



The Potential Consequences of Dying Intestate

What does it mean to die intestate? How will this affect your family and loved ones?

Dying intestate means passing away without a valid will. In such a situation, the distribution of your assets and the resolution of your estate will be governed by the intestacy laws of the state or jurisdiction in which you reside. The effects of dying intestate can vary based on these laws, but here are some common consequences that your family might experience:

State-Defined Distribution:

- Intestacy laws typically provide a default distribution plan for your assets. This may not align with your preferences or the needs of your family.

Court Involvement:

- The probate court will be involved in the process of settling your estate. The court will appoint an administrator to handle the distribution of assets, pay debts, and manage the overall probate process.

Limited Control:

- Without a will, you have no control over who receives your assets. The state's laws will dictate the order of inheritance, usually prioritizing spouses, children, parents, and other close relatives.

Potential Disputes:

- The lack of a clear estate plan can lead to disputes among family members about the distribution of assets. This can result in increased stress and strain on relationships.

Guardianship Issues:

- If you have minor children and die intestate, the court will appoint a guardian for them. This may or may not align with your preferences. It's crucial to designate a guardian for your children in a will.

Delay and Expense:

- The probate process can be time-consuming and expensive. Legal fees, court costs, and other expenses may reduce the estate's overall value.

No Charitable or Special Bequests:

- You cannot make specific bequests to individuals, charities, or organizations without a will. Your assets will be distributed based on the intestacy laws without regard to your personal wishes.

No Executor Appointment:

- In a will, you can appoint an executor to handle the administration of your estate. Without a will, the court will appoint an administrator who may not be someone you would have chosen.

To avoid the potential adverse effects of dying intestate, it is advisable to create a comprehensive and legally valid Estate Plan. This lets you express your wishes clearly, designate beneficiaries, name a successor trustee, and address other important considerations like guardianship. Creating a comprehensive Estate Plan will help ensure your wishes are properly documented and legally binding.