APPENDIX A
STATE BY STATE
STATUTES OF DESCENT AND DISTRIBUTION

DISCLAIMER: Please Note: these pages contains the statutory text of the laws of descent and distribution for intestate decedent's probate estates in 50 states and the District of Columbia.

The law is constantly changing and this text may not be the most up to date. This information is not suitable for any State other than the state attributed. No representations or warranties are made as to the completeness or accuracy of the information contained on this page.

Please consult a lawyer licensed in your jurisdiction before taking ANY action.
Alabama Intestacy Laws

Intestate estate generally
Any part of the estate of a decedent not effectively disposed of by his will passes to his heirs as prescribed in the following sections of this chapter.
Code of Alabama, Section 43-8-40

Share of the spouse
The intestate share of the surviving spouse is as follows:
(1) If there is no surviving issue or parent of the decedent, the entire intestate estate;
(2) If there is no surviving issue but the decedent is survived by a parent or parents, the first $100,000.00 in value, plus one-half of the balance of the intestate estate;
(3) If there are surviving issue all of whom are issue of the surviving spouse also, the first $50,000.00 in value, plus one-half of
the balance of the intestate estate;
(4) If there are surviving issue one or more of whom are not issue of the surviving spouse, one-
half of the intestate estate;
(5) If the estate is located in two or more states, the share shall not exceed in the aggregate the allowable amounts under this chapter.
Code of Alabama, Section 43-8-41

Share of heirs other than surviving spouse
The part of the intestate estate not passing to the surviving spouse under section 43-8-41, or the entire intestate estate if there is no surviving spouse, passes as follows:
(1) To the issue of the decedent; if they are all of the same degree of kinship to the decedent they take equally, but if of unequal degree, then those of more remote degree take by representation;
(2) If there is no surviving issue, to his parent or parents equally;
(3) If there is no surviving issue or parent, to the issue of the parents or either of them by representation;
(4) If there is no surviving issue, parent or issue of a parent, but the decedent is survived by one or more grandparents or issue of grandparents, half of the estate passes to the paternal grandparents if both survive, or to the surviving paternal grandparent, or to the issue of the paternal grandparents if both are deceased, the issue taking equally if they are all of the same degree of kinship to the decedent, but if of unequal degree those of more remote degree take by representation; and the other half passes to the maternal relatives in the same manner; but if there be no surviving grandparent or issue of grandparent on either the paternal or the maternal side, the entire estate passes to the relatives on the other side in the same manner as the other half.
Code of Alabama, Section 43-8-41

Requirement that heir survive decedent for five days
Any person who fails to survive the decedent by five days is deemed to have predeceased the decedent for purposes of homestead allowance, the exempt property and intestate succession, and the decedent's heirs are determined accordingly. If the time of death of the decedent or of the person who would otherwise be an heir, or the times of death of both, cannot be determined, and it cannot be established that the person who would otherwise be an heir has survived the
decedent by five days, it is deemed that the person failed to survive for the required period. This section is not to be applied where its application would result in a taking of intestate estate by the state under section 43-8-44.
Code of Alabama, Section 43-8-43

**When estate passes to state**
If there is no taker under the provisions of this article, the intestate estate passes to the state of Alabama.
Code of Alabama, Section 43-8-44

**Division of estate where representation is involved**
If representation is called for by this chapter, the estate is divided into as many shares as there are surviving heirs in the nearest degree of kinship and deceased persons in the same degree who left issue who survive the decedent, each surviving heir in the nearest degree receiving one share and the share of each deceased person in the same degree being divided among the issue of such deceased heir in the same manner.
Code of Alabama, Section 43-8-45

**Inheritance by relatives of half blood**
Relatives of the half blood inherit the same share they would inherit if they were of the whole blood.
Code of Alabama, Section 43-8-46

**Inheritance by afterborn heirs**
Relative of the decedent conceived before his death but born thereafter inherit as if they had been born in the lifetime of the decedent.
Code of Alabama, Section 43-8-47

**Parent and child relationship**
If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person:

(1) An adopted person is the child of an adopting parent and not of the natural parents except that adoption of a child by the spouse of a natural parent has no effect on the right of the child to inherit from or through either natural parent;

(2) In cases not covered by subdivision (1) of this section, a person born out of wedlock is a child of the mother. That person is also a child of the father, if: a. The natural parents participated in a marriage ceremony before or after the birth of the child, even though the attempted marriage is void; orb. The paternity is established by an adjudication before the death of the father or is established thereafter by clear and convincing proof, but the paternity established under this paragraph is ineffective to qualify the father or his kindred to inherit from or through the child unless the father has openly treated the child as his, and has not refused to support the child.
Code of Alabama, Section 43-8-48
Arkansas Intestacy Laws

28-9-203. Intestate succession generally.
(a) Any part of the estate of a decedent not effectively disposed of by his or her will shall pass to his or her heirs as prescribed in the following sections.
(b) In this connection, the terms “heir” and “heirs”, as used in this subchapter, are intended to designate the person or persons who succeed by inheritance to the ownership of real or personal property in respect to which a person dies intestate.
(c) (1) Real estate passes immediately to the heirs upon the death of the intestate, subject to the right of the personal representative under the Probate Code to mortgage, lease, exchange, sell, or possess it for the payment of claims or legacies, the preservation or protection of the assets of the estate, the distribution of the estate, or any other purpose in the best interest of the estate.
   (2) However, personally will pass to the personal representative, if any, for distribution to the heirs unless otherwise disposed of as permitted by the probate code.

28-9-204. Per capita distribution.
Heirs will take per capita in the following circumstances:
(1) (A) If all members of the class who inherit real or personal property from an intestate are related to the intestate in equal degree, they will inherit the intestate’s estate in equal shares and will be said to take per capita.
   (B) For illustration:
      (i) If the intestate leaves no heirs except children, the children will take per capita and in equal shares;
      (ii) If the intestate leaves no heirs except grandchildren, all the grandchildren will take per capita and in equal shares; and
      (iii) If the inheriting class consists solely of great-grandchildren, or any more remote descendants of the intestate who are all related to the intestate in the same degree, they will take per capita.
   (C) The same rule applies to the inheritance by collateral heirs of the intestate as when, for illustration, the inheriting class consists entirely of brothers and sisters, or consists solely of nieces and nephews who are descendants of deceased brothers and sisters, or consists of any other collateral relatives of the intestate who are related to the intestate in equal degree.
   (D) Likewise, when the inheriting class consists of uncles, aunts, and grandparents or great-uncles, great-aunts, and great-grandparents who, under § 28-9-214, may constitute an inheriting class even though they represent different generations, all members of such a class who survive the intestate will take per capita and share equally; and
   (2) If the members of the inheriting class are related to the intestate in unequal degree, those in the nearer degree will take per capita or in their own right, and those in the more remote degree will take per stirpes or through representation as provided in § 28-9-205.

28-9-205. Per stirpes distribution.
(a) (1) Heirs will take “per stirpes” if the intestate is predeceased by one (1) or more persons who would have been entitled to inherit from the intestate had such a person survived the intestate.
   (2) The intestate’s estate shall be divided into as many equal shares as there are:
(A) Surviving heirs in the nearest degree of kinship to the intestate; and
(B) Persons, hereinafter called “predeceased persons”, in the same degree of kinship as
the heirs mentioned in subdivision (a)(2)(A) of this section, who predeceased the intestate
leaving descendants who survived the intestate.

(3) Each surviving heir in the nearest degree taking per capita shall receive one (1) share
and the descendants of each predeceased person taking per stirpes shall collectively receive
one (1) share.
(b) (1) If the descendants of a predeceased person are all related to the predeceased person in
the same degree, they will take in equal parts the share accruing to them collectively.
(2) However, if such descendants are related to the predeceased person in unequal degree,
the share accruing to them collectively shall pass per capita to those in the nearer degree and
per stirpes to those in the more remote degree according to the formula set out in subdivision
(a)(3) of this section.

(3) If the descendants of a predeceased person are found in multiple generations, the above
formula for division shall be applied in respect to the descendants in each generation.
(c) (1) The provisions of this section shall be applied to both real and personal property and to
both lineal and collateral heirs.

(2) However, if under § 28-9-214, the inheriting class consists of grandparents and uncles
and aunts, or of great-grandparents and great-uncles and great-aunts, the per stirpes rule shall
apply when an uncle or aunt, or great-uncle or great-aunt, as the case may be, shall predecease
the intestate, leaving descendants. However, it shall not be applied in respect to a grandparent
or great-grandparent of the intestate who predeceased the intestate. In this event the
grandparent or great-grandparent shall not be counted in determining the number of shares
passing to the members of the inheriting class or those taking through them by representation.

28-9-206. Interests transmissible by inheritance.
(a) Heirs may inherit every right, title, and interest not terminated by the intestate's death in real
or personal property owned by an intestate at the time of the intestate’s death and not disposed
of by will.
(b) The rights of heirs will be subject to:
(1) The dower or curtesy of the intestate's surviving spouse;
(2) The homestead rights of the surviving spouse and children of the intestate, including the
quarantine rights of the surviving spouse;
(3) All statutory rights and allowances to the surviving spouse and minor children;
(4) Any rights of a surviving spouse in respect to income tax refunds made pursuant to a joint
federal income tax return; and
(5) An administration of the estate, if any.
(c) The portion of the intestate's estate which may pass by inheritance, after giving effect to
subsection (b) of this section and to any partial testamentary disposition, is hereinafter
sometimes called the “heritable estate” of the intestate.
(d) In this connection it is declared that subject to the conditions set out above, the intestate's
entire right and title in respect to any and all reversionary and remainder interests, rights of
reentry or forfeiture for condition broken, executory interests, and possibilities of reverter,
whether any of such interests are vested or contingent, shall be transmissible by inheritance and
will pass to the intestate’s heirs determined as of the time of the intestate’s death.
An intestate may transmit his or her title to real or personal property by inheritance even though:

1. The intestate is not in actual or constructive possession thereof; and
2. There may be adverse possession thereof.

28-9-207. Heirs as tenants in common.
When real or personal property is transmitted by inheritance to two (2) or more persons, they will take the same as tenants in common. However, when personal property is distributed in separate units by a personal representative, each distributee will hold his or her distributed part in severalty.

28-9-208. Male not preferred over female.
The common law principle that in the matter of inheritance the male will be preferred over the female shall constitute no part of the Arkansas law of inheritance.

(a) 1. If the parents of a child have lived together as man and wife and, before the birth of their child, have participated in a marriage ceremony in apparent compliance with the law of the state where the marriage ceremony was performed, though the attempted marriage is void, their child is deemed to be the legitimate child of both parents for all purposes of intestate succession.
   2. A child born or conceived during a marriage is presumed to be the legitimate child of both spouses for the same purposes.
(b) If a man has a child or children by a woman, and afterward intermarries with her and recognizes the child or children to be his, the child or children shall be deemed and considered legitimate.
(c) Any child conceived following artificial insemination of a married woman with the consent of her husband shall be treated as their child for all purposes of intestate succession. Consent of the husband is presumed unless the contrary is shown by clear and convincing evidence.
(d) An illegitimate child or his or her descendants may inherit real or personal property in the same manner as a legitimate child from the child's mother or her blood kindred. The child may inherit real or personal property from his or her father or from his or her father's blood kindred, provided that at least one (1) of the following conditions is satisfied and an action is commenced or claim asserted against the estate of the father in a court of competent jurisdiction within one hundred eighty (180) days of the death of the father:
   1. A court of competent jurisdiction has established the paternity of the child or has determined the legitimacy of the child pursuant to subsection (a), (b), or (c) of this section;
   2. The man has made a written acknowledgment that he is the father of the child;
   3. The man's name appears with his written consent on the birth certificate as the father of the child;
   4. The mother and father intermarry prior to the birth of the child;
   5. The mother and putative father attempted to marry each other prior to the birth of the child by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid; or
   6. The putative father is obligated to support the child under a written voluntary promise or by court order.
(e) Property of an illegitimate person passes in accordance with the usual rules of intestate succession to his or her mother and his or her kindred of her blood and to his or her father and his or her kindred of his or her father's blood, provided that paternity has been established in accordance with subsection (d) of this section.

(f) Nothing contained in this section shall extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship, or otherwise.

(a) Posthumous descendants of the intestate conceived before his or her death but born thereafter shall inherit in the same manner as if born in the lifetime of the intestate.
(b) However, no right of inheritance shall accrue to any person other than a lineal descendant of the intestate, unless such a person has been born at the time of the intestate's death.

28-9-211. Alienage.
(a) No person is disqualified to inherit, or transmit by inheritance, real or personal property because he or she is or has been an alien.
(b) An alien may inherit, or transmit by inheritance, as freely as a citizen of this state, subject to the same laws of intestate succession which are applicable to citizens of this state.
(c) The term “alien” as used in this section refers to a person who is not a citizen of the United States.

(a) (1) In computing the degrees of relationship between any two (2) kinsmen who are not related in a direct line of ascent or descent, it is proper to start with the common ancestor of the kinsmen and count downwards. In whatever degree the kinsmen or the more remote of them is distant from the common ancestor, that is the degree in which they are related to each other.
(2) Thus two (2) or more children of a common parent are related to each other in the first degree, because from the common parent to each of the children is counted only one (1) degree.
(3) But a person and his or her nephew are related in the second degree, for the nephew is two (2) degrees removed from his or her grandparent who is the common ancestor.
(4) A person and his or her second cousin are related in the third degree, for they are both three (3) degrees removed from the great-grandparent who is their common ancestor.
(b) In computing the degrees of relationship between any two (2) kinsmen related in a direct line of ascent or descent, the degree of relationship shall be determined by starting with one (1) of the persons and counting up or down to the other. Thus, a person and his or her:
(1) Parent or child are related in the first degree;
(2) Grandparent or grandchild are related in the second degree; and
(3) Great-grandparent or great-grandchild are related in the third degree.

An intestate's kinsmen of the half blood will inherit the intestate's real or personal property to the same extent as if they were the intestate's kinsmen of the whole blood.
The heritable estate of an intestate as defined in § 28-9-206 shall pass as follows upon the intestate's death:

(1) First, to the children of the intestate and the descendants of each child of the intestate who may have predeceased the intestate. The children and descendants will take per capita or per stirpes according to §§ 28-9-204 and 28-9-205;

(2) Second, if the intestate is survived by no descendant, to the intestate's surviving spouse unless the intestate and the surviving spouse had been continuously married less than three (3) years next preceding the death of the intestate, in which event the surviving spouse will take merely fifty percent (50%) of the intestate's heritable estate;

(3) Third, if the intestate is survived by no descendant or spouse, to the intestate's surviving parents, sharing equally, or to the sole surviving parent if only one (1) of them shall be living;

(4) Fourth, if the intestate is survived by no descendant but is survived by a spouse to whom the intestate has been continuously married less than three (3) years next preceding the death of the intestate, the entire portion of his or her heritable estate which does not pass to the surviving spouse under subdivision (2) of this section shall pass to the intestate's surviving parents, sharing equally, or to the sole surviving parent if only one (1) of them shall be living;

(5) Fifth, if the intestate is survived by no descendant or parent, then all of his or her heritable estate which under subdivisions (3) and (4) of this section would have vested in the intestate's surviving parent or parents will pass to the intestate's brothers and sisters and the descendants of any brothers and sisters of the intestate who may have predeceased the intestate, such brothers, sisters, and descendants taking per capita or per stirpes according to §§ 28-9-204 and 28-9-205;

(6) Sixth, if the intestate is survived by no descendant, then in respect to such portion of his or her heritable estate as does not pass under subdivisions (2)-(5) of this section, the inheriting class will be the surviving grandparents, uncles, and aunts of the intestate. In this situation, each surviving grandparent shall take the same share as each surviving uncle and aunt, and no distinction shall be made between the paternal and maternal sides. In other words, a maternal grandparent, uncle, or aunt shall take the same share as a paternal grandparent, uncle, or aunt and vice versa. If any uncle or aunt of the intestate shall predecease the intestate, the descendants of the deceased uncle or aunt will take, per capita or per stirpes according to §§ 28-9-204 and 28-9-205, the share the decedent would have taken if he or she had survived the intestate;

(7) Seventh, if the intestate is survived by no descendant, then in respect to the portion of his or her estate as does not pass under subdivisions (2)-(6) of this section, the inheriting class will be the surviving great-grandparents and great-uncles and great-aunts of the intestate. In this situation, each surviving great-grandparent shall take the same share as each surviving great-uncle and great-aunt, and no distinction shall be made between the paternal and maternal sides. In other words, a maternal great-grandparent, great-uncle, or great-aunt shall take the same share as a paternal great-grandparent, great-uncle, or great-aunt and vice versa. If any great-uncle or great-aunt shall predecease the intestate, the descendants of the decedent will take, per capita or per stirpes according to §§ 28-9-204 and 28-9-205, the share the decedent would have taken if he or she had survived the intestate; and

