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# Myerson **Personal**

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**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 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 2023**'. This means you can be certain that you will be receiving the highest quality legal advice.

Being a full-service law firm means we are well placed to provide wide-ranging, tailored legal advice to meet your individual needs. We work closely with other departments internally including Real Estate, Corporate, Commercial and Private Wealth Lawyers to ensure that your needs are protected comprehensively.

Find out more about our [\*\*Private Client Team\*\*](#).



# Our guide to intestacy

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## 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.

## 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 halfblood 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.





# You're in safe hands!

If you would like further information about how we can help you with Intestacy, or if you have any questions, please don't hesitate to contact a member of our **Private Client Team** today.

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