

§ 33-1-11. Advancements and debts of decedent.

Rhode Island Statutes

Title 33. Probate practice and procedure

Chapter 33-1. Rules of Descent

Current through Public Law 555 of the 2014 Legislative Session

§ 33-1-11. Advancements and debts of decedent

- (a) If a person dies intestate as to all or a portion of the decedent's estate, any property given by the decedent during his or her lifetime to an individual who, at decedent's death, is an heir shall be treated as an advancement against the heir's intestate share only if:
 - (1) The decedent declared in a contemporaneous writing or the heir acknowledged in writing that the gift is an advancement; or
 - (2) The decedent's contemporaneous writing or the heir's written acknowledgment otherwise indicates that the gift is to be taken into account in computing the division and distribution of the decedent's intestate estate.
- (b) For purposes of subsection (a) of this section, property advanced is valued as of the time the heir came into possession or enjoyment of the property or as of the time of the decedent's death, whichever first occurs.
- (c) If the recipient of the property fails to survive the decedent, the property is not taken into account in computing the division and distribution of the decedent's intestate estate, unless the decedent's contemporaneous writing provides otherwise.
- (d) A debt owed to decedent is not charged against the intestate share of any individual except the debtor. If the debtor fails to survive the decedent, the debt is not taken into account in computing the intestate share of the debtor's descendants.

Cite as R.I. Gen. Laws § 33-1-11

History. Amended by 2014 Pub. Laws, ch. 312, §1, eff. 7/1/2014.

Amended by 2014 Pub. Laws, ch. 260, §1, eff. 7/1/2014.

C.P.A. 1905, § 955; G.L. 1909, ch. 316, § 23; G.L. 1923, ch. 367, § 23; G.L. 1938, ch. 567, § 23; G.L. 1956, § 33-1-11.