

## DIVISION INTO PORTIONS BETWEEN SEVERAL CLASSES AND DEGREES OF STATUTORY HEIRS

**Section 1629.** There are only six classes of statutory heir; and subject to the provisions of Section 1630 paragraph 2, each class is entitled to inherit in the following order:

- 1) descendants;
- 2) parents;
- 3) brothers and sisters of full blood;
- 4) brothers and sisters of half blood;
- 5) grandparents;
- 6) uncles and aunts.

The surviving spouse is also a statutory heir, subject to the special provisions of Section 1635.

**Section 1630.** So long as there is any heir surviving or represented in a class as specified in Section 1629 as the case may be, the heir of the lower class has no right at all to the estate of the deceased.

However, the forgoing paragraph does not apply in the particular case where there is any descendant surviving or represented as the case may be, and also the parents or one of them are still surviving; in such case each parent is entitled to the same share as an heir in the degree of children.

**Section 1631.** As between descendants of different degrees, only the children of the *de cuius* who are entitled to inherit. The descendants of lower degree may receive the inheritance only by the right of representation.

### CHAPTER III

#### DIVISION INTO SHARES BETWEEN THE STATUTORY HEIRS IN EACH CLASS AND DEGREE

**Section 1632.** Subject to the provisions of Section 1629 last paragraph, the distribution of inheritance to the statutory heirs in the several classes of relatives shall be in accordance with the provisions in Part I of this Chapter.

**Section 1633.** The statutory heirs of the same class in any of the classes as specified in Section 1629 are entitled to equal shares. If there is only one statutory heir in such class, he is entitled to the whole portion.

**Section 1634.** As between the descendants entitled by way of representative to the division per stirpes as provided in Chapter IV of Title II, the divisions shall be as follows:

(1) If there are descendants of different degrees, only the children of the deceased who are the nearest in degree are entitled to receive the inheritance. The descendants of lower degree may receive the inheritance only by virtue of the right of representation;

(2) descendants in the same degree are entitled to equal parts

(3) if in one degree there is only one descendant such descendant is entitled to the whole share.

## **PART II**

### Spouses

**Section 1635.** The surviving spouse is entitled to the inheritance of the deceased in the class and according to the division as hereunder provided:

(1) if there is an heir according to Section 1629 (1) surviving or having representatives as the case may be, such surviving spouse is entitled to the same share as an heir in the degree of children;

(2) if there is an heir according to Section 1629 (3) and such heir is surviving or has representatives, or if in default of an heir according to Section 1629 (1), there is an heir according to Section 1629 (2) as the case may be, such surviving spouse is entitled to one half of the inheritance;

(3) if there is an heir according to Section 1629 (4) or (6) and such heir is surviving or has representatives, or if there is an heir according to Section 1629 (5) as the case may be, such surviving spouse is entitled to two-thirds of the inheritance;

(4) if there is no heir as specified in Section 1629, such surviving spouse is entitled to the whole inheritance.