



- ❖ If you die without a will, it means you have died "intestate." When this happens, the intestacy laws of the state where you reside will determine how your property is distributed upon your death. This includes any bank accounts, securities, real estate, and other assets you own at the time of death. Real estate owned in a different state than where you resided will be handled under the intestacy laws of the state where the property is located.
- ❖ The laws of intestate succession vary greatly depending on whether you were single or married, or had children. In most cases, your property is distributed in split shares to your "heirs," which could include your surviving spouse, parents, siblings, aunts and uncles, nieces, nephews, and distant relatives. Generally, when no relatives can be found, the entire estate goes to the state.
- ❖ What Happens if You Die Without a Will and You're Single?
If you're single and childless, your parents will receive your entire estate if they are both living. Otherwise it will be divided among your siblings (including half-siblings) and your surviving parent, if one parent has already died. If you have no surviving parents at the time of your death, then your entire estate will be divided among siblings, in equal parts. If there are no surviving parents, siblings, or descendants of siblings (nieces and nephews), then the relatives on your mother's side would inherit one-half of the estate, with the other one-half passing to the relatives on your father's side. If, on the other hand, you're single and have children, then your entire estate generally will go to your children, in equal shares. If any child has died before you, and that child has any children, then that child's share will go to your grandchildren.
- ❖ What Happens if You Die Without a Will and You're Married?
Depending on how your assets are owned when you die, your estate will either go entirely to your surviving spouse (if it's community/marital property), or split between your surviving spouse, siblings and parents (if it's your separate property). If you're married and have children with your current spouse, your entire estate will go to your surviving spouse. Otherwise, your surviving spouse will receive up to one-half of the estate, with the remaining portion passing to your surviving children from another spouse or partner.
- ❖ What Happens if You Die Without a Will and You're in Domestic Partnership?
Special rules apply to domestic partners. Since not all states recognize domestic partnerships, it's important to check the laws of your particular state to learn how property is distributed upon your death. Generally, if you die without a will and are survived by a domestic partner, your domestic partner inherits the same as a surviving spouse, depending on how you owned the property.
- ❖ How Does Dying Without a Will Affect Unmarried Couples?
Dying without a will can be devastating to unmarried couples who are living together. Because intestacy laws only recognize relatives, unmarried couples don't inherit the property of the other partner when one partner dies without a will. Unless there's a will which clearly states a person's intentions when they die, the decedent's property will be divided among relatives, depending on their relation to the decedent.
- ❖ Worried About Dying Without a Will? Talk to an Attorney or get legal help
Since estate planning can be quite complicated, it may be wise to speak with an estate planning attorney in your area to fully understand what may happen in your particular case
- ❖ if you die without a will. An attorney can help you draft a valid will and give you some peace of mind. Get started today and contact a local estate planning attorney.