(8) Eighth, if heirs capable of inheriting the entire heritable estate cannot be found within the inheriting classes prescribed in subdivisions (1)-(7) of this section, the real and personal property of the intestate, or the portion not passing under those subdivisions, shall pass according to §
28-9-215, devolution when all or some portion of a heritable estate does not pass under this section.
Alaska Intestacy Laws

Intestate Estate
(a) A part of a decedent's estate not effectively disposed of by will passes by intestate succession to the decedent's heirs as prescribed in AS 13.06 - AS 13.36, except as modified by the decedent's will.
(b) A decedent by will may expressly exclude or limit the right of an individual or class to succeed to property of the decedent passing by intestate succession. If that individual or a member of that class survives the decedent, the share of the decedent's intestate estate to which that individual or class would have succeeded passes as if that individual or each member of that class had disclaimed the intestate share of the individual or member.
Alaska Statutes, 13.12.101

Share of Spouse
(a) Except as provided in (b) of this section, the intestate share of a decedent's surviving spouse is
   (1) the entire intestate estate if
      (A) no descendant or parent of the decedent survives the decedent; or
      (B) all of the decedent's surviving descendants are also descendants of the surviving spouse and there is no other descendant of the surviving spouse who survives the decedent;
   (2) the first $200,000, plus three-fourths of any balance of the intestate estate, if no descendant of the decedent survives the decedent, but a parent of the decedent survives the decedent;
   (3) the first $150,000, plus one-half of any balance of the intestate estate, if all of the decedent's surviving descendants are also descendants of the surviving spouse and the surviving spouse has one or more surviving descendants who are not descendants of the decedent;
   (4) the first $100,000, plus one-half of any balance of the intestate estate, if one or more of the decedent's surviving descendants are not descendants of the surviving spouse.
(b) The intestate share of the surviving spouse in settlement common stock or other inalienable stock in a corporation organized under the laws of the state under 43 U.S.C. 1601 - 1641 (Alaska Native Claims Settlement Act) is
   (1) all of it if there is no surviving issue; or
   (2) one-half of it if the decedent is survived by issue.
Alaska Statutes, 13.12.102

Share of Heirs Other Than Surviving Spouse
A part of the intestate estate not passing to the decedent's surviving spouse under AS 13.12.102, or the entire intestate estate if there is no surviving spouse, passes in the following order to the individuals designated below who survive the decedent:
(1) to the decedent's descendants by representation;
(2) if there is no surviving descendant, to the decedent's parents equally if both survive, or to the surviving parent;
(3) if there is no surviving descendant or parent, to the descendants of the decedent’s parents or either of them by representation;
(4) if there is no surviving descendant, parent, or descendant of a parent, but the decedent is survived by one or more grandparents or descendants of grandparents, half of the estate passes to the decedent’s paternal grandparents equally if both survive, or to the surviving paternal grandparent, or to the descendants of the decedent’s paternal grandparents or either of them if both are deceased, the descendants taking by representation; and the other half passes to the decedent's maternal relatives in the same manner; but if there is no surviving grandparent or descendant of a grandparent on either the paternal or the maternal side, the entire estate passes to the decedent’s relatives on the other side in the same manner as the half.

Alaska Statutes, 13.12.103

Requirement That Heir Survive Decedent For 120 Hours
An individual who fails to survive the decedent by 120 hours is considered to have predeceased the decedent for purposes of homestead allowance, exempt property, and intestate succession, and the decedent’s heirs are determined accordingly. If it is not established by clear and convincing evidence that an individual who would otherwise be an heir survived the decedent by 120 hours, it is considered that the individual failed to survive for the required period. This section is not to be applied if its application would result in a taking of intestate estate by the state under AS 13.12.105.

Alaska Statutes, 13.12.104

No Taker
If there is no taker under this chapter,
(1) personal property in the intestate estate passes to the state and is subject to AS 34.45.280 - 34.45.780; if notice to heirs, substantially equivalent to that required by AS 34.45.310 , has been given by the personal representative or other person, AS 34.45.310 does not apply;
(2) real property in the intestate estate passes to the state and is subject to AS 38.95.200 - 38.95.270.

Alaska Statutes, 13.12.105

Representation
(a) If, under AS 13.12.103 (1), all or part of a decedent’s intestate estate passes by representation to the decedent’s descendants, the estate or part of the estate passing is divided into as many equal shares as there are
   (1) surviving descendants in the generation nearest to the decedent that contains one or more surviving descendants; and
   (2) deceased descendants in the same generation who left surviving descendants, if any.
(b) Under (a) of this section, each surviving descendant in the nearest generation is allocated one share, and the remaining shares, if any, are combined and then divided in the same manner among the surviving descendants of the deceased descendants as if the surviving descendants who were allocated a share and their surviving descendants had predeceased the decedent.
(c) If, under AS 13.12.103 (3) or (4), all or part of a decedent’s intestate estate passes by representation to the descendants of the decedent’s deceased parents or either of them or to the descendants of the decedent’s deceased paternal or maternal grandparents or either of them, the estate or part of the estate passing is divided into as many equal shares as there are
(1) surviving descendants in the generation nearest the deceased parents or either of them, or the deceased grandparents or either of them, that contains one or more surviving descendants; and

(2) deceased descendants in the same generation who left surviving descendants, if any. 

(d) Under (c) of this section, each surviving descendant in the nearest generation is allocated one share, and the remaining shares, if any, are combined and then divided in the same manner among the surviving descendants of the deceased descendants as if the surviving descendants who were allocated a share and their surviving descendants had predeceased the decedent. 

(e) In this section, "deceased descendant," "deceased parent," or "deceased grandparent" means a descendant, parent, or grandparent who either predeceased the decedent or is considered to have predeceased the decedent under AS 13.12.104. 

Alaska Statutes, 13.12.106

Kindred of Half Blood

Relatives of the half blood inherit the same share they would inherit if the were of the whole blood. 

Alaska Statutes, 13.12.107

After-Born Heirs

An individual in gestation at a particular time is treated as living at that time if the individual lives 120 hours or more after birth. 

Alaska Statutes, 13.12.108

Advancements

(a) If an individual dies intestate as to all or a portion of the individual's estate, property the decedent gave during the decedent's lifetime to an individual who, at the decedent's death, is an heir is treated as an advancement against the heir's intestate share only if 

(1) the decedent declared in a contemporaneous writing or the heir acknowledged in writing that the gift is an advancement; or 

(2) the decedent's contemporaneous writing or the heir's written acknowledgment otherwise indicates that the gift is to be taken into account in computing the division and distribution of the decedent's intestate estate. 

(b) For purposes of (a) of this section, property advanced is valued as of the time the heir came into possession or enjoyment of the property or as of the time of the decedent's death, whichever first occurs. 

(c) If the recipient of the property fails to survive the decedent, the property is not taken into account in computing the division and distribution of the decedent's intestate estate, unless the decedent's contemporaneous writing provides otherwise. 

Alaska Statutes, 13.12.109

Debts to Decedent

A debt owed to a decedent is not charged against the intestate share of any individual except the debtor. If the debtor fails to survive the decedent, the debt is not taken into account in computing the intestate share of the debtor's descendants. 

Alaska Statutes, 13.12.110
Alienage
An individual is not disqualified to take as an heir because the individual or another individual through whom the individual claims is or has been an alien.
Alaska Statutes, 13.12.111

Individuals Related to Decedent Through Two Lines
An individual who is related to the decedent through two lines of relationship is entitled to only a single share based on the relationship that would entitle the individual to the larger share.
Alaska Statutes, 13.12.113

Parent and Child Relationship
(a) Except as provided in (b) - (d) of this section, for purposes of intestate succession by, through, or from a person, an individual is the child of the individual's natural parents, regardless of their marital status, and the parent and child relationship may be established as indicated under AS 25.20.050.

(b) An adopted individual is the child of the individual's adopting parent or parents and not of the individual's natural parents, but adoption of a child by the spouse of either natural parent does not affect

(1) the relationship between the child and that natural parent; or

(2) the right of the child or a descendant of the child to inherit from or through the other natural parent.

(c) Inheritance from or through a child by either natural parent or the natural parent's kindred is precluded unless that natural parent has openly treated the child as the natural parent's child, and has not refused to support the child.

(d) To the extent there is a conflict between this section and either AS 25.20.050 or AS 25.23.130, this section controls.
Alaska Statutes, 13.12.114
Arizona Intestacy Laws

Intestate estate; modification by will
A. Any part of a decedent's estate not effectively disposed of by will passes by intestate succession to the decedent's heirs as prescribed in this chapter, except as modified by the decedent's will.
B. A decedent by will may expressly exclude or limit the right of a person or class to succeed to property of the decedent that passes by intestate succession. If that person or a member of that class survives the decedent, the share of the decedent's intestate estate to which that person or class would have succeeded passes as if that person or each member of that class had disclaimed that person's intestate share.
ARS 14-2101

Intestate share of surviving spouse
The following part of the intestate estate, as to both separate property and the one-half of community property that belongs to the decedent, passes to the surviving spouse:
1. If there is no surviving issue or if there are surviving issue all of whom are issue of the surviving spouse also, the entire intestate estate.
2. If there are surviving issue one or more of whom are not issue of the surviving spouse, one-half of the intestate separate property and no interest in the one-half of the community property that belonged to the decedent.
ARS 14-2102

Heirs other than surviving spouse; share in estate
Any part of the intestate estate not passing to the decedent's surviving spouse under section 14-2102 or the entire intestate estate if there is no surviving spouse passes in the following order to the following persons who survive the decedent:
1. To the decedent's descendants by representation.
2. If there is no surviving descendant, to the decedent's parents equally if both survive or to the surviving parent.
3. If there is no surviving descendant or parent, to the descendants of the decedent's parents or either of them by representation.
4. If there is no surviving descendant, parent or descendant of a parent, but the decedent is survived by one or more grandparents or descendants of grandparents, half of the estate passes to the decedent's paternal grandparents equally if both survive or to the surviving paternal grandparent or the descendants of the decedent's paternal grandparents or either of them if both are deceased with the descendants taking by representation. The other half passes to the decedent's maternal relatives in the same manner. If there is no surviving grandparent or descendant of a grandparent on either the paternal or the maternal side, the entire estate passes to the decedent's relatives on the other side in the same manner as the half.
ARS 14-2103

Heirs; surviving of decedent; time requirement; presumption; exception
A. A person who does not survive the decedent by at least one hundred twenty hours is deemed to have predeceased the decedent for purposes of homestead allowance, exempt property and intestate succession, and the decedent's heirs are determined accordingly.
B. If it is not established by clear and convincing evidence that a person who would otherwise be an heir survived the decedent by at least one hundred twenty hours, it is deemed that the individual failed to survive for the required period.
C. This section does not apply if its application would result in a taking of intestate estate by the state under section 14-2105.
ARS 14-2104

Unclaimed estate; passage to state
If no one is qualified to claim the estate under this article, the intestate estate passes to the state.
ARS 14-2105
California Intestacy Laws

6400
Any part of the estate of a decedent not effectively disposed of by will passes to the decedent's heirs as prescribed in this part.
California Codes, Probate Code, Section 6400.

6401
(a) As to community property, the intestate share of the surviving spouse is the one-half of the community property that belongs to the decedent under Section 100.
(b) As to quasi-community property, the intestate share of the surviving spouse is the one-half of the quasi-community property that belongs to the decedent under Section 101.
(c) As to separate property, the intestate share of the surviving spouse or surviving domestic partner, as defined in subdivision (b) of Section 37, is as follows:

   (1) The entire intestate estate if the decedent did not leave any surviving issue, parent, brother, sister, or issue of a deceased brother or sister.
   (2) One-half of the intestate estate in the following cases:
       (A) Where the decedent leaves only one child or the issue of one deceased child.
       (B) Where the decedent leaves no issue but leaves a parent or parents or their issue or the issue of either of them.
   (3) One-third of the intestate estate in the following cases:
       (A) Where the decedent leaves more than one child.
       (B) Where the decedent leaves one child and the issue of one or more deceased children.
       (C) Where the decedent leaves issue of two or more deceased children.

California Codes, Probate Code, Section 6401.

6402
Except as provided in Section 6402.5, the part of the intestate estate not passing to the surviving spouse or surviving domestic partner, as defined in subdivision (b) of Section 37, under Section 6401, or the entire intestate estate if there is no surviving spouse or domestic partner, passes as follows:
(a) To the issue of the decedent, the issue taking equally if they are all of the same degree of kinship to the decedent, but if of unequal degree those of more remote degree take in the manner provided in Section 240.
(b) If there is no surviving issue, to the decedent's parent or parents equally.
(c) If there is no surviving issue or parent, to the issue of the parents or either of them, the issue taking equally if they are all of the same degree of kinship to the decedent, but if of unequal degree those of more remote degree take in the manner provided in Section 240.
(d) If there is no surviving issue, parent or issue of a parent, but the decedent is survived by one or more grandparents or issue of grandparents, to the grandparent or grandparents equally, or to
the issue of those grandparents if there is no surviving grandparent, the issue taking equally if they are all of the same degree of kinship to the decedent, but if of unequal degree those of more remote degree take in the manner provided in Section 240.

(e) If there is no surviving issue, parent or issue of a parent, grandparent or issue of a grandparent, but the decedent is survived by the issue of a predeceased spouse, to that issue, the issue taking equally if they are all of the same degree of kinship to the predeceased spouse, but if of unequal degree those of more remote degree take in the manner provided in Section 240.

(f) If there is no surviving issue, parent or issue of a parent, grandparent or issue of a grandparent, but the decedent is survived by next of kin, to the next of kin in equal degree, but where there are two or more collateral kindred in equal degree who claim through different ancestors, those who claim through the nearest ancestor are preferred to those claiming through an ancestor more remote.

(g) If there is no surviving next of kin of the decedent and no surviving issue of a predeceased spouse of the decedent, but the decedent is survived by the parents of a predeceased spouse or the issue of those parents, to the parent or parents equally, or to the issue of those parents if both are deceased, the issue taking equally if they are all of the same degree of kinship to the predeceased spouse, but if of unequal degree those of more remote degree take in the manner provided in Section 240.

California Codes, Probate Code, Section 6402.

6402.5

(a) For purposes of distributing real property under this section if the decedent had a predeceased spouse who died not more than 15 years before the decedent and there is no surviving spouse or issue of the decedent, the portion of the decedent’s estate attributable to the decedent’s predeceased spouse passes as follows:

(1) If the decedent is survived by issue of the predeceased spouse, to the surviving issue of the predeceased spouse; if they are all of the same degree of kinship to the predeceased spouse they take equally, but if of unequal degree those of more remote degree take in the manner provided in Section 240.

(2) If there is no surviving issue of the predeceased spouse but the decedent is survived by a parent or parents of the predeceased spouse, to the predeceased spouse’s surviving parent or parents equally.

(3) If there is no surviving issue or parent of the predeceased spouse but the decedent is survived by issue of a parent of the predeceased spouse, to the surviving issue of the parents of the predeceased spouse or either of them, the issue taking equally if they are all of the same degree of kinship to the predeceased spouse, but if of unequal degree those of more remote degree take in the manner provided in Section 240.

(4) If the decedent is not survived by issue, parent, or issue of a parent of the predeceased spouse, to the next of kin of the decedent in the manner provided in Section 6402.

(5) If the portion of the decedent’s estate attributable to the decedent's predeceased spouse would otherwise escheat to the state because there is no kin of the decedent to take under Section 6402, the portion of the decedent’s estate attributable to the predeceased spouse
passes to the next of kin of the predeceased spouse who shall take in the same manner as the next of kin of the decedent take under Section 6402.

(b) For purposes of distributing personal property under this section if the decedent had a predeceased spouse who died not more than five years before the decedent, and there is no surviving spouse or issue of the decedent, the portion of the decedent's estate attributable to the decedent's predeceased spouse passes as follows:

(1) If the decedent is survived by issue of the predeceased spouse, to the surviving issue of the predeceased spouse; if they are all of the same degree of kinship to the predeceased spouse they take equally, but if of unequal degree those of more remote degree take in the manner provided in Section 240.

(2) If there is no surviving issue of the predeceased spouse but the decedent is survived by a parent or parents of the predeceased spouse, to the predeceased spouse's surviving parent or parents equally.

(3) If there is no surviving issue or parent of the predeceased spouse but the decedent is survived by issue of a parent of the predeceased spouse, to the surviving issue of the parents of the predeceased spouse or either of them, the issue taking equally if they are all of the same degree of kinship to the predeceased spouse, but if of unequal degree those of more remote degree take in the manner provided in Section 240.

(4) If the decedent is not survived by issue, parent, or issue of a parent of the predeceased spouse, to the next of kin of the decedent in the manner provided in Section 6402.

