



Myerson Wills, Trusts & Probate

A Guide to Intestacy

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Welcome

We understand the complexities of modern life, relationships, and the importance of taking care of you, your family and your financial interests. So it's a deep source of satisfaction that so many families, institutions and individuals choose Myerson as an integral part of their succession strategy.

Why Myerson?

Our specialist Wills, Trusts and Probate Team are all highly experienced and help executors deal with estates and assets on a regular basis.

As a Top 200 UK Law Firm, we are also proud to be ranked as 'Top Tier' in the prestigious international directory **The Legal 500** and commended by The Times 'Best Law Firms 2019 & 2023'. Therefore, you can be reassured you will receive a high-quality and truly bespoke service.

How We Work.

Every client is different, and we are here to support you every step of the way.

Personal, Partner-led Service. We get to know you and what you and your family want to achieve, whilst guiding you through the complexities of the Rules of Intestacy.

The Highest Level of Expertise. With specialist knowledge and accreditations such as **STEP** (Society of Trust and Estate Practitioners) and **ACTAPS** (Accreditation of Contentious Trust and Probate Specialists), we use our expertise to focus on helping you.

A Team You Can Trust. You're in safe hands. We help clients nationwide with simple and complex Wills, asset and estate planning on a daily basis. You can rest assured that our expert team knows its stuff!



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Your Solicitors

The solicitors that will be working with you are specialists.

Sometimes the process of dealing with a Will or estate can be daunting. All of our solicitors are specialists in dealing with the administration of estates and are here to guide and assist you through the process.

You can find out more about our Wills, Trusts and Probate Team by clicking [here](#).



Our guide to intestacy

What is intestacy?

Intestacy is where a person dies, and their property or assets have not been disposed of by a valid Will. A total intestacy is where there is no Will at all, the Will was invalid, or there was a valid Will, but it was subsequently revoked. Partial intestacy can also occur where there is a valid Will, but the Will fails to dispose of the whole estate or the whole/part of a gift fails.



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Who is entitled under intestacy?

Before the rules of intestacy are applied, a thorough search should be made to ascertain whether the deceased had a valid Will. If no Will is found, the personal representatives should then obtain a family tree as the rules of intestacy looks at family members of the deceased. Personal representatives may wish to consider taking out insurance against claims in the event of wrongful distribution, which can happen if there are children outside of the relationships which have been kept secret.

The updated rules of intestacy

Where the deceased died leaving a surviving spouse or civil partner and issue

If the net estate does not exceed the amount of the fixed net sum (£322,000 with effect from 26 July 2023, previously £270,000), the surviving spouse or civil partner is entitled to the whole estate. If the net estate exceeds the amount of the fixed net sum, the surviving spouse or civil partner is entitled to personal chattels and the fixed net sum free of Inheritance Tax (IHT). The surviving spouse or civil partner is also entitled to half of the remainder of the estate whilst the other half is held on statutory trusts for the deceased's children equally when they attain 18.

Where the deceased died leaving a surviving spouse or civil partner and no issue

The surviving spouse or civil partner is entitled to the whole of the net estate in this case.

Where the deceased died leaving issue and no surviving spouse or civil partner

The whole of the net estate passes to the issue on the statutory trusts.

Where the deceased died leaving no surviving spouse or civil partner or issue but other relations

The net estate passes to the surviving parents (equally if both surviving), but if none, then the surviving brothers and sisters of the whole blood equally with the issue of any brothers or sisters who have predeceased receiving the share to which their parent would have been entitled.

If there are no surviving issue, then the surviving brothers and sisters of the half-blood equally, with the issue of any half-brothers or half-sisters who have predeceased receiving the share to which their parent would have been entitled, but if none, then;

- the surviving grandparent(s), equally if more than one, but if none in this class then
- the surviving uncles and aunts of the whole blood, equally if more than one, with the issue of any uncles or aunts who have predeceased receiving the share to which their parent would have been entitled, but if none then
- the surviving uncles and aunts of the half-blood, equally if more than one, with the issue of any half-uncles or half-aunts who have predeceased receiving the share to which their parent would have been entitled,

Where the deceased died leaving no blood relatives specified above

The net estate passes to the Crown as bona vacantia or if the intestate died resident within the Duchy of Lancaster or the Duchy of Cornwall, the relevant Duchy is entitled.



Don't just take our word for it...

"From our first telephone conversation, Myerson dispelled any doubts with a warm and friendly approach."

"Their response time and communication is excellent and I would have no hesitation in recommending Myerson in the future."

"The service we received at Myerson was sensitively handled, highly competent, professional, timely and efficient. The advice, guidance and support were excellent, well communicated and expertly executed."

"I would like to thank the team. I would heavily recommend them, and I have, to other friends and family. Their service has been efficient, speedy and reliable. Myself and my family found them very understanding, kind and friendly."

"I have total confidence in the advice and support I received."

To view more Myerson reviews visit our Review Solicitors page by [clicking here](#).



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You're in safe hands!

If you would like further information about how we can help, or if you have any questions, please don't hesitate to contact a member of our Wills, Trusts and Probate Team today.

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 SCAN ME



Because
life is rarely
**black and
white.**



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