

524.2-603 MS 2000 [Repealed, 2001 c 15 s 14]

524.2-603 ANTILAPSE; DECEASED DEVISEE; CLASS GIFTS; WORDS OF SURVIVORSHIP.

Subdivision 1. **Deceased devisee.** If a devisee who is a grandparent or a lineal descendant of a grandparent of the testator is dead at the time of execution of the will, fails to survive the testator, or is treated as if the devisee predeceased the testator, the issue of the deceased devisee who survive the testator by 120 hours take in place of the deceased devisee. If they are all of the same degree of kinship to the devisee, they take equally. If they are of unequal degree, those of more remote degree take by representation. A person who would have been a devisee under a class gift if the person had survived the testator is treated as a devisee for purposes of this section, whether the death occurred before or after the execution of the will.

Subd. 2. **Definition.** For the purposes of section 524.2-601, words of survivorship, such as, in a devise to an individual, "if he or she survives me," or, in a class gift, to "my surviving children," are a sufficient indication of an intent contrary to the application of this section.

History: 2001 c 15 s 13