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§3–403.

The surviving spouse may elect to take an elective share of an estate subject to election as follows:

(1) If there is surviving issue, the elective share shall equal one–third of the value of the estate subject to election, reduced by the value of all spousal benefits; or

(2) If there is no surviving issue, the elective share shall equal one–half of the value of the estate subject to election, reduced by the value of all spousal benefits.

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