Article - Estates and Trusts

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§1–210.1.

(a) Unless a contrary intention expressly appears, 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 (d) of this section applies to the provisions of a will requiring that on the occurrence of an event, distribution shall be made by representation or per stirpes to the issue of:

(1) Several persons indicated in the will who are specifically named or in any manner described, designated, or identified; or

(2) Persons who are members of a class that is specifically named, or in any manner described, designated, or identified.

(d) (1) When the person whose issue are to take by representation or per stirpes is a person who is a member of a class or is one of several indicated persons in a will, 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:

(i) Members of the class or indicated persons, as the case may be, who are living at the time of the occurrence of the event; and

(ii) Members of the class or indicated persons, as the case may be, who were not living at the time of the occurrence of the event, but who left issue who were living at the time of the occurrence of the event.

(2) Each share shall be divided into as many equal portions as there are children of each member of the class or each indicated 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 who did not leave issue who were living at the time of the occurrence of the event.

(3) Distribution of the equal portions shall be distributed as follows:

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

(ii) The equal portion allocated to a child who was not living but who left issue who were living at the time of the occurrence of the event, shall be distributed in the same manner as distribution is to be made to the issue of one specified person as provided by subsection (b) of this section.

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