

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1428

5 By: Representatives Walters, Greenberg
6 By: Senator Wilkinson
7

For An Act To Be Entitled

10 AN ACT TO GIVE EFFECT TO A TESTATOR'S INTENT BY
11 REPEALING § 28-39-407(b) REQUIRING A TESTATOR TO
12 SPECIFICALLY NAME A CHILD IN A WILL IN ORDER TO
13 DISINHERIT THE CHILD; AND FOR OTHER PURPOSES.
14

Subtitle

15 TO GIVE EFFECT TO A TESTATOR'S INTENT BY
16 REPEALING § 28-39-407(b) REQUIRING A
17 TESTATOR TO SPECIFICALLY NAME A CHILD IN
18 A WILL IN ORDER TO DISINHERIT THE CHILD.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 28-39-407(b), concerning pretermitted
25 children, is repealed.

26 ~~(b) Pretermitted Children. If, at the time of the execution of a~~
27 ~~will, there is a living child of the testator, or living child or issue of a~~
28 ~~deceased child of the testator, whom the testator shall omit to mention or~~
29 ~~provide for, either specifically or as a member of a class, the testator~~
30 ~~shall be deemed to have died intestate with respect to the child or issue.~~
31 ~~The child or issue shall be entitled to recover from the devisees in~~
32 ~~proportion to the amounts of their respective shares, that portion of the~~
33 ~~estate which he or she or they would have inherited had there been no will.~~
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