i) One share shall be distributed to each child, who was living at the time of the occurrence of the event; and

(ii) One share shall be distributed among the issue of each child who was not living but who left issue who were living at the time of the occurrence of the event in the same manner distribution is to be made to the issue of one specified person as provided by this subsection.

(c) UNLESS A CONTRARY INTENTION EXPRESSLY APPEARS, SUBSECTION [Subsection] (d) of this section applies to the