

TWELFTH KOSRAE STATE LEGISLATURE

NINETEENTH SPECIAL SESSION, SEPTEMBER 2021

L.B. No.

12-266

J&G/L&MA

A BILL FOR AN ACT

To amend Title 16 of the Kosrae State code by inserting a new Chapter 5 of the Kosrae State code; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 Section 1. Purpose. The purpose of this act is to amend Title 16 of the Kosrae
2 State code by inserting a new Chapter 5.

3 Section 2. Amendment. Title 16, Chapter 5, by inserting new sections under
4 Chapter 5:

5 Section 16.501. This chapter is known and may be cited as the "Intestate
6 Succession Act of 2021."

7 Section 16.502. Definition: As used in this chapter:

8 (1) "Children" means male and female children born of a marital union.

9 (2) "Descendant" means one of who is descended lineally from the body of
10 another except as provided in Section 16.506.

11 (3) "Intestate" means a person who dies without making a valid will or without
12 otherwise disposing of his real property and / or personal property of which he
13 has the right to dispose at the time of his death.

14 (4) "Will" means a will made in accordance with Title 16, Chapter 2.

1 Section 16.503. Rules of Intestate Succession. The real and personal property of an
2 intestate shall devolve in equal, undivided shares to all members of the first class
3 enumerated in this section in which there is at least one living member if there is at least
4 one living member at the time of death of the intestate. A class shall be deemed to have
5 living members if there is at least one living descendant to a predeceased class member;
6 PROVIDED that in the event that any member of the class has predeceased the intestate
7 the share of the real and personal property which would have gone to that member had he
8 not predeceased the intestate, shall devolve upon the descendants of that member by right
9 or representation in accordance with this section. The classes of intestate succession are as
10 follows:

- 11 (1) To the children of the intestate;
12 (2) If there be none, to the parents of the intestate;
13 (3) If there be none, to the grandparents of the intestate;
14 (4) If there be none, to the great grandparents of the intestate;
15 (5) If there be none, to the siblings of the intestate.

16 Section 16. 504. Rules of Intestate Succession if there be no heirs.

- 17 (1) If ther be no heirs of the intestate as enumerated in Section 16.503, the
18 succession to any personal property of the intestate shall be determined
19 by the court in the probate case.