

Intestacy - What happens if I don't make a will?

If you die without leaving a valid Will then you are described as having died "Intestate". It is the Intestacy Rules that determine who gets what if you die without making a valid Will.

Here is a quick guide to the pecking order under the Intestacy Rules. This is a simple guide only and there may be exceptions to the general rules that are not set out. Professional advice should be taken before making a Will. It is easy to do and cheaper than you may think.

You are not married and have no children;

Your surviving relatives will inherit in the following order:-

- Parents
- Brother or sisters or their children
- Half brothers or sisters or their children
- Grandparents
- Uncles or aunts or their children
- Half uncles and aunts or their children
- If you have no surviving relatives as referred to above, then everything will go to the Crown!

You are not married but have children;

Your children will inherit everything. If any of your children die before you, then their own children (your grandchildren) will share their parent's share of the Estate.

You are married and your Estate is worth less than £322,000;

Your surviving spouse (or civil partner) will inherit everything.

You are married, your Estate is worth more than £322,000 and you don't have any children;

Your surviving spouse (or civil partner) will inherit everything.

You are married, your Estate is worth more than £322,000 and you have children;

The first £322,000 will go to the surviving spouse (or civil partner) and they will receive half of the remainder of the Estate outright. They also receive the personal chattels. The other half the remaining Estate will go to the children.

If any of your children die before you, then their own children (your grandchildren) will share their parent's share of the Estate.

Other things that you should consider:

- Cohabitees/ long term partners do not automatically inherit from you under the Intestacy Rules
- A Will enables you to provide for your current spouse/civil partner as well as children from a previous marriage
- A Will allows you to appoint guardians to look after your minor children
- A Will enables you to set up Trusts for minor children or relatives with disabilities
- A Will often incorporates Inheritance Tax planning

If someone you know has died without a valid Will or you have any questions about Intestacy, the Administration of Estates, Wills or Inheritance Tax please contact our expert team on 01202 525333 or email wills@ellisjones.co.uk.

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