59-505—**Half of realty to surviving spouse.** "Also the surviving spouse shall be entitled to receive one-half of all real estate of which the decedent at any time during the marriage was seized or possessed and to the disposition whereof the survivor shall not have consented in writing, or by a will, or by an election as provided by law to take under a will, except such real estate as has been sold on execution or judicial sale, or taken by other legal proceeding: Provided, that the surviving spouse shall not be entitled to any interest under the provisions of this section in any real estate of which such decedent in his lifetime made a conveyance when such spouse at the time of the conveyance was not a resident of this state and never had been during the existence of the marriage relation."

59-506—**Surviving children or issue.** "If the decedent leaves a child or children or issue of a previously deceased child or children, and no spouse, all his property shall pass to the surviving child or in equal shares to the surviving children and the living issue, if any, of a previously deceased child but such issue shall collectively take only the share their parent would have taken had such parent been living. If the decedent leaves such child, children, or issue and a spouse, one-half of such property shall pass to such child, children, and issue as aforesaid."

59-507—**No spouse, child or issue, of the decedent.** "If the decedent leaves no surviving spouse, child or issue, but leaves a surviving parent or surviving parents, all of his property shall pass to such surviving parent or in equal shares to such surviving parents, but if the decedent is an adopted child, such property shall pass to his adoptive parent or parents in like manner including a natural parent who is the spouse of an adoptive parent."

59-508—**No spouse, child, issue or parents.** "If the decedent leaves no surviving spouse, child, issue or parents, the respective shares of his property which would have passed to the parents, had both of them been living, shall pass to the heirs of such parents respectively (excluding their respective spouses), the same as it would have passed had such parents owned it in equal shares and died intestate at the time of his death."

59-509—**Limitation on descent.** "In computing degrees of relationship by blood for the purpose of the passing of property of an intestate decedent, each generation in the ascending or descending line shall be counted as one degree. None of such property shall pass except by lineal descent to a person further removed from the decedent than the sixth degree, as so computed."

59-514—**Escheat.** "If an intestate decedent leaves no person entitled to take his property by intestate succession, as provided in this article, it shall escheat to and become the property of the state.

ARTICLE 6—WILLS

59-601—**Who May Make a Will?** Any person of sound mind and possessing the rights of majority, may dispose of any or all of his property by will, subject to the provisions of this act.

59-602—**Limitation on testamentary power.** (1) Any devise or real estate located in this state, and any bequest of any personal property by a resident of this state, without regard to the time when the will containing such devise or bequest shall have been made, to any foreign country, subdivision thereof, or city, body politic, or corporation, located therein or existing under the laws thereof, or in trust or otherwise to any trustee or agent thereof, except devises and bequests to institutions created and existing exclusively for religious, educational, or charitable purposes, is hereby prohibited. Any such devise or bequest shall be void. (2) Either spouse may will away from the other half of his property, subject to the rights of homestead and allowances secured by statute. Neither spouse shall will away from the other more than half of his property, subject to such rights and allowances, unless the other shall consent thereto in writing executed in the presence of two or more competent witnesses, or shall elect to take under the testator's will as provided by law.

59-603—**Election of spouse.** The surviving spouse, who shall not have consented in the lifetime of the testator to the testator's will as provided by law, may make an election whether he will take under the will or take what he is entitled to by the laws of intestate succession; but he shall not be entitled to both. If the survivor fails to consent or to make an election he shall take by the laws of intestate succession.

59-604—**Devise or bequest to witness.** A beneficial devise or bequest made in a will to a subscribing witness thereto shall be void, unless there are two other competent subscribing witnesses who are not beneficiaries thereunder. But if such witness would have been entitled to any share of the testator's estate in the absence of a will, then so much of such share as will not exceed the value of the devise or bequest shall pass to him from the part of the estate included in the void devise or bequest. Such share shall be considered as a legacy or devise within the meaning of section 103. (59-1405)

49-605—**Preparation of will by principal beneficiary.** If it shall appear that any will was written or prepared by the sole or principal beneficiary in such will, who, at the time of writing or preparing the same, was the confidential agent or legal adviser of the testator, or who occupied at the time any other position of confidence or trust to such testator, such will shall not be held to be valid unless it shall affirmatively appear that the testator had read or knew the contents of such will, and had independent advice with reference thereto.