(5) If the portion of the decedent's estate attributable to the decedent's predeceased spouse would otherwise escheat to the state because there is no kin of the decedent to take under Section 6402, the portion of the decedent's estate attributable to the predeceased spouse passes to the next of kin of the predeceased spouse who shall take in the same manner as the next of kin of the decedent take under Section 6402.

(c) For purposes of disposing of personal property under subdivision (b), the claimant heir bears the burden of proof to show the exact personal property to be disposed of to the heir.

(d) For purposes of providing notice under any provision of this code with respect to an estate that may include personal property subject to distribution under subdivision (b), if the aggregate fair market value of tangible and intangible personal property with a written record of title or ownership in the estate is believed in good faith by the petitioning party to be less than ten thousand dollars ($10,000), the petitioning party need not give notice to the issue or next of kin of the predeceased spouse. If the personal property is subsequently determined to have an aggregate fair market value in excess of ten thousand dollars ($10,000), notice shall be given to the issue or next of kin of the predeceased spouse as provided by law.

(e) For the purposes of disposing of property pursuant to subdivision (b), "personal property" means that personal property in which there is a written record of title or ownership and the value of which in the aggregate is ten thousand dollars ($10,000) or more.

(f) For the purposes of this section, the "portion of the decedent's estate attributable to the decedent's predeceased spouse" means all of the following property in the decedent's estate:

(1) One-half of the community property in existence at the time of the death of the predeceased spouse.

(2) One-half of any community property, in existence at the time of death of the predeceased spouse, which was given to the decedent by the predeceased spouse by way of gift, descent, or devise.
(3) That portion of any community property in which the predeceased spouse had any incident of ownership and which vested in the decedent upon the death of the predeceased spouse by right of survivorship.

(4) Any separate property of the predeceased spouse which came to the decedent by gift, descent, or devise of the predeceased spouse or which vested in the decedent upon the death of the predeceased spouse by right of survivorship.

(g) For the purposes of this section, quasi-community property shall be treated the same as community property.

(h) For the purposes of this section:

(1) Relatives of the predeceased spouse conceived before the decedent's death but born thereafter inherit as if they had been born in the lifetime of the decedent.

(2) A person who is related to the predeceased spouse through two lines of relationship is entitled to only a single share based on the relationship which would entitle the person to the larger share.

California Codes, Probate Code, Section 6402.5.

6403

(a) A person who fails to survive the decedent by 120 hours is deemed to have predeceased the decedent for the purpose of intestate succession, and the heirs are determined accordingly. If it cannot be established by clear and convincing evidence that a person who would otherwise be an heir has survived the decedent by 120 hours, it is deemed that the person failed to survive for the required period. The requirement of this section that a person who survives the decedent must survive the decedent by 120 hours does not apply if the application of the 120-hour survival requirement would result in the escheat of property to the state.

(b) This section does not apply to the case where any of the persons upon whose time of death the disposition of property depends died before January 1, 1990, and such case continues to be governed by the law applicable before January 1, 1990.

California Codes, Probate Code, Section 6403.
Colorado Intestacy Laws

Intestate Estate
(1) Any part of a decedent’s estate not effectively disposed of by will or otherwise passes by intestate succession to the decedent’s heirs as prescribed in this code, except as modified by the decedent’s will.
(2) A decedent by will may expressly exclude or limit the right of an individual or class to succeed to property of the decedent passing by intestate succession. If that individual or a member of that class survives the decedent, the share of the decedent’s intestate estate to which that individual or class would have succeeded passes as if that individual or each member of that class had disclaimed his or her intestate share.
Colorado Statutes, § 15-11-101

Share of Spouse
The various possible circumstances describing the decedent, his or her surviving spouse, and their surviving descendants, if any, are set forth in this section to be utilized in determining the intestate share of the decedent’s surviving spouse. If more than one circumstance is applicable, the circumstance that produces the largest share for the surviving spouse shall be applied.
(1) If:
   (a) No descendant or parent of the decedent survives the decedent, then the surviving spouse receives the entire intestate estate; or
   (b) All of the decedent’s surviving descendants are also descendants of the surviving spouse and there are no other descendants of the surviving spouse who survive the decedent, then the surviving spouse receives the entire intestate estate;
(2) If no descendant of the decedent survives the decedent, but a parent of the decedent survives the decedent, then the surviving spouse receives the first two hundred thousand dollars, plus three-fourths of any balance of the intestate estate;
(3) If all of the decedent’s surviving descendants are also descendants of the surviving spouse, and the surviving spouse has one or more surviving descendants who are not descendants of the decedent, then the surviving spouse receives the first one hundred fifty thousand dollars, plus one-half of any balance of the intestate estate;
(4) If one or more of the decedent’s surviving descendants are not descendants of the decedent’s surviving spouse, and all of such surviving descendants who are children of the decedent are adults, then the surviving spouse receives the first one hundred thousand dollars, plus one-half of any balance of the intestate estate;
(5) If one or more of the decedent’s surviving descendants are not descendants of the decedent’s surviving spouse, and if one or more of such descendants who are children of the decedent are minors, then the surviving spouse receives one-half of the intestate estate.
Colorado Statutes, § 15-11-102

Share of Heirs Other Than Surviving Spouse
Any part of the intestate estate not passing to the decedent’s surviving spouse under section 15-11-102, or the entire intestate estate if there is no surviving spouse, passes in the following order to the individuals designated who survive the decedent:
(1) To the decedent’s descendants per capita at each generation;
(2) If there is no surviving descendant, to the decedent's parents equally if both survive, or to the decedent's surviving parent;

(3) If there is no surviving descendant or surviving parent, to the surviving descendants of the decedent's parents or either of them per capita at each generation;

(4) If there is no surviving descendant, surviving parent, or surviving descendant of a parent, to the decedent's surviving grandparents, or any of them, in equal shares;

(5) If there is no surviving descendant, surviving parent, surviving descendant of a parent, or surviving grandparent, to the surviving descendants of the decedent's grandparents per capita at each generation;

(6) If there is no surviving heir under subsections (1) to (5) of this section, and if a birth child or birth children file a claim for inheritance with the court having probate jurisdiction for the decedent's estate within ninety days of decedent's death, to the decedent's surviving birth child or children per capita at each generation. For purposes of this subsection (6), the term "birth child" means a child who was born to, but adopted away from, his or her natural parent.

(7) If there is no surviving heir or birth child under subsections (1) to (6) of this section, and if a birth parent or birth parents file a claim for inheritance with the court having probate jurisdiction for the decedent's estate within ninety days of decedent's death, to the decedent's birth parents equally if both survive, or to the surviving birth parent. For purposes of this subsection (7), the term "birth parent" means the natural parent of a child who was born to, but adopted away from, the natural parent.

Colorado Statutes, § 15-11-103

Requirement That Heir Survive Decedent For 120 Hours
An individual who fails to survive the decedent by one hundred twenty hours is deemed to have predeceased the decedent for the purposes of exempt property, and intestate succession, and the decedent's heirs are determined accordingly. If the time of death of a decedent or of an individual who would otherwise be an heir, or the times of death of both, cannot be determined, and it is not established by clear and convincing evidence that the individual who would otherwise be an heir survived the decedent by one hundred twenty hours, it is deemed that the individual failed to survive for the required period. This section is not to be applied if its application would result in a taking of intestate estate by the state under section 15-11-105 or when the provisions of section 15-11-712 relating to simultaneous death are applicable.

Colorado Statutes, § 15-11-104

No Taker
If there is no taker under the provisions of this article, the intestate estate passes to the state of Colorado, subject to the provisions of section 15-12-914.

Colorado Statutes, § 15-11-105
Connecticut Intestacy Laws

Distribution of intestate estates
(a) After payment of expenses and charges, an intestate estate shall be distributed by the administrator or other fiduciary charged with the administration of the estate; provided the Court of Probate may, in its discretion, on its own motion or upon application by any interested person, appoint three disinterested persons to make the distribution.

(b) If all the persons interested in the estate legally capable of acting and all fiduciaries for any other persons interested in the estate make and file in the court a division of the estate, made, executed and acknowledged like deeds of land, such division, being recorded in the records of the court, shall be a valid distribution of the estate. Any such fiduciary may petition the court of probate which appointed him for permission to enter into such a division, and such permission may be granted or, for cause shown, denied by the court, after a hearing on such petition held on such notice as the court may order.

(c) If any intestate estate consists wholly of real property, the Court of Probate shall issue a certificate of descent to the heirs at law, as provided by section 45a-450, without formal distribution or without a mutual distribution as provided for in this section, unless there is filed in the Court of Probate, within one month after the acceptance of the administration account, the ascertainment of the distributees and the order of distribution, a mutual distribution executed by all of such heirs at law or a return of distribution as provided by this section.
Connecticut General Statutes, § 45a-433

Intestate succession. Distribution to spouse
(a) If there is no will, or if any part of the property, real or personal, legally or equitably owned by the decedent at the time of his or her death, is not effectively disposed of by the will or codicil of the decedent, the portion of the intestate estate of the decedent, determined after payment of any support allowance from principal pursuant to section 45a-320, which the surviving spouse shall take is:

(1) If there is no surviving issue or parent of the decedent, the entire intestate estate absolutely;

(2) If there is no surviving issue of the decedent but the decedent is survived by a parent or parents, the first one hundred thousand dollars plus three-quarters of the balance of the intestate estate absolutely;

(3) If there are surviving issue of the decedent all of whom are also issue of the surviving spouse, the first one hundred thousand dollars plus one-half of the balance of the intestate estate absolutely;

(4) If there are surviving issue of the decedent one or more of whom are not issue of the surviving spouse, one-half of the intestate estate absolutely.
(b) For the purposes of this section issue shall include children born out of wedlock and the issue of such children who qualify for inheritance under the provisions of section 45a-438. Connecticut General Statutes, § 45a-437

**Distribution of intestate estate of child to father where paternity established after death**

For the purposes of this chapter, the father of a child born out of wedlock shall be considered a parent, provided paternity is established (1) prior to the death of such father by a court of competent jurisdiction or (2) after the death of such father by the Probate Court, provided paternity established after death is ineffective to qualify the father or his kindred to inherit from or through the child unless it is demonstrated by clear and convincing evidence that the father has acknowledged in writing that he is the father of the child and has openly treated the child as his.

Connecticut General Statutes, § 45a-438b

**Distribution when there are no children or representatives of them**

(a) (1) If there are no children or any legal representatives of them, then, after the portion of the husband or wife, if any, is distributed or set out, the residue of the estate shall be distributed equally to the parent or parents of the intestate, provided no parent who has abandoned a minor child and continued such abandonment until the time of death of such child, shall be entitled to share in the estate of such child or be deemed a parent for the purposes of subdivisions (2) to (4), inclusive, of this subsection. (2) If there is no parent, the residue of the estate shall be distributed equally to the brothers and sisters of the intestate and those who legally represent them. (3) If there is no parent or brothers and sisters or those who legally represent them, the residue of the estate shall be distributed equally to the next of kin in equal degree. No representatives shall be admitted among collaterals after the representatives of brothers and sisters. (4) If there is no next of kin, then the residue of the estate shall be distributed equally to the stepchildren and those who legally represent them.

(b) When any will executed prior to January 1, 1902, fails for any reason to dispose of the whole or any part of the estate of the testator, and such estate becomes intestate, the same shall be distributed in accordance with the statutes of distribution in force at the time such will was executed.

(c) Real property subject to the life use of husband or wife, remaining undivided at the expiration of such life use, shall be distributed in the same manner by the same or other distributors, or the same may be distributed during the continuance of such life interest and subject thereto.

(d) In ascertaining the next of kin in all cases, the rule of the civil law shall be used.

(e) Relatives of the half blood shall take the same share under this section that they would take if they were of the whole blood.

Connecticut General Statutes, § 45a-439
When property escheats to the state. Procedure

When a probate court cannot identify or locate the person entitled to a distribution of property from an estate or trust being administered by it, or when a probate court determines that no person is entitled to any property on hand for distribution, the probate court shall order distribution of such property to the State Treasurer as abandoned property in accordance with the provisions of part III of chapter 32. A probate court shall cause reasonable efforts to be made to identify and locate the person entitled to the property for distribution before ordering distribution as abandoned property. Nothing in this section shall prevent a court of probate from approving an agreement pursuant to section 45a-434 provided all undetermined or missing distributees are represented by counsel and any such agreement is signed by such counsel. Connecticut General Statutes, § 45a-452
Delaware Intestacy Laws

Intestate estate
Any part of the real or personal estate of a decedent not effectively disposed of by will passes to the decedent's heirs as prescribed in the following sections of this chapter. (59 Del. Laws, c. 384, § 1.)
Delaware Code, Title 12, § 501

Share of spouse
The intestate share of the surviving spouse is:
(1) If there is no surviving issue or parents of the decedent, the entire intestate estate;
(2) If there is no surviving issue but the decedent is survived by a parent or parents, the first $50,000 of the intestate personal estate, plus one half of the balance of the intestate personal estate, plus a life estate in the intestate real estate;
(3) If there are surviving issue all of whom are issue of the surviving spouse also, the first $50,000 of the intestate personal estate, plus one half of the balance of the intestate personal estate, plus a life estate in the intestate real estate;
(4) If there are surviving issue, one or more of whom are not issue of the surviving spouse, one half of the intestate personal estate, plus a life estate in the intestate real estate. (59 Del. Laws, c. 384, § 1; 60 Del. Laws, c. 199, § 6.)
Delaware Code, Title 12, § 502

Share of heirs other than surviving spouse
The part of the intestate estate not passing to the surviving spouse under § 502 of this title, or the entire intestate estate if there is no surviving spouse, passes as follows:
(1) To the issue of the decedent, per stirpes;
(2) If there is no surviving issue, to the decedent's parent or parents equally;
(3) If there is no surviving issue or parent, to the brothers and sisters and the issue of each deceased brother or sister, per stirpes;
(4) If there is no surviving issue, parent or issue of a parent, then to the next of kin of the decedent, and to the issue of a deceased next of kin, per stirpes;
(5) Any property passing under this section to 2 or more persons passes to such persons as tenants in common. (59 Del. Laws, c. 384, § 1; 70 Del. Laws, c. 186, § 1.)
Delaware Code, Title 12, § 503

Requirement that heir survive decedent for 120 hours
Any person who fails to survive the decedent by 120 hours is deemed to have predeceased the decedent for purposes of intestate succession, and the decedent's heirs are determined accordingly. If the time of death of the decedent or of the person who would otherwise be an heir, or the times of death of both, cannot be determined, and it cannot be established that the person who would otherwise be an heir has survived the decedent by 120 hours, it is deemed that the person failed to survive for the required period. This section is not to be applied where its application would result in a taking of intestate estate by the State under this title. (59 Del. Laws, c. 384, § 1.)
Delaware Code, Title 12, § 504
Posthumous children
Posthumous children, born alive, shall be considered as though living at the death of their parent. (59 Del. Laws, c. 384, § 1.)
Delaware Code, Title 12, § 505

Kindred of half blood
Relatives of the half blood inherit the same share they would inherit if they were of the whole blood. (59 Del. Laws, c. 384, § 1.)
Delaware Code, Title 12, § 506

Alienage
No person is disqualified to take as an heir because the person or a person through whom the person claims is or has been an alien. (59 Del. Laws, c. 384, § 1; 70 Del Laws, c. 186, § 1.)
Delaware Code, Title 12, § 507

Meaning of child and related terms
If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person:
(1) An adopted person is the child of an adopting parent and not of the natural parent except that adoption of a child by the spouse of a natural parent has no effect on the relationship between the child and that natural parent.
(2) In cases not covered by paragraph (1) of this section, a person born out of wedlock is a child of the mother. That person is also a child of the father, if:
   a. The natural parents participated in a marriage ceremony before or after the birth of the child, even though the attempted marriage is void; or
   b. The paternity is established by an adjudication before the death of the father or is established thereafter by preponderance of the evidence; except, that the paternity established under this paragraph is ineffective to qualify the father or his kindred to inherit from or through the child unless the father has openly treated the child as his, and has not refused to support the child. (59 Del. Laws, c. 384, § 1; 70 Del. Laws, c. 186, § 1.)
Delaware Code, Title 12, § 508

Advancements
If a person dies intestate as to all the estate, property which the person gave in the person's lifetime to an heir is treated as an advancement against the latter's share of the estate only if declared in a contemporaneous writing by the decedent or acknowledged in writing by the heir to be an advancement. For this purpose, the property advanced is valued as of the time the heir came into possession or enjoyment of the property or as of the time of death of the decedent, whichever first occurs. If the recipient of the property fails to survive the decedent, the property is not taken into account in computing the intestate share to be received by the recipient's issue, unless the declaration or acknowledgement provides otherwise. (59 Del. Laws, c. 384, § 1; 70 Del Laws, c. 186, § 1.)
Delaware Code, Title 12, § 509
Debts owed to decedent
A debt owed to the decedent is charged against the intestate share of the debtor. If the debtor fails to survive the decedent, the debt is not taken into account in computing the intestate share of the debtor's issue. (59 Del. Laws, c. 384, § 1.)
Delaware Code, Title 12, § 510
§ 19-301. Course of descents generally.
The real estate in the District of Columbia, of a deceased person, male or female, if not devised, shall descend in fee simple, and the surplus of the personal estate of a deceased resident of the District, if not bequeathed, shall be distributed, to the surviving spouse or surviving domestic partner, children, and other persons in the manner provided by this chapter. The heirs specified by this section take the real estate as tenants in common in the same proportions as they take the surplus personal estate as provided by this chapter.

