

**Subpart K—Miscellaneous Provisions**

**§ 30.250 When does the anti-lapse provision apply?**

(a) The following table illustrates how the anti-lapse provision applies.

| If . . .  | And . . .   | Then . . .   |
|---|---|--|
| A testator devises trust property to any of his or her grandparents or to the lineal descendant of a grandparent. | The devisee dies before the testator, leaving lineal descendants. | The lineal descendants take the right, title, or interest given by the will per stirpes. |

(b) For purposes of this section, relationship by adoption is equivalent to relationship by blood.

**§ 30.251 What happens if an heir or devisee participates in the killing of the decedent?**

Any person who knowingly participates, either as a principal or as an accessory before the fact, in the willful and unlawful killing of the decedent may not take, directly or indirectly, any inheritance or devise under the decedent's will. This person will be treated as if he or she had predeceased the decedent.

**§ 30.252 May a judge allow fees for attorneys representing interested parties?**

(a) Except for attorneys representing creditors, the judge may allow fees for attorneys representing interested parties.

(1) At the discretion of the judge, these fees may be charged against the interests of the party represented or as a cost of administration.

(2) Petitions for allowance of fees must be filed before the close of the last hearing.

(b) Nothing in this section prevents an attorney from petitioning for additional fees to be considered at the disposition of a petition for rehearing and again after an appeal on the merits. An order allowing attorney fees is subject to a petition for rehearing and to an appeal.

**§ 30.253 How must minors or other legal incompetents be represented?**

Minors and other legal incompetents who are interested parties must be represented by legally appointed guardians, or by guardians ad litem appointed by the judge. In appropriate cases, the judge may order the payment of fees to the guardian ad litem from the assets of the estate.

**§ 30.254 What happens when a person dies without a valid will and has no heirs?**

The judge will determine whether a person with trust or restricted property died intestate and without heirs, and the judge will determine whether 25 U.S.C. 2206(a) applies, as shown in the following table.

| If . . .                              | Then . . .  | Or . . .  |
|---------------------------------------|---|---|
| (a) 25 U.S.C. 2206(a) applies.        | The judge will order distribution of the property under § 2206(a)(2)(B)(v) through (a)(2)(C).   | The judge will order distribution of the property under § 2206(a)(2)(D)(iii)(IV) through (V).                                       |
| (b) 25 U.S.C. 2206(a) does not apply. | If the trust or restricted property is not on the public domain, the judge will order the escheat of the property under 25 U.S.C. 373a. | If the trust or restricted property is on the public domain, the judge will order the escheat of the property under 25 U.S.C. 373b. |