

California Probate Code § 21610 (2007)

§ 21610. Share of omitted spouse marrying spouse after execution of testamentary instruments

Except as provided in Section 21611, if a decedent fails to provide in a testamentary instrument for the decedent's surviving spouse who married the decedent after the execution of all of the decedent's testamentary instruments, the omitted spouse shall receive a share in the decedent's estate, consisting of the following property in said estate:

- (a) The one-half of the community property that belongs to the decedent under Section 100.
- (b) The one-half of the quasi-community property that belongs to the decedent under Section 101.
- (c) A share of the separate property of the decedent equal in value to that which the spouse would have received if the decedent had died without having executed a testamentary instrument, but in no event is the share to be more than one-half the value of the separate property in the estate.