

PROBATE, ESTATES AND FIDUCIARIES CODE (20 PA.C.S) - SHARE OF
SURVIVING SPOUSE

Act of Oct. 3, 2003, P.L. 175, No. 26

Cl. 20

Session of 2003

No. 2003-26

HB 89

AN ACT

Amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the share of the surviving spouse.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2102 of Title 20 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2102. Share of surviving spouse.

The intestate share of a decedent's surviving spouse is:

(1) If there is no surviving issue or parent of the decedent, the entire intestate estate.

(2) If there is no surviving issue of the decedent but he is survived by a parent or parents, the first \$30,000 plus one-half of the balance of the intestate estate.

Notwithstanding the foregoing, in the case of a decedent who died as a result of the terrorist attacks of September 11, 2001, a surviving spouse shall be entitled to 100% of any compensation award paid pursuant to the Air Transportation Safety and System Stabilization Act (Public Law 107-42, 115 Stat. 230).

(3) If there are surviving issue of the decedent all of whom are issue of the surviving spouse also, the first \$30,000 plus one-half of the balance of the intestate estate.

(4) If there are surviving issue of the decedent one or more of whom are not issue of the surviving spouse, one-half of the intestate estate.

(5) In case of partial intestacy any property received by the surviving spouse under the will shall satisfy pro tanto the \$30,000 allowance under paragraphs (2) and (3).

Section 2. This act shall be retroactive to September 11, 2001.

Section 3. This act shall take effect immediately.

APPROVED--The 3rd day of October, A. D. 2003.

EDWARD G. RENDELL