



What happens if you die without a Will?

If somebody dies without leaving a valid Will, rules of intestacy will be followed. This outlines what happens to your home and money if there's no Will to go by.

A person who dies without leaving a Will has died intestate; what happens to their estate depends on the set of circumstances. The property and money will be divided equally among family members unless there are no surviving family members. In this instance, the money and estate will go to the crown.

If a Will is invalid, the same rules apply as if the Will hasn't been created at all. If you die without a Will, certain people are not lawfully able to receive any of your estate:

- Gay or lesbian partners
- Unmarried partners
- Carers
- Close friends
- Relations by marriage

Here's an outline of what happens in different circumstances:

If you're single and childless:

Your parents will receive your entire estate if they're both still alive. Otherwise, it will be divided between siblings, half siblings and just one of the parents (if the other has died). If there are no parents, siblings, or descendants of siblings, half of the estate would be split between the relatives on the mother and father's sides.

If you're single with children:

Your estate will go equally to your children. If any child dies before you do, their share will go to grandchildren.

If you're married with no children:

Depending on how your assets are owned when you die, your estate will either go to your surviving spouse, if it is community property or split between you surviving spouse, siblings and parents if it's separate property.

If you're married with children:

Your estate will go to your surviving spouse if all children are the children of your surviving spouse. Otherwise, your surviving spouse will receive up to one-half of the estate, with the remaining share going to your surviving children from another spouse or partner.

If you're unmarried:

You will not be able to inherit the property of the other partner when one partner dies. This is because of the intestacy laws. If there's no Will in this case, then the estate goes to their relatives.

If you're in a domestic relationship:

Special rules will apply regarding what happens to your property if you die. In most cases, if you die without a Will, the surviving partner will inherit the same as a surviving spouse would. To be sure, check out the estate planning laws

For more information on what happens in differing situations, please speak with an estate planner. A solicitor can draft a Will, to give you complete peace of mind.

Please speak with your financial adviser for further information.