§ 19-302. Share of spouse or domestic partner.
The intestate share of a decedent's surviving spouse or surviving domestic partner is:
(1) The entire intestate estate, if no descendant or parent of the decedent survives the decedent;
(2) Two-thirds of any balance of the intestate estate, if the decedent's surviving descendants are also descendants of the surviving spouse or surviving domestic partner and there is no other descendant of the surviving spouse or surviving domestic partner who survives the decedent;
(3) Three-fourths of any balance of the intestate estate, if no descendant of the decedent survives the decedent, but a parent of the decedent survives the decedent;
(4) One-half of any balance of the intestate estate, if all of the decedent's surviving descendants are also descendants of the surviving spouse or surviving domestic partner and the surviving spouse or surviving domestic partner has one or more surviving descendants who are not descendants of the decedent; or
(5) One-half of any balance of the intestate estate, if one or more of the decedent's surviving descendants are not descendants of the surviving spouse or surviving domestic partner.

§ 19-305. Distribution of surplus after payment to surviving spouse or surviving domestic partner.
The surplus, above the share of the surviving spouse or surviving domestic partner, or the whole surplus, when there is no surviving spouse or surviving domestic partner, descends and is distributed as provided by this chapter and by section 19-701.

§ 19-306. Children to share equally.
When the intestate leaves children and no other descendants, the surplus is divided equally among them.

(a) Subject to subsection (b) of this section, and to section 19-319, when the intestate leaves a child and a child of a deceased child, the child of the deceased child takes such share as his deceased parent would, if living, be entitled to, and every other descendant in existence at the death of the intestate stands in the place of his deceased ancestor.
(b) Those in equal degree claiming in the place of an ancestor take equal shares.

§ 19-308. Share of father and mother.
When the intestate leaves no child, or descendant, the whole is divided equally between the father and mother or their survivor.
§ 19-309. Share of brother or sister or their descendants.
When the intestate leaves a brother or sister, or child or descendant of a brother or sister, and no child, descendant, or father or mother, the brother, sister, or child or descendant of a brother or sister is entitled to the whole.

§ 19-310. Brothers and sisters to share equally.
Each brother and sister of the intestate is entitled to an equal share, and the children or descendants of a brother or sister of the intestate, stand in the place of their deceased parents respectively.

§ 19-311. Share of collateral relations.
After children, descendants, parents, brothers, and sisters of the deceased and their descendants, all collateral relations in equal degree share, and representation among the collaterals is not allowed.

§ 19-312. Share of grandfather and grandmother.
The grandparents, or such of them as survive, share alike where there are no collaterals.

§ 19-313. Death of distributee before distribution.
When a person entitled to distribution dies before the distribution is made, his share goes to his estate or legal representatives.

A right in the inheritance to real or personal property does not accrue to or vest in a person other than the children of the intestate and their descendants, unless the person is in being and capable in law to take as heir or distributee at the time of the intestate's death; but a child or descendant of the intestate born after the death of the intestate has the same right of inheritance as if born before his death.

§ 19-315. No distinction between whole- and half-blood.
There is no distinction between the kindred of the whole- and the half-blood.

§ 19-316. Share of children born out of wedlock; their heirs; mother; father.
Children born out of wedlock and the heirs of children born out of wedlock are capable of taking real and personal estate by inheritance from their mother or from their father if parenthood has been established, or from each other, or from heirs of each other, as the case may be, in like manner as if born in lawful wedlock, and the mother and such father, and their respective heirs, are capable of inheriting from such children.

§ 19-317. Trust estates.
When a trustee is seized of the naked legal estate in real estate in fee simple, and dies intestate thereof, the legal estate descends according to section 19-301 to the persons who would inherit the beneficial estate if it were vested in them.

§ 19-318. Antenuptial children.
When a man has a child by a woman whom he afterwards marries, the child, if acknowledged by the man, is, in virtue of the marriage and acknowledgment, legitimated and capable in law of inheriting and transmitting heritable property as if born in wedlock.

§ 19-319. Advancements.
(a) If a child or descendant has been advanced by the intestate during the intestate's lifetime, by settlement or portion, real estate or personal estate, the value thereof is reckoned for the purposes of descent and distribution as part of the estate of the intestate descendible and to be divided among his heirs or distributed to his distributees. Where the advancement is equal to or greater than a share, the child or descendant is excluded from any further share in the estate of the intestate and is not liable to refund any part of the amount so advanced; but the surviving spouse has no advantage by bringing the advancement into reckoning. Where the advancement is less than a share, the child or descendant receives so much, only, of the personal estate, and inherits so much, only, of the real estate, of the intestate, as is sufficient to make all the shares of all the children in the whole property, including the advancement, equal. The value of real or personal estate so advanced shall be estimated according to the worth thereof when given. Maintenance or education of a child or descendant, or giving him money or real estate, without a view to a portion or settlement in life, is not an advancement.
(b) Where an advancement to be adjusted, as provided by subsection (a) of this section, consisted of real estate, the adjustment shall be made out of the real estate descendible to the heirs. Where the advancement was in personal estate, the adjustment shall be made out of the surplus of the personal estate to be distributed to the distributees. Where either species of estate is insufficient to enable the adjustment to be fully made, the deficiency shall be adjusted out of the other.

§ 19-320. Felonious homicide as barring inheritance; insurance policies; bona fide purchasers.
(a) A person convicted of felonious homicide of another person, by way of murder or manslaughter, takes no estate or interest in property of any kind from that other person by way of:
(1) inheritance, distribution, devise, or bequest; or
(2) remainder, reversion, or executory devise dependent upon the death of the other person. The estate, interest, or property to which the person so convicted would have succeeded or would have taken in any way from or after the death of the decedent goes, instead, as if the person so convicted had died before the decedent.
(b) Policies of insurance directly or indirectly procured by a person convicted as specified by subsection (a) of this section, for his own benefit or payable to him upon the life of the person killed by him, are void.
(c) This section does not affect the rights of bona fide purchasers of property specified by subsection (a) of this section, for value and without notice.

§ 19-321. Descent through alien ancestor no bar.
In making title by descent it is no bar to a party claiming as heir that an ancestor, whether living or dead, through whom he derives his descent from the intestate, is or has been an alien.

§ 19-322. Definitions.
For the purposes of this chapter, the term “domestic partner” shall have the same meaning as provided in § 32-701(3).

Florida Intestacy Laws

Intestate estate
(1) Any part of the estate of a decedent not effectively disposed of by will passes to the decedent's heirs as prescribed in the following sections of this code.
(2) The decedent's death is the event that vests the heirs' right to the decedent's intestate property.
Florida Statutes, 723.101

Spouse's share of intestate estate
The intestate share of the surviving spouse is:
(1) If there is no surviving lineal descendant of the decedent, the entire intestate estate.
(2) If there are surviving lineal descendants of the decedent, all of whom are also lineal descendants of the surviving spouse, the first $60,000 of the intestate estate, plus one-half of the balance of the intestate estate. Property allocated to the surviving spouse to satisfy the $60,000 shall be valued at the fair market value on the date of distribution.
(3) If there are surviving lineal descendants, one or more of whom are not lineal descendants of the surviving spouse, one-half of the intestate estate.
Florida Statutes, 723.102

Share of other heirs
The part of the intestate estate not passing to the surviving spouse under s. 732.102, or the entire intestate estate if there is no surviving spouse, descends as follows:
(1) To the lineal descendants of the decedent.
(2) If there is no lineal descendant, to the decedent's father and mother equally, or to the survivor of them.
(3) If there is none of the foregoing, to the decedent's brothers and sisters and the descendants of deceased brothers and sisters.
(4) If there is none of the foregoing, the estate shall be divided, one-half of which shall go to the decedent's paternal, and the other half to the decedent's maternal, kindred in the following order:
   (a) To the grandfather and grandmother equally, or to the survivor of them.
   (b) If there is no grandfather or grandmother, to uncles and aunts and descendants of deceased uncles and aunts of the decedent.
   (c) If there is either no paternal kindred or no maternal kindred, the estate shall go to the other kindred who survive, in the order stated above.
(5) If there is no kindred of either part, the whole of the property shall go to the kindred of the last deceased spouse of the decedent as if the deceased spouse had survived the decedent and then died intestate entitled to the estate.
(6) If none of the foregoing, and if any of the descendants of the decedent's great-grandparents were Holocaust victims as defined in s. 626.9543(3)(a), including such victims in countries cooperating with the discriminatory policies of Nazi Germany, then to the lineal descendants of the great-grandparents. The court shall allow any such descendant to meet a reasonable, not unduly restrictive, standard of proof to substantiate his or her lineage. This subsection only applies to escheated property and shall cease to be effective for proceedings filed after December 31, 2004.
**Florida Statutes, 723.103**

**Inheritance per stirpes**
Descent shall be per stirpes, whether to lineal descendants or to collateral heirs.

**Florida Statutes, 723.104**

**Half blood**
When property descends to the collateral kindred of the intestate and part of the collateral kindred are of the whole blood to the intestate and the other part of the half blood, those of the half blood shall inherit only half as much as those of the whole blood; but if all are of the half blood they shall have whole parts.

**Florida Statutes, 723.105**

**Afterborn heirs**
Heirs of the decedent conceived before his or her death, but born thereafter, inherit intestate property as if they had been born in the decedent's lifetime.

**Florida Statutes, 723.106**

**Escheat**

(1) When a person dies leaving an estate without being survived by any person entitled to a part of it, that part shall escheat to the state.
(2) Property that escheats shall be sold as provided in the Florida Probate Rules and the proceeds paid to the Chief Financial Officer of the state and deposited in the State School Fund.
(3) At any time within 10 years after the payment to the Chief Financial Officer, a person claiming to be entitled to the proceeds may reopen the administration to assert entitlement to the proceeds. If no claim is timely asserted, the state's rights to the proceeds shall become absolute.

**Florida Statutes, 723.107**

**Adopted persons and persons born out of wedlock**

(1) For the purpose of intestate succession by or from an adopted person, the adopted person is a lineal descendant of the adopting parent and is one of the natural kindred of all members of the adopting parent's family, and is not a lineal descendant of his or her natural parents, nor is he or she one of the kindred of any member of the natural parent's family or any prior adoptive parent's family, except that:
   (a) Adoption of a child by the spouse of a natural parent has no effect on the relationship between the child and the natural parent or the natural parent's family.
   (b) Adoption of a child by a natural parent's spouse who married the natural parent after the death of the other natural parent has no effect on the relationship between the child and the family of the deceased natural parent.
   (c) Adoption of a child by a close relative, as defined in s. 63.172(2), has no effect on the relationship between the child and the families of the deceased natural parents.
(2) For the purpose of intestate succession in cases not covered by subsection (1), a person born out of wedlock is a lineal descendant of his or her mother and is one of the natural kindred
of all members of the mother's family. The person is also a lineal descendant of his or her father and is one of the natural kindred of all members of the father's family, if:

(a) The natural parents participated in a marriage ceremony before or after the birth of the person born out of wedlock, even though the attempted marriage is void.

(b) The paternity of the father is established by an adjudication before or after the death of the father.

(c) The paternity of the father is acknowledged in writing by the father.

Florida Statutes, 723.108

Debts to decedent
A debt owed to the decedent shall not be charged against the intestate share of any person except the debtor. If the debtor does not survive the decedent, the debt shall not be taken into account in computing the intestate share of the debtor's heirs.

Florida Statutes, 723.109

Aliens
Aliens shall have the same rights of inheritance as citizens.

Florida Statutes, 732.1101
Georgia Intestacy Laws

Rules of inheritance when decedent dies without will

(a) For purposes of this Code section:

(1) Children of the decedent who are born after the decedent's death are considered children in being at the decedent's death, provided they were conceived prior to the decedent's death, were born within ten months of the decedent's death, and survived 120 hours or more after birth; and

(2) The half-blood, whether on the maternal or paternal side, are considered equally with the whole-blood, so that the children of any common parent are treated as brothers and sisters to each other.

(b) When a decedent died without a will, the following rules shall determine such decedent's heirs:

(1) Upon the death of an individual who is survived by a spouse but not by any child or other descendant, the spouse is the sole heir. If the decedent is also survived by any child or other descendant, the spouse shall share equally with the children, with the descendants of any deceased child taking that child's share, per stirpes; provided, however, that the spouse's portion shall not be less than a one-third share;

(2) If the decedent is not survived by a spouse, the heirs shall be those relatives, as provided in this Code section, who are in the nearest degree to the decedent in which there is any survivor;

(3) Children of the decedent are in the first degree, and those who survive the decedent shall share the estate equally, with the descendants of any deceased child taking, per stirpes, the share that child would have taken if in life;

(4) Parents of the decedent are in the second degree, and those who survive the decedent shall share the estate equally;

(5) Siblings of the decedent are in the third degree, and those who survive the decedent shall share the estate equally, with the descendants of any deceased sibling taking, per stirpes, the share that sibling would have taken if in life; provided, however, that, subject to the provisions of paragraph (1) of subsection (f) of Code Section 53-1-20, if no sibling survives the decedent, the nieces and nephews who survive the decedent shall take the estate in equal shares, with the descendants of any deceased niece or nephew taking, per stirpes, the share that niece or nephew would have taken if in life;

(6) Grandparents of the decedent are in the fourth degree, and those who survive the decedent shall share the estate equally;

(7) Uncles and aunts of the decedent are in the fifth degree, and those who survive the
decendent shall share the estate equally, with the children of any deceased uncle or aunt taking, per stirpes, the share that uncle or aunt would have taken if in life; provided, however, that, subject to the provisions of paragraph (1) of subsection (f) of Code Section 53-1-20, if no uncle or aunt of the decedent survives the decedent, the first cousins who survive the decedent shall share the estate equally; and

(8) The more remote degrees of kinship shall be determined by counting the number of steps in the chain from the relative to the closest common ancestor of the relative and decedent and the number of steps in the chain from the common ancestor to the decedent. The sum of the steps in the two chains shall be the degree of kinship, and the surviving relatives with the lowest sum shall be in the nearest degree and shall share the estate equally.

Georgia Code, 53-2-1

Inheritance by children born out of wedlock and their offspring

(a) Children born out of wedlock have no inheritable blood except that given to them by express law.

(b) A child born out of wedlock may inherit in the same manner as if legitimate from and through his mother, from and through the other children of his mother, and from and through any other maternal kin, whether collateral or lineal.

(c)  (1) A child born out of wedlock may not inherit from or through his father or any paternal kin by reason of the paternal kinship unless, during the lifetime of the father and after the conception of the child:

   (A) A court of competent jurisdiction has entered an order declaring the child to be legitimate, under the authority of Code Section 19-7-22 or such other authority as may be provided by law;

   (B) A court of competent jurisdiction has otherwise entered a court order establishing the father of the child born out of wedlock;

   (C) The father executed a sworn statement signed by him attesting to the parent-child relationship;

   (D) The father signed the birth certificate of the child; or

   (E) There is clear and convincing evidence that the child is the child of the father and that the father intended for the child to share in the father's intestate estate in the same manner in which the child would have shared if legitimate.

(2)  (A) Paragraph (1) of this subsection notwithstanding, a child born out of wedlock may inherit from or through his father or any paternal kin by reason of the paternal kinship if evidence of the presumption of paternity described in this Code section is filed with the court before which proceedings on the estate shall be pending and the presumption is not overcome to the satisfaction of the trier of fact by clear and convincing evidence.
(B) There shall exist a rebuttable presumption of paternity of a child born out of wedlock if there shall have been performed, after the conception of the child, parentage-determination genetic testing which establishes at least a 97 percent probability of paternity. Parentage-determination genetic testing shall include, but not be necessarily limited to, red cell antigen, human leucocyte antigen (HLA), red cell enzyme, and serum protein (electrophoresis) tests or testing by deoxyribonucleic acid (DNA) probes.

