

CHAPTER 1

INTESTATE SUCCESSION

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49 PC 1-101. Short title.

This Chapter is known and may be cited as the "Intestate Succession Act of 1977."

Source: D.L. No. 4L-155-78 §1, 9/20/78

49 PC 1-102. Definitions. As used in this chapter:

- (1) "Children" means male and female children born of a marital union.
- (2) "Descendant" means one who is descended lineally from the body of another except as provided in 49 PC 1-106.
- (3) "Intestate" means a person who dies without making a valid will or without otherwise disposing of his real and personal property of which he has the right to dispose at the time of his death.
- (4) "Will" means a will made in accordance with Chapter 2.

Source: D.L. No. 4L-155-78 §2, 9/20/78

49 PC 1-103. Rules of succession. The real and personal property of an intestate shall devolve in equal, undivided shares to all members of the first class enumerated in this section in which there is at least one living member at the time of the death of the intestate. A class shall be deemed to have living members if there is at least one living descendant to a predeceased class member; PROVIDED that in the event that any member of the class has predeceased the intestate the share of the real and personal property which would have gone to that member had he not predeceased the intestate, shall devolve upon the descendants of that member by right or representation in accordance with this section. The classes of intestate succession are as follows:

- (1) To the children of the intestate;
- (2) If there be none, to the parents of the intestate;
- (3) If there be none, to the grandparents of the intestate;
- (4) If there be none, to the great grandparents of the intestate;
- (5) And so forth, ad infinitum, in accordance with this chapter.

Source: D.L. No. 4L-155-78 §3, 9/20/78

49 PC 1-104. Rules of succession if there be no heirs.

(1) If there be no heirs of the intestate as enumerated in 49 PC 1-103, the succession to any real property of the intestate shall be determined jointly by the Nahmwarki of the local jurisdiction wherein the property is located and the Governor, or his authorized representative. In the event there is no Nahmwarki of the local jurisdiction wherein the property is located, the local chief executive shall serve in lieu of the Nahmwarki in such determination. If there be no person so determined as entitled to receive the real property of the intestate, the property shall escheat to the Pohnpei Public Lands Trust Board of Trustees to hold in trust for the people of Pohnpei.

(2) If there be no heirs of the intestate as enumerated in 49 PC 1-103, the personal property of the intestate shall escheat to the office of the Director of the Department of Treasury and Administration to be sold at public auction, the proceeds of which shall be deposited in the general fund of Pohnpei as the realization of general revenues to be expended in accordance with state law for public purposes.

Source: D.L. No. 4L-155-78 §4, 9/20/78

49 PC 1-105. Spouse's rights. Notwithstanding 49 PC 1-103 and 49 PC 1-104, the living spouse of the intestate shall receive one-third of all personal property of the intestate and a life estate in all real property of the intestate; PROVIDED, HOWEVER, that such life estate may not be assigned, sold or otherwise transferred.

Source: D.L. No. 4L-155-78 §5, 9/20/78

49 PC 1-106. Adoption. An adopted child shall, for the purposes of this chapter, be considered as the child and descendant of the adoptive parents, and not of the natural parents.

Source: D.L. No. 4L-155-78 §6, 9/20/78

Notes: 1. D.L. No. 2L-226-71 §1, 7/6/71 amended PDC §12-104. 2. D.L. No. 4L-155-78 §7, 9/20/78 repealed PDC §§12-101 – 12-105.