

**§2-402. Homestead allowance**

A decedent's surviving spouse is entitled to a homestead allowance of \$22,500. If there is no surviving spouse, each minor child and each dependent child of the decedent is entitled to a homestead allowance amounting to \$22,500 divided by the number of minor and dependent children of the decedent. The homestead allowance is exempt from and has priority over all claims against the estate other than costs and expenses of administration and reasonable funeral expenses. The homestead allowance is in addition to any benefit or share passing to the surviving spouse or minor or dependent child by intestate succession or by way of elective share and is in addition to any benefit or share passing to the surviving spouse or minor or dependent child by the decedent's will unless the decedent's will expressly provides that the benefit or share passing to the surviving spouse or minor or dependent child is intended to be made in lieu of the homestead allowance. The personal representative shall promptly satisfy the homestead allowance from available assets. [PL 2023, c. 4, §4 (AMD).]

**SECTION HISTORY**

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2023, c. 4, §4 (AMD).

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