(3) If one of the requirements of subparagraphs (A) through (E) of paragraph (1) of this subsection is fulfilled, or if the presumption of paternity set forth in paragraph (2) of this subsection shall have been established and shall not have been rebutted by clear and convincing evidence, a child born out of wedlock may inherit in the same manner as if legitimate from and through his father, from and through the other children of his father, and from and through any other paternal kin, whether collateral or lineal.

(d) In distributions under this Code section, the children of a deceased child born out of wedlock shall represent the deceased parent.

Georgia Code, 53-4-4

Inheritance from children born out of wedlock

(a) The mother of a child born out of wedlock, the other children of the mother, and other maternal kin may inherit from and through the child born out of wedlock in the same manner as though the child were legitimate.

(b) The father of a child born out of wedlock, the other children of the father, and other paternal kin may inherit from and through the child born out of wedlock in the same manner as if the child were legitimate if:

(1) A court of competent jurisdiction has entered an order declaring the child to be legitimate under the authority of Code Section 19-7-22 or such other authority as may be provided by law;

(2) A court of competent jurisdiction has otherwise entered a court order establishing paternity;

(3) The father has, during the lifetime of the child, executed a sworn statement signed by the father attesting to the parent-child relationship;

(4) The father has, during the lifetime of the child, signed the birth certificate of the child; or

(5) The presumption of paternity described in division (2)(B)(ii) of Code Section 53-2-3 has been established and has not been rebutted by clear and convincing evidence.

Georgia Code, 53-2-4
Children conceived by artificial insemination
An individual conceived by artificial insemination and presumed legitimate in accordance with Code Section 19-7-21 shall be considered a child of the parents and entitled to inherit under the laws of intestacy from the parents and from relatives of the parents, and the parents and relatives of the parents shall likewise be entitled to inherit as heirs from and through such individual.
Georgia Code, 53-2-5

Individual related to decedent through two or more lines of relationship
An individual who is related to the decedent through two or more lines of relationship is entitled to only a single share based on the relationship entitling that individual to the largest share under the laws of intestacy.
Georgia Code, 53-2-6

Vesting of title to property; right to possession
(a) Upon the death of an intestate decedent who is the owner of any interest in real property, the title to any such interest which survives the intestate decedent shall vest immediately in the decedent's heirs at law, subject to divestment by the appointment of an administrator of the estate.

(b) The title to all other property owned by an intestate decedent shall vest in the administrator of the estate for the benefit of the decedent's heirs and creditors.

(c) Upon the appointment of an administrator, the title to any interest in real property which survives the intestate decedent shall vest in the administrator for the benefit of the heirs and creditors of the decedent, and title to such property shall not revest in the heirs until the administrator assents to such revesting. For purposes of this Code section, the assent of the administrator shall be proved in the manner set out in Code Section 53-8-15.

(d) Upon the appointment of an administrator, the right to the possession of the whole estate is in the administrator, and, as long as administration continues, the right to recover possession of the estate from all other persons is solely in the administrator. The administrator may recover possession of any part of the estate from the heirs at law or purchasers from them; but, in order to recover real property, it is necessary for the administrator to show, upon the trial, either that the property which is the subject of the action has been in the administrator's possession and without the administrator's consent is held by the defendant at the time of bringing the action or that it is necessary for the administrator to have possession for the purpose of paying the debts, making a proper distribution, or for other purposes provided for by law. An order for sale or distribution, granted by the judge of the probate court after notice to the defendant, shall be conclusive evidence of either fact.

(e) If an order has been entered under Code Section 53-2-41 that no administration is
necessary, or if the administrator has assented to the vesting of title in the heirs, the heirs may take possession of the property or may sue for possession of the property in their own right. Georgia Code, 53-2-7

Death intestate, and without ascertainable heirs, of spouse of intestate decedent
(a) When the spouse of an intestate decedent dies intestate and without ascertianable heirs within six months of the decedent's death, any undistributed property of the decedent to which the spouse had been entitled prior to the spouse's death shall not escheat but shall be distributed to the heirs of the decedent who would have inherited the property under the intestacy laws if the spouse had predeceased the decedent.

(b) The nonexistence of heirs of the spouse may be determined by publication as provided in Code Section 53-2-51. If no heir of the spouse appears, the property, less the expenses of the proceedings to determine the nonexistence of heirs, shall be paid over as provided in subsection (a) of this Code section.
Georgia Code, 53-2-8

Definition
As used in this article, the term "escheat" is the reversion of property to the state upon a failure of heirs of a decedent to appear and make claim for or against property owned by the decedent at death for which no other disposition was provided either by will or otherwise.
Georgia Code, 53-2-50

Procedure
(a) If no person has appeared and claimed to be an heir within four years from the date letters of any kind on an intestate decedent's estate were granted, the personal representative shall petition the probate court of the county in which the letters were granted for determination that property has escheated to the state. Such a petition shall set forth the full name of the decedent, the date of death, the fact that no person has appeared and claimed to be an heir, and the property of the estate which may have escheated to the state.

(b) Upon filing of the petition, the probate court shall issue a citation as provided Chapter 11 of this title, requiring the heirs, if any, to file any objection to the petition by a date that is at least 60 days from the date of the citation, and shall order notice by publication to all heirs of the decedent as provided in Code Section 53-11-4.

(c) If no individual files objection as an heir who is entitled to the property on or before the date set in the citation, the court shall order the property to be paid over and distributed to the county board of education to become a part of the educational fund.

(d) If an individual files objection as an heir who is entitled to property, such claim shall be tried as other actions before the court. In such case, no property shall be paid over or distributed to the county board of education until the claim is determined in such manner as to establish that
any individual making the claim is not entitled to the property.

(e) When property is paid over or distributed to a county board of education, the administration of the estate shall be terminated following a final return and the granting of a petition for discharge.

(f) The proceedings shall be conclusive upon and shall bind all the heirs of the estate.

(g) All expenses incurred in the administration of such proceedings shall be paid from the property or proceeds of the estate.

Georgia Code, 53-2-51
Hawaii Intestacy Statutes

[Applies only to the estates of decedents dying after January 1, 1997; for other effect and transition provisions, see §560:8-201.]

**Intestate estate**

(a) Any part of a decedent's estate not effectively disposed of by will passes by intestate succession to the decedent's heirs as prescribed in this chapter, except as modified by the decedent's will.

(b) A decedent by will may expressly exclude or limit the right of an individual or class to succeed to property of the decedent passing by intestate succession. If that individual or a member of that class survives the decedent, the share of the decedent's intestate estate to which that individual or class would have succeeded passes as if that individual or each member of that class had disclaimed the intestate share.

Hawaii Code, §560:2-101

**Share of spouse or reciprocal beneficiary**

The intestate share of a decedent's surviving spouse or reciprocal beneficiary is:

1. The entire intestate estate if:
   - (A) No descendant or parent of the decedent survives the decedent; or
   - (B) All of the decedent's surviving descendants are also descendants of the surviving spouse or reciprocal beneficiary and there is no other descendant of the surviving spouse or reciprocal beneficiary who survives the decedent;

2. The first $200,000, plus three-fourths of any balance of the intestate estate, if no descendant of the decedent survives the decedent, but a parent of the decedent survives the decedent;

3. The first $150,000, plus one-half of any balance of the intestate estate, if all of the decedent's surviving descendants are also descendants of the surviving spouse or reciprocal beneficiary and the surviving spouse or reciprocal beneficiary has one or more surviving descendants who are not descendants of the decedent; or

4. The first $100,000, plus one-half of any balance of the intestate estate, if one or more of the decedent's surviving descendants are not descendants of the surviving spouse or reciprocal beneficiary.

Hawaii Code, §560:2-102

**Share of heirs other than surviving spouse or reciprocal beneficiary**

Any part of the intestate estate not passing to the decedent's surviving spouse or reciprocal beneficiary under section 560:2-102, or the entire intestate estate if there is no surviving spouse or reciprocal beneficiary, passes in the following order to the individuals designated below who survive the decedent:

1. To the decedent's descendants by representation;

2. If there is no surviving descendant, to the decedent's parents equally if both survive, or to the surviving parent; provided, however, if the decedent is a minor, and it is shown by clear and convincing evidence that any parent has:
   - (A) Deserted the child without affording means of identification for a period of at least ninety days;
(B) Failed to communicate with the child when able to do so for a period of at least one year when the child is in the custody of another; or

(C) Failed to provide for care and support of the child when able to do so for a period of at least one year when the child is in the custody of another despite a child support order requiring such support;

such parent shall be deemed to have predeceased the decedent;

(3) If there is no surviving descendant or parent entitled to inherit, to the descendants of the decedent's parents or either of them by representation; and

(4) If there is no surviving descendant, parent entitled to take, or descendant of a parent, but the decedent is survived by one or more grandparents or descendants of grandparents, half of the estate passes to the decedent's paternal grandparents equally if both survive, or to the surviving paternal grandparent, or to the descendants of the decedent's paternal grandparents or either of them if both are deceased, the descendants taking by representation; and the other half passes to the decedent's maternal relatives in the same manner; but if there is no surviving grandparent or descendant of a grandparent on either the paternal or the maternal side, the entire estate passes to the decedent's relatives on the other side in the same manner as the half.

Hawaii Code, §560:2-103

Requirement that heir survive decedent for one hundred twenty hours
An individual who fails to survive the decedent by one hundred twenty hours is deemed to have predeceased the decedent for purposes of homestead allowance, exempt property, and intestate succession, and the decedent's heirs are determined accordingly. If it is not established by clear and convincing evidence that an individual who would otherwise be an heir survived the decedent by one hundred twenty hours, it is deemed that the individual failed to survive for the required period. This section is not to be applied if its application would result in a taking of intestate estate by the State under section 560:2-105.

Hawaii Code, §560:2-104

No taker
If there is no taker under the provisions of this article, the intestate estate passes to the State.

Hawaii Code, §560:2-105

Escheat of kuleana lands
Any provision of law to the contrary notwithstanding, if the owner of an inheritable interest in kuleana land dies intestate, or dies partially intestate and that partial intestacy includes the decedent's interest in the kuleana land, and if there is no taker under article II, such inheritable interest shall pass to the department of land and natural resources to be held in trust until the office of Hawaiian affairs develops a land management plan for the use and management of such kuleana properties, and such plan is approved by the department of land and natural resources. Upon approval, the department of land and natural resources shall transfer such kuleana properties to the office of Hawaiian affairs. For the purposes of this section, "kuleana lands" means those lands granted to native tenants pursuant to L. 1850, p. 202, entitled "An Act Confirming Certain Resolutions of the King and Privy Council Passed on the 21st Day of December, A.D. 1849, Granting to the Common People Alodial Titles for Their Own Lands and House Lots, and Certain Other Privileges", as originally enacted and as amended.
Representation
(a) Definitions. In this section:
"Deceased descendant", "deceased parent", or "deceased grandparent" means a
descendant, parent, or grandparent who either predeceased the decedent or is deemed to have
predeceased the decedent under section 560:2-104.
"Surviving descendant" means a descendant who neither predeceased the decedent nor is
deemed to have predeceased the decedent under section 560:2-104.
(b) Decedent's descendants. If, under section 560:2-103(1), a decedent's intestate estate or
a part thereof passes "by representation" to the decedent's descendants, the estate or part
thereof is divided into as many equal shares as there are:
(1) Surviving descendants in the generation nearest to the decedent which contains one or
more surviving descendants; and
(2) Deceased descendants in the same generation who left surviving descendants, if any.
Each surviving descendant in the nearest generation is allocated one share. The remaining
shares, if any, are combined and then divided in the same manner among the surviving
descendants of the deceased descendants as if the surviving descendants who were allocated a
share and their surviving descendants had predeceased the decedent.
(c) Descendants of parents or grandparents. If, under section 560:2-103(3) or (4), a
decedent's intestate estate or a part thereof passes "by representation" to the descendants of
the decedent's deceased parents or either of them or to the descendants of the decedent's
deceased paternal or maternal grandparents or either of them, the estate or part thereof is
divided into as many equal shares as there are:
(1) Surviving descendants in the generation nearest the deceased parents or either of them,
or the deceased grandparents or either of them, that contains one or more surviving
descendants; and
(2) Deceased descendants in the same generation who left surviving descendants, if any.
Each surviving descendant in the nearest generation is allocated one share. The remaining
shares, if any, are combined and then divided in the same manner among the surviving
descendants of the deceased descendants as if the surviving descendants who were allocated a
share and their surviving descendants had predeceased the decedent.

Kindred of half blood
Relatives of the half blood inherit the same share they would inherit if they were of the whole
blood.

Afterborn heirs
An individual in gestation at a particular time is treated as living at that time if the individual lives
one hundred twenty hours or more after birth.
Advancements
(a) If an individual dies intestate as to all or a portion of the individual's estate, property the decedent gave during the decedent's lifetime to an individual who, at the decedent's death, is an heir is treated as an advancement against the heir's intestate share only if:
   (1) The decedent declared in a contemporaneous writing or the heir acknowledged in writing that the gift is an advancement; or
   (2) The decedent's contemporaneous writing or the heir's written acknowledgment otherwise indicates that the gift is to be taken into account in computing the division and distribution of the decedent's intestate estate.
(b) For purposes of subsection (a), property advanced is valued as of the time the heir came into possession or enjoyment of the property or as of the time of the decedent's death, whichever first occurs.
(c) If the recipient of the property fails to survive the decedent, the property is not taken into account in computing the division and distribution of the decedent's intestate estate, unless the decedent's contemporaneous writing provides otherwise.
Hawaii Code, §560:2-109

Debts to decedent
A debt owed to a decedent is not charged against the intestate share of any individual except the debtor. If the debtor fails to survive the decedent, the debt is not taken into account in computing the intestate share of the debtor's descendants.
Hawaii Code, §560:2-110

Alienage
No individual is disqualified to take as an heir because the individual or an individual through whom the individual claims is or has been an alien.
Hawaii Code, §560:2-111
Idaho Intestacy Statutes

INTESTATE ESTATE
Any part of the estate of a decedent not effectively disposed of by his will passes to his heirs as prescribed in the following sections of this code.
Idaho Statutes, 15-2-101

SHARE OF THE SPOUSE
The intestate share of the surviving spouse is as follows:
(a) As to separate property:
   (1) If there is no surviving issue or parent of the decedent, the entire intestate estate;
   (2) If there is no surviving issue but the decedent is survived by a parent or parents, one-half (1/2) of the intestate estate;
   (3) If there are surviving issue of the deceased spouse, one-half (1/2) of the intestate estate.
(b) As to community property:
    (1) The one-half (1/2) of community property which belongs to the decedent passes to the surviving spouse.
Idaho Statutes, 15-2-102

SHARE OF HEIRS OTHER THAN SURVIVING SPOUSE
The part of the intestate estate not passing to the surviving spouse under section 15-2-102 of this part, or the entire intestate estate if there is no surviving spouse, passes as follows:
(a) To the issue of the decedent; if they are all of the same degree of kinship to the decedent they take equally, but if of unequal degree, then those of more remote degree take by representation;
(b) If there is no surviving issue, to his parent or parents equally;
(c) If there is no surviving issue or parent, to the issue of the parents or either of them by representation;
(d) If there is no surviving issue, parent or issue of a parent, but the decedent is survived by one (1) or more grandparents or issue of grandparents, half of the estate passes to the paternal grandparents if both survive, or to the surviving paternal grandparent, or to the issue of the paternal grandparents if both are deceased, the issue taking equally if they are all of the same degree of kinship to the decedent, but if of unequal degree those of more remote degree take by representation; and the other half passes to the maternal relatives in the same manner; but if there be no surviving grandparent or issue of grandparents on either the paternal or the maternal side, the entire estate passes to the relatives on the other side in the same manner as the half.
Idaho Statutes, 15-2-103
Illinois Intestacy Statutes

5/2-1. Rules of descent and distribution

Section 2-1. Rules of descent and distribution. The intestate real and personal estate of a resident decedent and the intestate real estate in this State of a nonresident decedent, after all just claims against his estate are fully paid, descends and shall be distributed as follows:

(a) If there is a surviving spouse and also a descendant of the decedent: 1/2 of the entire estate to the surviving spouse and 1/2 to the decedent's descendants per stirpes.

(b) If there is no surviving spouse but a descendant of the decedent: the entire estate to the decedent's descendants per stirpes.

(c) If there is a surviving spouse but no descendant of the decedent: the entire estate to the surviving spouse.

(d) If there is no surviving spouse or descendant but a parent, brother, sister or descendant of a brother or sister of the decedent: the entire estate to the parents, brothers and sisters of the decedent in equal parts, allowing to the surviving parent if one is dead a double portion and to the descendants of a deceased brother or sister per stirpes the portion which the deceased brother or sister would have taken if living.

