

# MAINE STATE LEGISLATURE

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## CHAPTER 103

## DESCENT OF PERSONAL PROPERTY

Sec.

851. Distribution of personal estate.  
852. Valuation of estate where widow and no issue.  
853. Life insurance.

**§ 851. Distribution of personal estate**

The personal estate of an intestate, except that portion assigned to his widow by law and by the judge of probate, shall be applied first to the payment of his debts, funeral charges and charges of settlement. The residue shall be distributed or shall escheat by the rules provided for the distribution of real estate, except that in intestate estates and it having been determined by the probate court that the deceased and the surviving widow were living together at the time of his decease and that he left no issue, there shall be distributed to the widow

**1. Residue \$10,000 or less.** If the residue found by the probate court as provided in section 852 was \$10,000 or less, all of the remaining personal property, or

1957, c. 290, § 2.

**2. Residue more than \$10,000.** If the residue found by the probate court was more than \$10,000, the sum of \$10,000, and of the remaining personal property,  $\frac{1}{2}$  to the widow and  $\frac{1}{2}$  to the next of kin of equal degree, not beyond kin in the 2nd degree. If no such kindred, the whole of the remaining personal property to the widow. If the personal property is insufficient to pay said \$10,000, the deficiency shall, upon the petition of any party in interest, be paid from the sale or mortgage, in the manner provided for the payments of debts or legacies, of any interest of the deceased in real property not descending to the widow as provided in section 1001 which he could have conveyed at the time of his death; and the surviving husband or wife shall be permitted, subject to the approval of the court, to purchase at any such sale, notwithstanding the fact that he or she is the administrator of the estate of the deceased person. And to the widower shall be distributed the same share in his wife's personal property. (1957, c. 290, § 2.)

R.S.1954, c. 170, § 20; 1957, c. 290, § 2.

**§ 852. Valuation of estate where widow and no issue**

If a deceased died intestate leaving a widow and no issue, the probate court, upon petition of any party in interest or on its own motion, and after such notice as the court shall order, and after hearing thereon taking into consideration the inventory in the estate and such other evidence as the court shall deem necessary, the court shall determine

1. **Widow.** That the deceased was or was not survived by a widow with whom he was living at the time of his decease.

2. **Issue.** That the deceased left issue or no issue.

3. **Value.** The value of residue of the estate, real and personal, at the date of death over and above the value of  $\frac{1}{3}$  the real estate, the amount necessary to pay the debts of the deceased, funeral charges and charges of administration and widow's allowance. Such decree of determination shall include a finding as to what part of decedent's estate passes to the widow and shall be binding upon all parties.

Within 30 days after such determination by the probate court, the register of probate shall file in the registry of deeds for the county or registry district in which any real estate of the deceased is situated, an attested copy of such decree, and the register of deeds shall receive and record the same as abstracts of wills are received and recorded. The fees for making and recording said copy shall be the same as for making and recording abstracts of wills.

If additional property is later discovered, the right or title to the estate covered by such decree shall not be affected thereby, but the court may make such further orders and decrees as are necessary to effect the distribution provided for in section 851.

1957, c. 290, § 3.

**§ 853. Life insurance**

Money received for insurance on the life of any person dying intestate, deducting the premium paid therefor within 3 years with interest, does not constitute a part of the estate of such person for the payment of debts, or for purposes specified in section 3051, when the intestate leaves a widow or widower, or issue, but descends,  $\frac{1}{3}$  to the widow or widower, and the remainder to the issue; if no issue, the whole to the widow or widower, and if no widow or widower, the whole to the issue. It may be disposed of by will; but in case the estate is insolvent, such disposition by

will shall be limited to the distribution of such money among the widow or widower and issue in such proportions as the testator or testatrix may designate.

R.S.1954, c. 170, § 21.