

§2-403. Exempt property

In addition to the homestead allowance, the decedent's surviving spouse is entitled from the estate to a value, not exceeding \$15,000 in excess of any security interests in the estate of tangible personal property, including, but not limited to, in household furniture, automobiles, furnishings, appliances and personal effects. Except as otherwise provided in this section, if there is no surviving spouse, children of the decedent are entitled jointly to the same value. If encumbered chattels are selected and the value in excess of security interests, plus that of other exempt property, is less than \$15,000, or if there is not \$15,000 worth of exempt property in the estate, the spouse or children are entitled to other assets of the estate, if any, to the extent necessary to make up the \$15,000 value. The rights to exempt property and assets needed to make up a deficiency of exempt property have priority over all claims against the estate other than costs and expenses of administration and reasonable funeral expenses, except that the right to any assets to make up a deficiency of exempt property abates as necessary to permit earlier payment of homestead allowance and family allowance. The right to exempt property is in addition to any benefit or share passing to the surviving spouse or children by intestate succession or by way of elective share and is in addition to any benefit or share passing to the surviving spouse or children by the decedent's will unless the decedent's will expressly provides that the benefit or share passing to the surviving spouse or children is intended to be made in lieu of the exempt property right or unless the decedent's will expressly excludes one or more adult children from the receipt of exempt property without providing a benefit or share in lieu thereof. The personal representative shall promptly satisfy the exempt property from available assets. [PL 2023, c. 4, §5 (AMD).]

SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2023, c. 4, §5 (AMD).

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