(e) If there is no surviving spouse, descendant, parent, brother, sister or descendant of a brother or sister of the decedent but a grandparent or descendant of a grandparent of the decedent: (1) 1/2 of the entire estate to the decedents maternal grandparents in equal parts or to the survivor of them, or if there is none surviving, to their descendants per stirpes and (2) 1/2 of the entire estate to the decedent's paternal grandparents in equal parts or to the survivor of them, or if there is none surviving, to their descendants per stirpes If there is no surviving paternal grandparent or descendant of a paternal grandparent, but a maternal grandparent or descendant of a maternal grandparent of the decedent: the entire estate to the decedent's maternal grandparents in equal parts or to the survivor of them, or if there is none surviving, to their descendants per stirpes If there is no surviving maternal grandparent or descendant of a maternal grandparent, but a paternal grandparent or descendant of a paternal grandparent of the decedent: the entire estate to the decedent's paternal grandparents in equal parts or to the survivor of them, or if there is none surviving, to their descendants per stirpes

(f) If there is no surviving spouse, descendant, parent, brother, sister, descendant of a brother or sister or grand parent or descendant of a grandparent of the decedent: (1) 1/2 of the entire estate to the decedent's maternal great-grandparents in equal parts or to the survivor of them, or if there is none surviving, to their descendants per stirpes and (2) 1/2 of the entire estate to the decedent's paternal great-grandparents in equal parts or to the survivor of them, or if there is none surviving, to their descendants per stirpes If there is no surviving paternal great-grandparent or descendant of a paternal great-grandparent, but a maternal great-grandparent or descendant of a maternal great-grandparent of the decedent: the entire estate to the decedent's maternal great, grandparents in equal parts or to the survivor of them, or if there is none
surviving, to their descendants per stirpes. If there is no surviving maternal great-grandparent or descendant of a maternal great-grandparent, but a paternal great-grandparent or descendant of a paternal great-grandparent of the decedent: the entire estate to the decedents paternal great-grandparents in equal parts or to the survivor of them, or if there is none surviving, to their descendants per stirpes.

(g) If there is no surviving spouse, descendant, parent, brother, sister, descendant of a brother or sister, grandparent, descendant of a grandparent, great-grandparent or descendant of a great-grandparent of the decedent: the entire estate in equal parts to the nearest kindred of the decedent in equal degree (computing by the rules of the civil law) and without representation.

(h) If there is no surviving spouse and no known kindred of the decedent: the real estate escheats to the county in which it is located; the personal estate physically located within this State and the personal estate physically located or held outside this State which is the subject of ancillary administration of an estate being administered within this State escheats to the county of which the decedent was a resident, or, if the decedent was not a resident of this State, to the county in which it is located; all other personal property of the decedent of every class and character, wherever situate, or the proceeds thereof, shall escheat to this State and be delivered to the Director of Financial Institutions of the State pursuant to the Uniform Disposition of Unclaimed Property Act. In no case is there any distinction between the kindred of the whole and the half blood.
Indiana Intestacy Laws

Estate; distribution
(a) The estate of a person dying intestate shall descend and be distributed as provided in this section.

(b) Except as otherwise provided in subsection (c), the surviving spouse shall receive the following share:
   (1) One-half (1/2) of the net estate if the intestate is survived by at least one (1) child or by the issue of at least one (1) deceased child.
   (2) Three-fourths (3/4) of the net estate, if there is no surviving issue, but the intestate is survived by one (1) or both of the intestate's parents.
   (3) All of the net estate, if there is no surviving issue or parent.

(c) If the surviving spouse is a second or other subsequent spouse who did not at any time have children by the decedent, and the decedent left surviving the decedent a child or children or the descendants of a child or children by a previous spouse, the surviving second or subsequent childless spouse shall take only an amount equal to twenty-five percent (25%) of the remainder of:
   (1) the fair market value as of the date of death of the real property of the deceased spouse; minus
   (2) the value of the liens and encumbrances on the real property of the deceased spouse.
The fee shall, at the decedent's death, vest at once in the decedent's surviving child or children, or the descendants of the decedent's child or children who may be dead. A second or subsequent childless spouse described in this subsection shall, however, receive the same share of the personal property of the decedent as is provided in subsection (b) with respect to surviving spouses generally.

(d) The share of the net estate not distributable to the surviving spouse, or the entire net estate if there is no surviving spouse, shall descend and be distributed as follows:
   (1) To the issue of the intestate, if they are all of the same degree of kinship to the intestate, they shall take equally, or if of unequal degree, then those of more remote degrees shall take by representation.
   (2) If there is a surviving spouse but no surviving issue of the intestate, then to the surviving parents of the intestate.
   (3) If there is no surviving spouse or issue of the intestate, then to the surviving parents, brothers, and sisters, and the issue of deceased brothers and sisters of the intestate. Each living parent of the intestate shall be treated as of the same degree as a brother or sister and shall be entitled to the same share as a brother or sister. However, the share of each parent shall be not less than one-fourth (1/4) of the decedent's net estate. Issue of deceased brothers and sisters shall take by representation.
   (4) If there is no surviving parent or brother or sister of the intestate, then to the issue of brothers and sisters. If the distributees described in this subdivision are all in the same degree of kinship to the intestate, they shall take equally or, if of unequal degree, then those of more remote degrees shall take by representation.
   (5) If there is no surviving issue or parent of the intestate or issue of a parent, then to the surviving grandparents of the intestate equally.
   (6) If there is no surviving issue or parent or issue of a parent, or grandparent of the intestate, then the estate of the decedent shall be divided into that number of shares equal to the sum of:
(A) the number of brothers and sisters of the decedent's parents surviving the
decedent; plus

(B) the number of deceased brothers and sisters of the decedent's parents leaving
issue surviving both them and the decedent;
and one (1) of the shares shall pass to each of the brothers and sisters of the decedent's
parents or their respective issue per stirpes.

(7) If interests in real estate go to a husband and wife under this subsection, the
aggregate interests so descending shall be owned by them as tenants by the entireties. Interests
in personal property so descending shall be owned as tenants in common.

(8) If there is no person mentioned in subdivisions (1) through (7), then to the state.
IC-29-1-2-1
Iowa Intestacy Statutes

Rules of descent
The estate of a person dying intestate shall descend as provided in sections 633.211 to 633.226.

Iowa Intestacy Laws - Iowa Code, 633.210

Share of surviving spouse if decedent left no issue or left issue all of whom are issue of surviving spouse
If the decedent dies intestate leaving a surviving spouse and leaving no issue or leaving issue all of whom are the issue of the surviving spouse, the surviving spouse shall receive the following share:
1. All the value of all the legal or equitable estates in real property possessed by the decedent at any time during the marriage, which have not been sold on execution or by other judicial sale, and to which the surviving spouse has made no relinquishment of right.
2. All personal property that, at the time of death, was, in the hands of the decedent as the head of a family, exempt from execution.
3. All other personal property of the decedent which is not necessary for the payment of debts and charges.

Iowa Intestacy Laws - Iowa Code, 633.211

Share of surviving spouse if decedent left issue some of whom are not issue of surviving spouse
If the decedent dies intestate leaving a surviving spouse and leaving issue some of whom are not the issue of the surviving spouse, the surviving spouse shall receive the following share:
1. One-half in value of all the legal or equitable estates in real property possessed by the decedent at any time during the marriage, which have not been sold on execution or by other judicial sale, and to which the surviving spouse has made no relinquishment of right.
2. All personal property that, at the time of death, was in the hands of the decedent as the head of a family, exempt from execution.
3. One-half of all other personal property of the decedent which is not necessary for the payment of debts and charges.
4. If the property received by the surviving spouse under subsections 1, 2 and 3 of this section is not equal in value to the sum of fifty thousand dollars, then so much additional of any remaining homestead interest and of the remaining real and personal property of the decedent that is subject to payment of debts and charges against the decedent’s estate, after payment of the debts and charges, even to the extent of the whole of the net estate, as necessary to make the amount of fifty thousand dollars.

Iowa Intestacy Laws - Iowa Code, 633.212

Share of others than surviving spouse
The part of the intestate estate not passing to the surviving spouse, or if there is no surviving spouse, the entire net estate passes as follows:
1. To the issue of the decedent per stirpes.
2. If there is no surviving issue, to the parents of the decedent equally; and if either parent is dead, the portion that would have gone to such deceased parent shall go to the survivor.
3. If there is no person to take under either subsection 1 or 2 of this section, the estate shall be divided and set aside into two equal shares. One share shall be distributed to the issue of the decedent's mother per stirpes and one share shall be distributed to the issue of the decedent's father per stirpes. If there are no surviving issue of one deceased parent, the entire estate passes to the issue of the other deceased parent in accordance with this subsection.

4. If there is no person to take under subsection 1, 2, or 3 of this section, and the decedent is survived by one or more grandparents or issue of grandparents, half the estate passes to the paternal grandparents, if both survive, or to the surviving paternal grandparent if only one survives. If neither paternal grandparent survives, this half share shall be further divided into two equal subshares. One subshare shall be distributed to the issue of the decedent's paternal grandmother per stirpes and one subshare shall be distributed to the issue of the decedent's paternal grandfather per stirpes. If there are no surviving issue of one deceased paternal grandparent, the entire half share passes to the issue of the other deceased paternal grandparent and their issue in the same manner. The other half of the decedent's estate passes to the maternal grandparents and their issue in the same manner. If there are no surviving grandparents or issue of grandparents on either the paternal or maternal side, the entire estate passes to the decedent's surviving grandparents or their issue on the other side in accordance with this subsection.

5. If there is no person to take under subsection 1, 2, 3, or 4 of this section, and the decedent is survived by one or more great-grandparents or issue of great-grandparents, the estate passes equally to each set of great-grandparents, or to their issue, if any survive, per stirpes.

6. If there is no person to take under subsection 1, 2, 3, 4, or 5 of this section, the portion uninherited shall go to the issue of the deceased spouse of the intestate, per stirpes. If the intestate has had more than one spouse who died in lawful wedlock, it shall be equally divided between the issue, per stirpes, of those deceased spouses.

7. If there is no person who qualifies under either subsection 1, 2, 3, 4, 5, or 6 of this section, the intestate property shall escheat to the state of Iowa.

Iowa Intestacy Laws - Iowa Code, 633.219
Kansas Intestacy Laws

Definitions
As used in K.S.A. 59-502 through 59-514, inclusive:
   (a) "Children" means biological children, including a posthumous child; children adopted as provided by law; and children whose parentage is or has been determined under the Kansas parentage act or prior law.
   (b) "Issue" includes adopted children of deceased children or issue.
K.S.A. 59-501

Descent of property of intestate resident
Subject to any homestead rights, the allowances provided in K.S.A.59-403, and the payment of reasonable funeral expenses, expenses of last sickness and costs of administration, taxes, and debts, the property of a resident decedent, who dies intestate, shall at the time of death pass by intestate succession as provided in this article.
Kansas Statutes Annotated 59-502

Surviving spouse
If the decedent leaves a spouse and no children nor issue of a previously deceased child, all the decedent's property shall pass to the surviving spouse. If the decedent leaves a spouse and a child, or children, or issue of a previously deceased child or children, one-half of such property shall pass to the surviving spouse.
Kansas Statutes Annotated 59-504

Same; half of realty to surviving spouse
Except as provided further, the surviving spouse shall be entitled to receive one-half of all real estate of which the decedent at any time during the marriage was seized or possessed and to the disposition whereof the survivor shall not have consented in writing, or by a will, or by an election as provided by law to take under a will, except such real estate as has been sold on execution or judicial sale, or taken by other legal proceeding. The surviving spouse shall not be entitled to any interest under the provisions of this section in any real estate of which such decedent in such decedent's lifetime made a conveyance, when such spouse at the time of the conveyance was not a resident of this state and never had been during the existence of the marriage relation. The spouse's entitlement under this section shall be included as part of the surviving spouse's property under K.S.A. 59-6a207, and amendments thereto.
Kansas Statutes Annotated 59-505

Surviving children or issue
If the decedent leaves a child, or children, or issue of a previously deceased child or children, and no spouse, all his or her property shall pass to the surviving child, or in equal shares to the surviving children and the living issue, if any, of a previously deceased child, but such issue shall collectively take only the share their parent would have taken had such parent been living. If the decedent leaves such child, children, or issue, and a spouse, one-half of such property shall pass to such child, children, and issue as aforesaid.
Kansas Statutes Annotated 59-506
**No spouse, child or issue, of the decedent**
If the decedent leaves no surviving spouse, child, or issue, but leaves a surviving parent or surviving parents, all of his or her property shall pass to such surviving parent, or in equal shares to such surviving parents, but if the decedent is an adopted child such property shall pass to his or her adoptive parent or parents in like manner including a natural parent who is the spouse of an adoptive parent.
Kansas Statutes Annotated 59-507

**No spouse, child, issue, or parents**
If the decedent leaves no surviving spouse, child, issue, or parents, the respective shares of his or her property which would have passed to the parents, had both of them been living, shall pass to the heirs of such parents respectively (excluding their respective spouses), the same as it would have passed had such parents owned it in equal shares and died intestate at the time of his or her death; but if either of said parents left no such heirs, then and in that event his or her property shall pass to the living heirs of the other parent.
Kansas Statutes Annotated 59-508

**Limitation on descent**
In computing degrees of relationship by blood for the purpose of the passing of property of an intestate decedent, each generation in the ascending or descending line shall be counted as one degree. None of such property shall pass except by lineal descent to a person further removed from the decedent than the sixth degree, as so computed. In all cases of intestate succession the right of a living person to have the property, or a share of it, pass to him or her, shall be determined as here provided, but the property shall pass immediately from the decedent to the person entitled to receive it.
Kansas Statutes Annotated 59-509
Kentucky Intestacy Laws

Descent of real estate
When a person having right or title to any real estate of inheritance dies intestate as to such estate, it shall descend in common to his kindred, male and female, in the following order, except as otherwise provided in this chapter:

(1) To his children and their descendants; if there are none, then

(2) To his father and mother, if both are living, one (1) moiety each; but if the father is dead, the mother, if living, shall take the whole estate; if the mother is dead, the whole estate shall pass to the father; if there is no father or mother, then

(3) To his brothers and sisters and their descendants; if there are none, then

(4) To the husband or wife of the intestate; if there are none surviving, then

(5) One (1) moiety of the estate shall pass to the paternal and the other to the maternal kindred, in the following order:

   (a) The grandfather and grandmother equally, if both are living; but if one is dead, the entire moiety shall go to the survivor; if there is no grandfather or grandmother, then

   (b) To the uncles and aunts and their descendants; if there are none, then

   (c) To the great-grandfathers and great-grandmothers, in the same manner prescribed for grandfather and grandmother by subsection (a); if there are none, then

   (d) To the brothers and sisters of the grandfathers and grandmothers and their descendants; and so on in other cases without end, passing to the nearest lineal ancestors and their descendants.

(6) If there is no such kindred to one of the parents as is described in subsection (5), the whole to go to the kindred of the other. If there is neither paternal nor maternal kindred, the whole shall go to the kindred of the husband or wife, as if he or she had survived the intestate and died entitled to the estate.

K.R.S., 391.010

Descent of real estate acquired from parent
(1) When a person dies intestate and without issue, owning real estate of inheritance which is the gift of either of his parents, the parent who made the gift, if living, shall inherit the whole of such estate.

(2) If a person under the age of eighteen (18) dies without issue, having the title to real estate derived by gift, devise or descent from one of his parents, the whole shall descend to that parent and that parent's kindred, and if there is none, then in like manner to the other parent and his kindred. The kindred of one parent shall not be so excluded by the kindred of the other parent, if
the latter is more remote than the grandfather, grandmother, uncles and aunts of the intestate
and their descendants.
K.R.S., 391.020

Descent of personal property -- Exemption for surviving spouse and children --
Withdrawal of money from bank by surviving spouse
(1) Except as otherwise provided in this chapter, where any person dies intestate as to his or her
personal estate, or any part thereof, the surplus, after payment of funeral expenses, charges of
administration, and debts, shall pass and be distributed among the same persons, and in the
proportions, to whom and in which real estate is directed to descend, except as follows:

(a) The personal estate of an infant shall be distributed as if he or she had died after full
age;

(b) An alien may be distributee as though he or she were a citizen; and

(c) Personal property or money on hand or in a bank or other depository to the amount of
fifteen thousand dollars ($15,000) shall be exempt from distribution and sale and shall be set
apart by the District Court having jurisdiction over the estate on application to the surviving
spouse, or, if there is no surviving spouse, to the surviving children.

(2) The surviving spouse may, at any time before the property or money is set apart by the court,
procure on petition from the Judge of the District Court having jurisdiction over administration of
the estate, an order authorizing the surviving spouse to withdraw from any bank or other
depository not exceeding one thousand dollars ($1,000) belonging to the estate of the
deceased. Upon presentation of the order, the bank or depository shall permit the surviving
spouse to withdraw the sum and shall lodge the order, endorsing thereon the amount withdrawn,
with the circuit clerk who shall retain it in his or her files to be considered in connection with
further proceedings in the estate and the withdrawal shall be treated as a charge against the
property of the estate exempt from distribution.

