

CHAPTER 5
KINDRED NOT MENTIONED IN WILL, WHO SHARE IN ESTATE

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§ 501. When Omitted Children and Grandchildren Take by Succession; When Not.

When a testator omits to provide in his will for any of his children, or for the issue of any deceased child, whether born before or after the making of the will or before or after the death of the testator, and such child or issue is unprovided for by any settlement, and has not had an equal proportion of the testator's property bestowed upon him by way of advancement, unless it appears from the will that such omission was intentional, such child or such issue succeeds to the same share in the estate of the testator as if the testator had died intestate.

SOURCE: Probate Code of Guam (1970), § 90.

§ 503. Sources and Apportionment of Share of Omitted Children and Grandchildren.

The share of the estate which is assigned to a child or issue omitted in a will, as mentioned in Section 501 of this Title, must first be taken from the estate not disposed of by the will, if any; if that is not sufficient, so much as may be necessary must be taken from all the devisees or legatees, in proportion to the value they may respectively receive under the will, unless the obvious intention of the testator in relation to some specific devise or bequest, or other provision of the will, would thereby be defeated; in such case, such specific devise, legacy or provision may be exempted from such apportionment, and a different apportionment, consistent with the intention of the testator, may be adopted.

SOURCE: Probate Code of Guam (1970), § 91.

§ 505. When Death of Devisee or Legatee Causes Lapse; When Not.

If a devisee or legatee dies during the lifetime of the testator, the testamentary disposition to him fails, unless an intention appears to

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substitute another in his place; except that when any estate is devised or bequeathed to any kindred of the testator, and the devisee or legatee dies before the testator, leaving lineal descendants, or is dead at the time the will is executed, but leaves lineal descendants surviving the testator, such descendants take the estate so given by the will in the same manner as the devisee or legatee would have done had he survived the testator.

SOURCE: Probate Code of Guam (1970), § 92.
