

§ 33-1-6. Widow's or husband's allowance of real estate in fee.

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

§ 33-1-6. Widow's or husband's allowance of real estate in fee

The probate court having jurisdiction of the estate of the intestate, if a resident of this state, or the probate court of any city or town in which the real estate of the intestate is situated if not a resident of this state, may also, in its discretion, upon petition filed within six (6) months from the date of the first publication of notice of the qualification of the administrator of the estate of the intestate, allow and set off to the intestate's surviving spouse in fee real estate of the intestate situated in this state to an amount not exceeding one hundred fifty thousand dollars (\$150,000) in value, over and above all incumbrances, if not required for the payment of the debts of the intestate; provided that if the real estate shall be in a single parcel of greater value over and above incumbrances than one hundred fifty thousand dollars (\$150,000) and shall be deemed by the court, because of such condition and value, to be incapable of being allowed and set off hereunder, either as a whole or by partition, without unreasonable diminution in the value thereof, the court may order the parcel to be sold by the administrator, the administrator giving bond as in other cases of the sale of real estate, and from the proceeds of such sale may allow and set off the sum of one hundred fifty thousand dollars (\$150,000) to the intestate's surviving spouse for his or her own use and any surplus of the proceeds of sale shall be deemed to be real estate for the purposes of descent and distribution; provided, however, that title to real estate situated in any town or city of this state shall not pass by the decree of the probate court setting off and allowing such real estate, for the purpose of conveyance by the intestate's surviving spouse until a copy of such decree as entered, duly certified by the probate clerk, is recorded in the records of land evidence in the town or city where the land is situated. The allowance and set off under this section shall be in addition to the life estate pursuant to § 33-1-5 .

Cite as R.I. Gen. Laws § 33-1-6

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.

G.L., ch. 316, § 4, as enacted by P.L. 1919, ch. 1787, § 7; G.L. 1923, ch. 367, § 4; G.L. 1938, ch. 567, § 4; P.L. 1944, ch. 1421, § 1; G.L. 1956, § 33-1-6; R. P.L. 1957, ch. 155, § 1; P.L. 1965, ch. 238, § 1; P.L. 1986, ch. 177, § 1.