(3) In the application for the setting apart of property or money under subsection (1) of this
section, the surviving spouse or, if there is no surviving spouse, the surviving children may make
their selection out of the personal property of the estate to the extent that the value of the
property selected does not exceed the amount of fifteen thousand dollars ($15,000).

(4) The exemption provided in this section applies where the husband or wife dies testate.
K.R.S., 391.030

Kentucky Revised Statutes: KRS Chapter 391.00
391.010 Descent of real estate.
When a person having right or title to any real estate or inheritance dies intestate as to such
estate, it shall descend in common to his kindred, male and female, in the following order,
except as otherwise provided in this chapter:
(1) To his children and their descendants; if there are none, then
To his father and mother, if both are living, one (1) moiety each; but if the father is dead, the mother, if living, shall take the whole estate; if the mother is dead, the whole estate shall pass to the father; if there is no father or mother, then

(3) To his brothers and sisters and their descendants; if there are none, then

(4) To the husband or wife of the intestate; if there are none surviving, then

(5) One (1) moiety of the estate shall pass to the paternal and the other to the maternal kindred, in the following order:

(a) The grandfather and grandmother equally, if both are living; but if one is dead, the entire moiety shall go to the survivor; if there is no grandfather or grandmother, then

(b) To the uncles and aunts and their descendants; if there are none, then

(c) To the great-grandfathers and great-grandmothers, in the same manner prescribed for grandfather and grandmother by subsection (a); if there are none, then

(d) To the brothers and sisters of the grandfathers and grandmothers and their descendants; and so on in other cases without end, passing to the nearest lineal ancestors and their descendants.

(6) If there is no such kindred to one of the parents as is described in subsection (5), the whole to go to the kindred of the other. If there is neither paternal nor maternal kindred, the whole shall go to the kindred of the husband or wife, as if he or she had survived the intestate and died entitled to the estate.


391.020 Descent of real estate acquired from parent.
(1) When a person dies intestate and without issue, owning real estate of inheritance which is the gift of either of his parents, the parent who made the gift, if living, shall inherit the whole of such estate.

(2) If a person under the age of eighteen (18) dies without issue, having the title to real estate derived by gift, devise or descent from one of his parents, the whole shall descend to that parent and that parent's kindred, and if there is none, then in like manner to the other parent and his kindred. The kindred of one parent shall not be so excluded by the kindred of the other parent, if the latter is more remote than the grandfather, grandmother, uncles and aunts of the intestate and their descendants.


(1) Except as otherwise provided in this chapter, where any person dies intestate as to his or her personal estate, or any part thereof, the surplus, after payment of funeral expenses, charges of administration, and debts, shall pass and be distributed among the same persons, and in the proportions, to whom and in which real estate is directed to descend, except as follows:

(a) The personal estate of an infant shall be distributed as if he or she had died after full age;

(b) An alien may be distributee as though he or she were a citizen; and

(c) Personal property or money on hand or in a bank or other depository to the amount of fifteen thousand dollars ($15,000) shall be exempt from distribution and sale and shall be set apart by
the District Court having jurisdiction over the estate on application to the surviving spouse, or, if there is no surviving spouse, to the surviving children.

(2) The surviving spouse may, at any time before the property or money is set apart by the court, procure on petition from the Judge of the District Court having jurisdiction over the estate, an order authorizing the surviving spouse to withdraw from any bank or other depository not exceeding two thousand five hundred dollars ($2,500) belonging to the estate. Upon presentation of the order, the bank or depository shall permit the surviving spouse to withdraw the sum and shall lodge the order, endorsing thereon the amount withdrawn, with the circuit clerk who shall retain it in the clerk's files to be considered in connection with further proceedings in the estate and the withdrawal shall be treated as a charge against the property of the estate exempt from distribution.

(3) In the application for the setting apart of property or money under subsection (1) of this section, the surviving spouse or, if there is no surviving spouse, the surviving children may make their selection out of the personal property of the estate to the extent that the value of the property selected does not exceed the amount of fifteen thousand dollars ($15,000).

(4) Where any person dies testate:

(a) Personal property or money on hand or in a bank or other depository to the amount of fifteen thousand dollars ($15,000) shall be exempt from distribution and sale and shall be set apart by the District Court having jurisdiction over the estate on application of the surviving spouse;

(b) If there is no surviving spouse, personal property or money on hand or in a bank or other depository bequeathed to surviving children to the amount of fifteen thousand dollars ($15,000) shall be exempt from distribution and sale and shall be set apart by the District Court having jurisdiction over the estate on application by the surviving children;

(c) The exemption of the surviving spouse under paragraph (a) of this subsection is not conditioned upon the surviving spouse renouncing the will, and, in the event of renunciation, the surviving spouse shall be entitled to the exemption
in addition and prior to determining the statutory share of the surviving spouse under KRS 392.080; and
(d) Subsection (3) of this section shall apply with respect to the surviving spouse provided that
the surviving spouse shall first select from among the personal property of the residuary estate,
then to the extent necessary from among the money on hand or on deposit specifically
bequeathed under the will, and then to the extent necessary from among any other personal
property specifically bequeathed under the will. Where the selection of the surviving spouse is
made up, in whole or in part, from personal property or money on hand or on deposit specifically
bequeathed to a beneficiary, such beneficiary shall have a right of contribution on the principles
of KRS 394.420 to 394.490 unless the will otherwise directs, or it is necessarily to be inferred
therefrom that the testator intended the same to fall on such beneficiary except that there shall
be no right of contribution from the surviving spouse.

Effective: July 15, 2010
Sess.) Ky. Acts ch. 10, sec. 1; and ch. 14, sec. 351, effective January 2, 1978. -- Amended

391.040 Descendants of distributees take per stirpes.
When any or all of a class first entitled to inherit are dead, leaving descendants, such
descendants shall take per stirpes the share of their respective deceased parents.

Effective: October 1, 1942
1394.

391.220 Disposition upon death.
Upon death of a married person, one-half (1/2) of the property to which KRS 391.210 to 391.260
applies is the property of the surviving spouse and is not subject to testamentary disposition by
the decedent or distribution under the laws of succession of this Commonwealth. One-half (1/2)
of that property is the property of the decedent and is subject to testamentary disposition or
distribution under the laws of succession of this Commonwealth. With respect to property to
which KRS 391.210 to 391.260 applies, the one-half (1/2) of the property which is the property of
the decedent is not subject to the surviving spouse's right to elect against the will.

Louisiana Intestacy Laws

**Intestate succession**
In the absence of valid testamentary disposition, the undisposed property of the deceased devolves by operation of law in favor of his descendants, ascendants, and collaterals, by blood or by adoption, and in favor of his spouse not judicially separated from him, in the order provided in and according to the following articles.
Civil Code, Art. 880

**Representation: effect**
Representation is a fiction of the law, the effect of which is to put the representative in the place, degree, and rights of the person represented.
Civil Code, Art. 881

**Representation in direct line of descendants**
Representation takes place ad infinitum in the direct line of descendants. It is permitted in all cases, whether the children of the deceased concur with the descendants of the predeceased child, or whether, all the children having died before him, the descendants of the children be in equal or unequal degrees of relationship to the deceased. For purposes of forced heirship, representation takes place only as provided in Article 1493.
Civil Code, Art. 882

**Representation of ascendants not permissible**
Representation does not take place in favor of the ascendants, the nearest relation in any degree always excluding those of a more remote degree.
Civil Code, Art. 883

**Representation in collateral line**
In the collateral line, representation is permitted in favor of the children and descendants of the brothers and sisters of the deceased, whether they succeed in concurrence with their uncles and aunts, or whether, the brothers and sisters of the deceased having died, their descendants succeed in equal or unequal degrees.
Civil Code, Art. 884

**Basis of partition in cases of representation**
In all cases in which representation is permitted, the partition is made by roots; if one root has produced several branches, the subdivision is also made by roots in each branch, and the members of the same branch take by heads.
Civil Code, Art. 885

**Representation of deceased persons only**
Only deceased persons may be represented
Civil Code, Art. 886
Representation of decedent whose succession was renounced
One who has renounced his right to succeed to another may still enjoy the right of representation with respect to that other.
Civil Code, Art. 887

Succession rights of descendants
Descendants succeed to the property of their ascendants. They take in equal portions and by heads if they are in the same degree. They take by roots if all or some of them succeed by representation.
Civil Code, Art. 888

Devolution of community property
If the deceased leaves no descendants, his surviving spouse succeeds to his share of the community property.
Civil Code, Art. 889

Usufruct of surviving spouse
If the deceased spouse is survived by descendants, the surviving spouse shall have a usufruct over the decedent’s share of the community property to the extent that the decedent has not disposed of it by testament. This usufruct terminates when the surviving spouse dies or remarries, whichever occurs first.
Civil Code, Art. 890

Devolution of separate property; parents and brothers and sisters
If the deceased leaves no descendants but is survived by a father, mother, or both, and by a brother or sister, or both, or descendants from them, the brothers and sisters or their descendants succeed to the separate property of the deceased subject to a usufruct in favor of the surviving parent or parents. If both parents survive the deceased, the usufruct shall be joint and successive.
Civil Code, Art. 891

Devolution of separate property in absence of parents or in absence of brothers and sisters
If the deceased leaves neither descendants nor parents, his brothers or sisters or descendants from them succeed to his separate property in full ownership to the exclusion of other ascendants and other collaterals.
If the deceased leaves neither descendants nor brothers or sisters, nor descendants from them, his parent or parents succeed to the separate property to the exclusion of other ascendants and other collaterals.
Civil Code, Art. 892
Maine Intestacy Laws

Intestate estate
Any part of the estate of a decedent not effectively disposed of by his will passes to his heirs as prescribed in the following sections of this Code.
Maine Revised Statutes, Title 18-A, § 2-101

Share of spouse or registered domestic partner
The intestate share of the surviving spouse or surviving registered domestic partner is:

1. If there is no surviving issue or parent of the decedent, the entire intestate estate;
2. If there is no surviving issue but the decedent is survived by a parent or parents, the first $50,000, plus 1/2 of the balance of the intestate estate;
3. If there are surviving issue all of whom are issue of the surviving spouse or surviving registered domestic partner also, the first $50,000, plus 1/2 of the balance of the intestate estate; or
4. If there are surviving issue one or more of whom are not issue of the surviving spouse or surviving registered domestic partner, 1/2 of the intestate estate.
Maine Revised Statutes, Title 18-A, § 2-102

Share of heirs other than surviving spouse or surviving registered domestic partner
The part of the intestate estate not passing to the surviving spouse or surviving registered domestic partner under section 2-102, or the entire estate if there is no surviving spouse or surviving registered domestic partner, passes as follows:

1. To the issue of the decedent; to be distributed per capita at each generation as defined in section 2-106;
2. If there is no surviving issue, to the decedent's parent or parents equally;
3. If there is no surviving issue or parent, to the issue of the parents or either of them to be distributed per capita at each generation as defined in section 2-106;
4. If there is no surviving issue, parent or issue of a parent, but the decedent is survived by one or more grandparents or issue of grandparents, half of the estate passes to the paternal grandparents if both survive, or to the surviving paternal grandparent, or to the issue of the paternal grandparents if both are deceased to be distributed per capita at each generation as defined in section 2-106; and the other half passes to the maternal relatives in the same manner; but if there is no surviving grandparent or issue of grandparents on either the paternal or maternal side, the entire estate passes to the relatives on the other side in the same manner as the half; or
5. If there is no surviving issue, parent or issue of a parent, grandparent or issue of a grandparent, but the decedent is survived by one or more great-grandparents or issue of great-grandparents, half of the estate passes to the paternal great-grandparents who survive, or to the issue of the paternal great-grandparents if all are deceased, to be distributed per capita at each generation as defined in section 2-106; and the other half passes to the maternal relatives in the same manner; but if there is no surviving great-grandparent or issue of a great-grandparent on either the paternal or maternal side, the entire estate passes to the relatives on the other side in the same manner as the half.
Maine Revised Statutes, Title 18-A, § 2-103
Requirement that heir survive decedent for 120 hours
Any person who fails to survive the decedent by 120 hours is deemed to have predeceased the decedent for purposes of homestead allowance, exempt property and intestate succession, and the decedent’s heirs are determined accordingly. If the time of death of the decedent or of the person who would otherwise be an heir, or the times of death of both, cannot be determined, and it cannot be established that the person who would otherwise be an heir has survived the decedent by 120 hours, it is deemed that the person failed to survive for the required period. This section is not to be applied where its application would result in a taking of intestate estate by the State under section 2-105.
Maine Revised Statutes, Title 18-A, § 2-104

No taker
If there is no taker under the provisions of this Article, the intestate estate passes to the State.
Maine Revised Statutes, Title 18-A, § 2-105
Maryland Intestacy Laws

Order of distribution of net intestate estate
Any part of the net estate of a decedent not effectively disposed of by his will shall be distributed by the personal representative to the heirs of the decedent in the order prescribed in this subtitle.
Maryland Code, § 3-101

Share of surviving spouse
(a) General.- The share of a surviving spouse shall be as provided in this section.
(b) Surviving minor child.- If there is a surviving minor child, the share shall be one-half.
(c) No surviving minor child, but surviving issue.- If there is no surviving minor child, but there is surviving issue, the share shall be the first $15,000 plus one-half of the residue.
(d) No surviving issue, but surviving parent.- If there is no surviving issue but a surviving parent, the share shall be the first $15,000 plus one-half of the residue.
(e) No surviving issue or parent.- If there is no surviving issue or parent, the share shall be the whole estate.
(f) Calculation of net estate.- For the purposes of this section, the net estate shall be calculated without a deduction for the tax as defined in § 7-308 of the Tax-General Article.
Maryland Code, § 3-102

Division among surviving issue
The net estate, exclusive of the share of the surviving spouse, or the entire net estate if there is no surviving spouse, shall be divided equally among the surviving issue, by representation as defined in § 1-210.
Maryland Code, § 3-103

Distribution when there is no surviving issue
(a) General.- If there is no surviving issue the net estate exclusive of the share of the surviving spouse, or the entire net estate if there is no surviving spouse, shall be distributed by the personal representative pursuant to the provisions of this section.
(b) Parents and their issue.- Subject to §§ 3-111 and 3-112 of this subtitle, it shall be distributed to the surviving parents equally, or if only one parent survives, to the survivor; or if neither parent survives, to the issue of the parents, by representation.
(c) Grandparents and their issue.- If there is no surviving parent or issue of a parent, it shall be distributed one half to the surviving paternal grandparents equally, or if only one paternal grandparent survives, to the survivor, or if neither paternal grandparent survives, to the issue of the paternal grandparents, by representation, and one half to the surviving maternal grandparents equally, or if only one maternal grandparent survives, to the survivor, or if neither maternal grandparent survives, to the issue of the maternal grandparents, by representation. In the event that neither of one pair of grandparents and none of the issue of either of that pair survives, the one half share applicable shall be distributed to the other pair of grandparents, the survivor of them or the issue of either of them, in the same manner as prescribed for their half share.
(d) Great-grandparents and their issue.- If there is no surviving parent or issue of a parent, or surviving grandparent or issue of a grandparent, it shall be distributed one quarter to each pair of
great-grandparents equally or all to the survivor, or if neither survives, all to the issue of either or
of both of that pair of great-grandparents, by representation. In the event that neither member of
a pair of great-grandparents nor any issue of either of that pair survives, the quarter share
applicable shall be distributed equally among the remaining pairs of great-grandparents or the
survivor of a pair or issue of either of a pair of great-grandparents, in the same manner as
prescribed for a quarter share.

(e) **No surviving blood relative.**- If there is no surviving blood relative entitled to inherit under this
section, it shall be divided into as many equal shares as there are stepchildren of the decedent
who survive the decedent and stepchildren of the decedent who did not survive the decedent but
of whom issue did survive the decedent. Each stepchild of the decedent who did survive the
decedent shall receive one share and the issue of each stepchild of the decedent who did not
survive the decedent but of whom issue did survive the decedent shall receive one share
apportioned by applying the pattern of representation set forth in §1-210. As used in this
subsection, "stepchild" shall mean the child of any spouse of the decedent if such spouse was
not divorced from the decedent.

Maryland Code, § 3-104

**Escheat**

(a) **Applicability; net estate.**-

(1) (i) The provisions of this subsection are applicable if there is no person entitled to take
under §§ 3-102 through 3-104 of this subtitle.

(ii) The provisions of this subsection do not apply to any portion of a decedent's estate
that is comprised of land that is the subject of an application for a certificate of reservation for
public use under Title 13, Subtitle 3 of the Real Property Article.

