

**524.2-301 ENTITLEMENT OF SPOUSE; PREMARITAL WILL.**

(a) If a testator married after making a will and the spouse survives the testator, the surviving spouse shall receive a share of the estate of the testator equal in value to that which the surviving spouse would have received if the testator had died intestate, unless:

(1) provision has been made for, or waived by, the spouse by prenuptial or postnuptial agreement;

(2) the will discloses an intention not to make provision for the spouse; or

(3) the spouse is provided for in the will.

(b) In satisfying the share provided by this section, devises made by the will other than a devise to a child of the testator who was born before the testator married the surviving spouse and who is not a child of the surviving spouse or a devise or substitute gift under section 524.2-603 or 524.2-604 to a descendant of such a child, abate first as otherwise provided in section 524.3-902.

**History:** 1985 c 250 s 21; 1986 c 444; 1994 c 472 s 29; 2002 c 379 art 1 s 101; 2008 c 341 art 4 s 1