

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 42.
REAL PROPERTY.

CHAPTER 7.
INTERPRETATION OF INSTRUMENTS.

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CHAPTER 7. INTERPRETATION OF INSTRUMENTS.

§ 42-701. WORDS OF INHERITANCE UNNECESSARY.

No words of inheritance shall be necessary in a deed or will to create a fee simple estate; but every conveyance or devise of real estate shall be construed and held to pass a fee simple estate or other entire estate of the grantor or testator, unless a contrary intention shall appear by express terms or be necessarily implied therein.

(Mar. 3, 1901, 31 Stat. 1268, ch. 854, § 502.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-401.

1973 Ed., § 45-201.

§ 42-702. "GRANT" OR "BARGAIN AND SELL" PASSES WHOLE ESTATE AND INTEREST.

The word "grant," and the phrase "bargain and sell," or any other words purporting to transfer the whole estate shall be construed to pass the whole estate and interest in the property described, unless there be limitations or reservations showing a different intent.

(Mar. 3, 1901, 31 Stat. 1268, ch. 854, § 503; June 30, 1902, 32 Stat. 531, ch. 1329.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-402.

1973 Ed., § 45-202.

§ 42-703. REMAINDER TO HEIRS OF LIFE TENANT; RULE IN SHELLEY'S CASE ABOLISHED.

Where a remainder shall be limited to the heirs or heirs of the body of a person to whom a life estate in the same premises shall be given, the persons who, on the termination of the life estate, shall be the heirs or the heirs of the body of such tenant for life shall be entitled to take in fee simple as purchasers by virtue of the remainder so limited.

(Mar. 3, 1901, 31 Stat. 1352, ch. 854, § 1027.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-403.

1973 Ed., § 45-203.

§ 42-704. POSTHUMOUS CHILDREN.

Where a future estate shall be limited to heirs, or issue, or children, posthumous children shall be entitled to take in the same manner as if living at the death of their parent; and a future estate depending on the

contingency of the death of any person without heirs, or issue, or children shall be defeated by the birth of a posthumous child of such person.

(Mar. 3, 1901, 31 Stat. 1352, ch. 854, § 1028.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-404.

1973 Ed., § 45-204.

§ 42-705. CONSTRUCTION OF WORDS IMPORTING WANT OR FAILURE OF ISSUE.

In any deed or will of real or personal estate in the District of Columbia, executed after March 3, 1901, the words "die without issue," or the words "die without leaving issue," or the words "have no issue," or other words which may import either a want or failure of issue of any person in his lifetime or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear in the instrument.

(Mar. 3, 1901, 31 Stat. 1268, ch. 854, § 504.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-405.

1973 Ed., § 45-205.