

- (2) FAMILY ALLOWANCES; AND
- (3) ENFORCEABLE CLAIMS AND DEBTS AGAINST THE ESTATE.

[(a)] (B) Instead of property left to [him] THE SURVIVING SPOUSE by will, the surviving spouse may elect to take a one-third share of the net estate if there is also a surviving issue, or a one-half share of the net estate if there is no surviving issue.

[(b)] (C) The surviving spouse who makes this election may not take more than a one-half share of the net estate.

[(c)] For the purposes of this section, the net estate shall be calculated without a deduction for the tax as defined in § 7-308 of the Tax - General Article.]

(D) FOR THE PURPOSES OF THIS SECTION, THE NET ESTATE AND THE PROPERTY ALLOCABLE TO A SHARE OF A SURVIVING SPOUSE SHALL BE VALUED AS OF THE DATE OR DATES OF DISTRIBUTION.

(E) (1) FOR THE PURPOSES OF THIS SECTION, A SURVIVING SPOUSE WHO HAS ELECTED TO TAKE AGAINST A WILL SHALL BE ENTITLED TO THE SURVIVING SPOUSE'S PORTION OF THE INCOME EARNED ON THE NET ESTATE DURING THE PERIOD OF ADMINISTRATION BASED ON A ONE-THIRD OR ONE-HALF SHARE, WHICHEVER IS APPLICABLE.

(2) IF ONE OR MORE DISTRIBUTIONS HAVE BEEN MADE TO A SURVIVING SPOUSE OR ANOTHER PERSON THAT REQUIRE AN ADJUSTMENT IN THE RELATIVE INTERESTS OF THE BENEFICIARIES, THE APPLICABLE SHARE SHALL BE ADJUSTED.

3-206.

(a) (1) The election by a surviving spouse to take an elective share shall be made [not later than seven months after the date of the first appointment of a personal representative under a will] WITHIN THE LATER OF:

(I) NINE MONTHS AFTER THE DATE OF THE DECEDENT'S DEATH;  
OR

(II) SIX MONTHS AFTER THE FIRST APPOINTMENT OF A PERSONAL REPRESENTATIVE UNDER A WILL.

(2) The court may extend the time for election, before its expiration, for a period not to exceed three months at a time, upon notice given to the personal representative and for good cause shown.

3-208.

(b) (2) Instead of contributing an interest in specific property to the elective share, a legatee OR LEGATEES, BUT NOT THE PERSONAL REPRESENTATIVE, may pay the surviving spouse in cash, or other property acceptable to the spouse, an amount equal to the fair market value of the SURVIVING SPOUSE'S interest in specific property on the [date the election to take an elective share was made by the spouse] DATE OR DATES OF DISTRIBUTION.