



Probate, Trusts and Wills

A quick guide to Intestacy

Intestacy is the word used when someone has died without making a Will.

There are set rules for working out who is to receive what. Assets held in joint names will usually pass automatically to the co-owner whilst some assets, such as pensions and life insurance policies may be distributed according to preexisting instructions.

Cohabiting partners are not automatically entitled to anything, and may have to go to court to claim a share, unless the initial beneficiaries are able to agree. This can be very costly, and the amount received may be significantly lower than they were expecting.

The process of administering the estate of someone who has died without a Will is very similar to the position where there is a Will, but the costs can be much higher, particularly if it is necessary to trace surviving relatives.

We have a specialist team who can advise you about intestacy, and the administration of estates.

The distribution of a person's estate depends on whether he or she was married (or in a civil partnership), or had children.

If children inherit, their share will usually be held in trust, with restricted access, until they reach 18.

If any beneficiary who would have inherited has died before the person in question, their own children (if any) will share that beneficiary's inheritance.



You will find a brief guide overleaf.

Is there a surviving Spouse or Civil Partner?

No:

The Law looks for the closest relatives to share the estate, in order of priority set out below. Where there is at least one person (or their children) in a group, the search stops, and no more distant relatives are considered.

- ◆ Children
- ◆ Parents
- ◆ Full siblings
- ◆ Half siblings
- ◆ Grandparents
- ◆ Full aunts and uncles
- ◆ Half aunts and uncles

Yes:

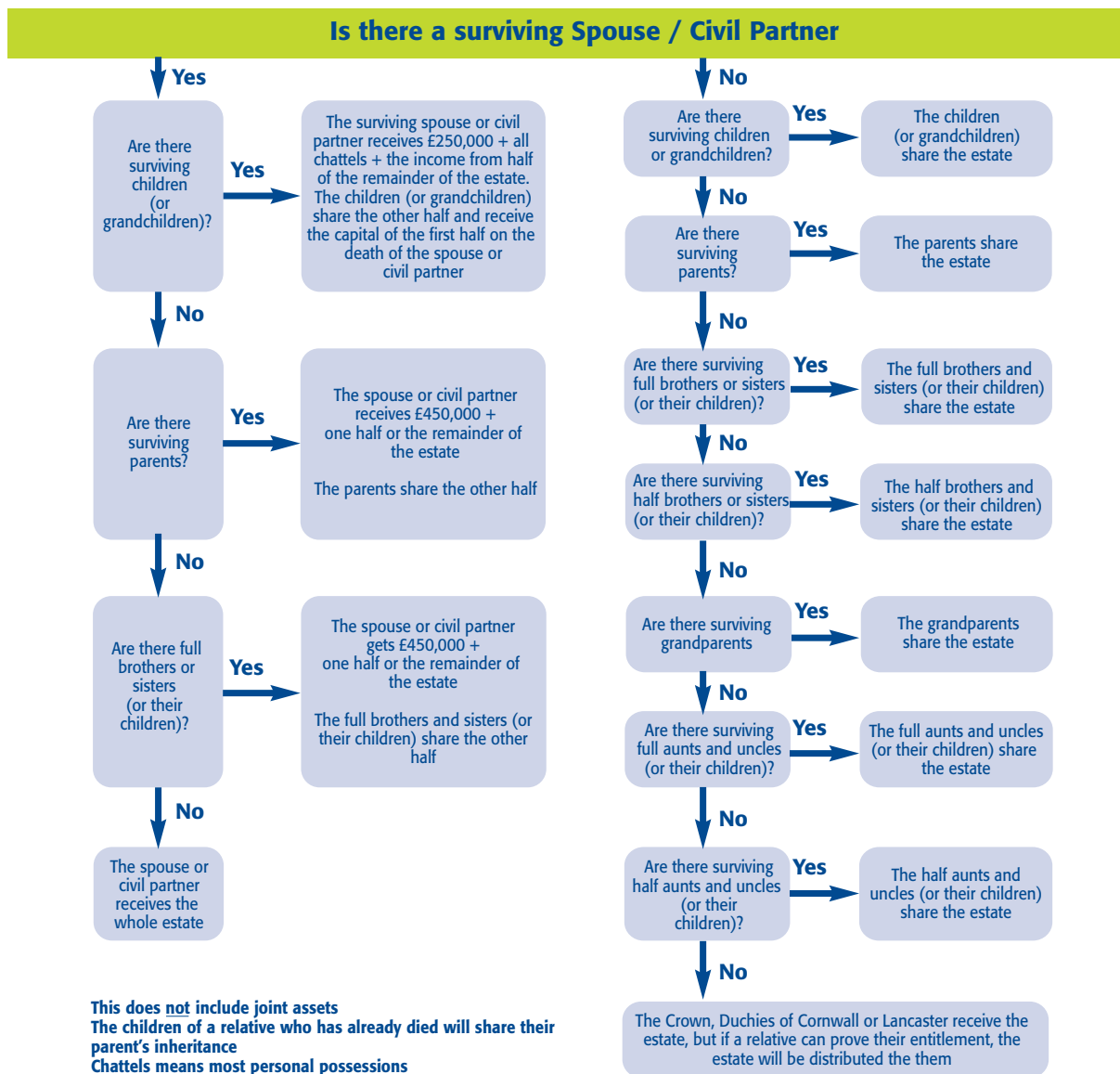
The distribution depends on whether there are children (or grandchildren) living.

If there are descendants the Spouse/ Civil Partner receives £250,000, all personal chattels and the income from one half of the estate. The descendants receive the balance of the estate on reaching 18. They will receive the capital of the first half on the death of the Spouse / Civil Partner.

If there are no descendants the Spouse receives £450,000, all personal chattels and one half of the rest of the estate.

The balance of the estate is distributed in order of priority as set out below:

- ◆ Parents
- ◆ Full siblings (or their children)
- ◆ The Spouse



For further advice or information please contact a member of our Probate, Trusts & Wills team at enquiries@mayowynnebaxter.co.uk
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