

TITLE 8: FAMILY LAW AND PROBATE
DIVISION 2: PROBATE LAW AND PROCEDURE

§ 2604. Determination and Documentation.

If the estate is otherwise sufficient, property specifically devised is not used to satisfy rights to homestead allowances and exempt property. Subject to this restriction, the surviving spouse, the guardian of the minor children, or children who are adults may select property of the estate as homestead allowance and exempt property. The personal representative may make these selections if the surviving spouse, the children or the guardians of the minor children are unable or fail to do so within a reasonable time or if there are no guardians of the minor children. The personal representative may after an order of the court execute an instrument or deed to establish the ownership of property taken as homestead allowance or exempt property. He may determine the family allowance in a lump sum not exceeding \$12,000, or periodic installments not exceeding \$500 per month for two years, and, only after an order of the court, may disburse funds of the estate in payment of the family allowance and any part of the homestead allowance payable in cash. The personal representative or any interested person aggrieved by any selection, determination, payment, proposed payment, or failure to act under this chapter may petition the court for appropriate relief, which relief may provide a family allowance larger or smaller than that which the personal representative determined or could have determined.

Source: PL 3-106, ch. 6, § 4.