(2) (i) If an individual was a recipient of long-term care benefits under the Maryland
Medical Assistance Program at the time of the individual's death, the net estate shall be
converted to cash and paid to the Department of Health and Mental Hygiene, and shall be
applied for the administration of the program.

(ii) If the provisions of subparagraph (i) of this paragraph are not applicable, the net
estate shall be converted to cash and paid to the board of education in the county in which the
letters were granted, and shall be applied for the use of the public schools in the county.

(b) **Refund.**-

(1) After payment has been made to the Department of Health and Mental Hygiene or to
the board of education, if a claim for refund is filed by a relative within the fifth degree living at
the death of the decedent or by the personal representative of the relative, and the claim is
allowed, the claimant shall be entitled to a refund, without interest, of the sum paid.

(2) A claim for refund under this subsection may not be filed after the later of:

(i) 3 years after the death of the decedent; or

(ii) 1 year after the time of distribution of the property.

Maryland Code, § 3-105
Massachusetts Intestacy Laws

**Spouse's share of property not disposed of by will**

Section 1. A surviving husband or wife shall, after the payment of the debts of the deceased and the charges of his last sickness and funeral and of the settlement of his estate, and subject to chapter one hundred and ninety-six, be entitled to the following share in his real and personal property not disposed of by will:

1. If the deceased leaves kindred and no issue, and it appear on determination by the probate court, as hereinafter provided, that the whole estate does not exceed two hundred thousand dollars in value, the surviving husband or wife shall take the whole thereof; otherwise such survivor shall take two hundred thousand dollars and one half of the remaining personal and one half of the remaining real property. If the personal property is insufficient to pay said two hundred thousand dollars, the deficiency shall, upon the petition of any party in interest, be paid from the sale or mortgage, in the manner provided for the payment of debts or legacies, of any interest of the deceased in real property which he could have conveyed at the time of his death; and the surviving husband or wife shall be permitted, subject to the approval of the court, to purchase at any such sale, notwithstanding the fact that he or she is the administrator of the estate of the deceased person. A further sale or mortgage of any real estate of the deceased may later be made to provide for any deficiency still remaining. Whenever it shall appear, upon petition to the probate court of any party in interest, and after such notice as the court shall order, and after a hearing thereon, that the whole amount of the estate of the deceased, as found by the inventory and upon such other evidence as the court shall deem necessary, does not exceed the sum of two hundred thousand dollars over and above the amount necessary to pay the debts and charges of administration, the court shall itself by decree determine the value of said estate, which decree shall be binding upon all parties. If additional property is later discovered, the right or title to the estate covered by such decree shall not be affected thereby, but the court may make such further orders and decrees as are necessary to effect the distribution herein provided for.

2. If the deceased leaves issue, the survivor shall take one half of the personal and one half of the real property.

3. If the deceased leaves no issue and no kindred, the survivor shall take the whole.

M.G.L., 190-1

**Distribution of personal property**

Section 2. The personal property of a deceased person not lawfully disposed of by will shall, after the payment of his debts and the charges of his last sickness and funeral and of the settlement of the estate, and subject to the preceding section and to chapter one hundred and ninety-six, be distributed among the persons and in the proportions hereinafter prescribed for the descent of real property.

M.G.L., 190-2

**Descent of land, tenements or hereditaments**

Section 3. When a person dies seized of land, tenements or hereditaments, or of any right thereto, or entitled to any interest therein, in fee simple or for the life of another, not having lawfully devised the same, they shall descend, subject to his debts and to the rights of the
husband or wife and minor children of the deceased as provided in this and in the two preceding chapters and in chapter one hundred and ninety-six, as follows:

(1) In equal shares to his children and to the issue of any deceased child by right of representation; and if there is no surviving child of the intestate then to all his other lineal descendants. If all such descendants are in the same degree of kindred to the intestate, they shall share the estate equally; otherwise, they shall take according to the right of representation.

(2) If he leaves no issue, in equal shares to his father and mother.

(3) If he leaves no issue and no mother, to his father.

(4) If he leaves no issue and no father, to his mother.

(5) If he leaves no issue and no father or mother, to his brothers and sisters and to the issue of any deceased brother or sister by right of representation; and, if there is no surviving brother or sister of the intestate, to all the issue of his deceased brothers and sisters. If all such issue are in the same degree of kindred to the intestate, they shall share the estate equally, otherwise, according to the right of representation.

(6) If he leaves no issue, and no father, mother, brother or sister, and no issue of any deceased brother or sister, then to his next of kin in equal degree; but if there are two or more collateral kindred in equal degree claiming through different ancestors, those claiming through the nearest ancestor shall be preferred to those claiming through an ancestor more remote.

(7) If an intestate leaves no kindred and no widow or husband, his estate shall escheat to the commonwealth; provided, however, if such intestate is a veteran who died while a member of the Soldiers’ Home in Massachusetts or the Soldiers’ Home in Holyoke, his estate shall inure to the benefit of the legacy fund or legacy account of the soldiers’ home of which he was a member.

M.G.L., 190-3

Computation of degrees of kindred
Section 4. Degrees of kindred shall be computed according to the rules of the civil law; and the kindred of the half blood shall inherit equally with those of the whole blood in the same degree.

M.G.L., 190-4

Rights of persons born out of wedlock
Section 5. A person born out of wedlock is heir of his mother and of any person from whom his mother might have inherited, if living, and the descendents of a person born out of wedlock shall represent such person and take, by descent, any estate which such person would have taken, if living.

M.G.L., 190-5

Descent of estates of persons born out of wedlock
Section 6. If a person born out of wedlock dies intestate, such estate shall pass in accordance with the law of intestate succession except that the father and his kindred shall not be considered as relatives of the child born out of wedlock unless the child might have inherited from the father as provided in section seven.

M.G.L., 190-6
**Interrmarriage of parents of persons born out of wedlock**

Section 7. A person born out of wedlock whose parents have intermarried and whose father has acknowledged him as his child or has been adjudged his father under chapter two hundred and seventy-three, chapter two hundred and nine C or under similar law of another jurisdiction shall be deemed legitimate and shall be entitled to take the name of his parents to the same extent as if born in lawful wedlock. If a decedent has acknowledged paternity of a person born out of wedlock or if during his lifetime or after his death a decedent has been adjudged to be the father of a person born out of wedlock that person is heir of his father and of any person from whom his father might have inherited, if living, and the descendents of a person born out of wedlock shall represent that person and take by descent any estate which such person would have taken, if living. A person may establish paternity if, within the period provided under section nine of chapter one hundred and ninety-seven for bringing actions against executors and administrators, such person either (a) delivers to the executor or administrator an authenticated copy of a judgment rendered by a court of competent jurisdiction during a decedent’s lifetime adjudging the decedent to be the father of a person born out of wedlock, or (b) commences, in a court of competent jurisdiction, an action in which the executor or administrator is a named party and in which such paternity is ultimately proved.

M.G.L., 190-7

**Inheritance or succession by right of representation; posthumous children**

Section 8. Inheritance or succession by right of representation is the taking by the descendents of a deceased heir of the same share or right in the estate of another person as their parent would have taken if living. Posthumous children shall be considered as living at the death of their parent.

M.G.L., 190-8
Michigan Intestacy Laws

Intestate estate
(1) Any part of a decedent's estate not effectively disposed of by will passes by intestate succession to the decedent's heirs as prescribed in this act, except as modified by the decedent's will.
(2) A decedent by will may expressly exclude or limit the right of an individual or class to succeed to property of the decedent that passes by intestate succession. If that individual or a member of that class survives the decedent, the share of the decedent's intestate estate to which that individual or class would have succeeded passes as if that individual or each member of that class had disclaimed his or her intestate share.

Michigan Compiled Laws, 700.2101

Share of spouse
(1) The intestate share of a decedent's surviving spouse is 1 of the following:
   (a) The entire intestate estate if no descendant or parent of the decedent survives the decedent.
   (b) The first $150,000.00, plus 1/2 of any balance of the intestate estate, if all of the decedent's surviving descendants are also descendants of the surviving spouse and there is no other descendant of the surviving spouse who survives the decedent.
   (c) The first $150,000.00, plus 3/4 of any balance of the intestate estate, if no descendant of the decedent survives the decedent, but a parent of the decedent survives the decedent.
   (d) The first $150,000.00, plus 1/2 of any balance of the intestate estate, if all of the decedent's surviving descendants are also descendants of the surviving spouse and the surviving spouse has 1 or more surviving descendants who are not descendants of the decedent.
   (e) The first $150,000.00, plus 1/2 of any balance of the intestate estate, if 1 or more, but not all, of the decedent's surviving descendants are not descendants of the surviving spouse.
   (f) The first $100,000.00, plus 1/2 of any balance of the intestate estate, if none of the decedent's surviving descendants are descendants of the surviving spouse.
(2) Each dollar amount listed in subsection (1) shall be adjusted as provided in section 1210.

Michigan Compiled Laws, 700.2102

Share of heirs other than surviving spouse
Any part of the intestate estate that does not pass to the decedent's surviving spouse under section 2102, or the entire intestate estate if there is no surviving spouse, passes in the following order to the following individuals who survive the decedent:
   (a) The decedent's descendants by representation.
   (b) If there is no surviving descendant, the decedent's parents equally if both survive or to the surviving parent.
   (c) If there is no surviving descendant or parent, the descendants of the decedent's parents or of either of them by representation.
   (d) If there is no surviving descendant, parent, or descendant of a parent, but the decedent is survived by 1 or more grandparents or descendants of grandparents, 1/2 of the estate passes to the decedent's paternal grandparents equally if both survive, or to the surviving paternal grandparent, or to the descendants of the decedent's paternal grandparents or either of
them if both are deceased, the descendants taking by representation; and the other 1/2 passes
to the decedent's maternal relatives in the same manner. If there is no surviving grandparent or
descendant of a grandparent on either the paternal or the maternal side, the entire estate
passes to the decedent's relatives on the other side in the same manner as the 1/2.
Michigan Compiled Laws, 700.2103

Requirement that heir survive decedent for 120 hours
An individual who fails to survive the decedent by 120 hours is considered to have predeceased
the decedent for purposes of homestead allowance, exempt property, and intestate succession,
and the decedent's heirs are determined accordingly. If it is not established by clear and
convincing evidence that an individual who would otherwise be an heir survived the decedent by
120 hours, it is considered that the individual failed to survive for the required period. This
section does not apply if its application would result in a taking of the intestate estate by the
state under section 2105.
Michigan Compiled Laws, 700.2104

No taker; effect
If there is no taker under the provisions of this article, the intestate estate passes to this state.
Michigan Compiled Laws, 700.2105
**INTESTATE ESTATE**
(a) The intestate estate of the decedent consists of any part of the decedent’s estate not allowed to the decedent's spouse or descendants under sections 524.2-402, 524.2-403, and 524.2-404, and not disposed of by will. The intestate estate passes by intestate succession to the decedent's heirs as prescribed in this chapter, except as modified by the decedent's will.

(b) A decedent by will may expressly exclude or limit the right of an individual or class to succeed to property of the decedent passing by intestate succession. If that individual or a member of that class survives the decedent, the share of the decedent's intestate estate to which that individual or class would have succeeded passes as if that individual or each member of that class had disclaimed an intestate share.

Minnesota Statutes, 524.2-101

**SHARE OF THE SPOUSE**
The intestate share of a decedent's surviving spouse is:

(1) the entire intestate estate if:

   (i) no descendant of the decedent survives the decedent; or
   
   (ii) all of the decedent's surviving descendants are also descendants of the surviving spouse and there is no other descendant of the surviving spouse who survives the decedent;

(2) the first $150,000, plus one-half of any balance of the intestate estate, if all of the decedent's surviving descendants are also descendants of the surviving spouse and the surviving spouse has one or more surviving descendants who are not descendants of the decedent, or if one or more of the decedent's surviving descendants are not descendants of the surviving spouse.

Minnesota Statutes, 524.2-102

**SHARE OF HEIRS OTHER THAN SURVIVING SPOUSE**
Any part of the intestate estate not passing to the decedent’s surviving spouse under section 524.2-102, or the entire intestate estate if there is no surviving spouse, passes in the following order to the individuals designated below who survive the decedent:

(1) to the decedent's descendants by representation;

(2) if there is no surviving descendant, to the decedent's parents equally if both survive, or to the surviving parent;

(3) if there is no surviving descendant or parent, to the descendants of the decedent's parents or either of them by representation;
(4) if there is no surviving descendant, parent, or descendant of a parent, but the decedent is
survived by one or more grandparents or descendants of grandparents, half of the estate passes
to the decedent's paternal grandparents equally if both survive, or to the surviving paternal
grandparent, or to the descendants of the decedent's paternal grandparents or either of them if
both are deceased, the descendants taking by representation; and the other half passes to the
decedent's maternal relatives in the same manner; but if there is no surviving grandparent or
descendant of a grandparent on either the paternal or the maternal side, the entire estate
passes to the decedent's relatives on the other side in the same manner as the half;

(5) if there is no surviving descendant, parent, descendant of a parent, grandparent, or
descendant of a grandparent, to the next of kin in equal degree, except that when there are two
or more collateral kindred in equal degree claiming through different ancestors, those who claim
through the nearest ancestor shall take to the exclusion of those claiming through an ancestor
more remote.
Minnesota Statutes, 524.2-103

**REQUIREMENT THAT HEIR SURVIVE DECEDENT FOR 120 HOURS**
An individual who fails to survive the decedent by 120 hours is deemed to have predeceased
the decedent for purposes of homestead, exempt property, and intestate succession, and the
decedent's heirs are determined accordingly. If it is not established that an individual who would
otherwise be an heir survived the decedent by 120 hours, it is deemed that the individual failed
to survive for the required period. This section is not to be applied if its application would result in
a taking of intestate estate by the state under section 524.2-105.
Minnesota Statutes, 524.2-104

**NO TAKER**
If there is no taker under the provisions of this article, the intestate estate passes to the state.
Minnesota Statutes, 524.2-105
Mississippi Intestacy Laws

What law to govern
All personal property situated in this state shall descend and be distributed according to the laws of this state regulating the descent and distribution of such property, regardless of all marital rights which may have accrued in other states, and notwithstanding the domicile of the deceased may have been in another state, and whether the heirs or persons entitled to distribution be in this state or not. The widow of such deceased person shall take her share in the personal estate according to the laws of this state.
Mississippi Code, § 91-1-1

Descent of land
When any person shall die seized of any estate of inheritance in lands, tenements, and hereditaments not devised, the same shall descend to his or her children, and their descendants, in equal parts, the descendants of the deceased child or grandchild to take the share of the deceased parent in equal parts among them. When there shall not be a child or children of the intestate nor descendants of such children, then to the brothers and sisters and father and mother of the intestate and the descendants of such brothers and sisters in equal parts, the descendants of a sister or brother of the intestate to have in equal parts among them their deceased parent's share. If there shall not be a child or children of the intestate, or descendants of such children, or brothers or sisters, or descendants of them, or father or mother, then such estate shall descend, in equal parts, to the grandparents and uncles and aunts, if any there be; otherwise, such estate shall descend in equal parts to the next of kin of the intestate in equal degree, computing by the rules of the civil law. There shall not be any representation among collaterals, except among the descendants of the brothers and sisters of the intestate.
Mississippi Code, § 91-1-3

Descent of property as between husband and wife
If a husband die intestate and do not leave children or descendants of children, his widow shall be entitled to his entire estate, real and personal, in fee simple, after payment of his debts; but where the deceased husband shall leave a child or children by that or a former marriage, or descendants of such child or children, his widow shall have a child's part of his estate, in either case in fee simple. If a married woman die owning any real or personal estate not disposed of, it shall descend to her husband and her children or their descendants if she have any surviving her, either by a former husband or by the surviving husband, in equal parts, according to the rules of descent. If she have children and there also be descendants of other children who have died before the mother, the descendants shall inherit the share to which the parent would have been entitled if living, as coheirs with the surviving children. If she have no children or descendants of them, then the husband shall inherit all of her property.
Mississippi Code, § 91-1-7

Descent of trust estates
If any cestui que trust shall die leaving a trust in lands, tenements, or hereditaments in fee simple or in freehold, the trust shall descend as real estate if not disposed of by will, or if not inconsistent with the declaration of the trust.
Personal estate to descend as real estate
When any person shall die possessed of goods and chattels or personal estate not bequeathed, the same shall descend to and be distributed among his or her heirs in the same manner that real estate not devised descends.
General rules of descent
All property as to which any decedent dies intestate shall descend and be distributed, subject to
the payment of claims, as follows:
(1) The surviving spouse shall receive:
   (a) The entire intestate estate if there is no surviving issue of the decedent;
   (b) The first twenty thousand dollars in value of the intestate estate, plus one-half of the
       balance of the intestate estate, if there are surviving issue, all of whom are also issue of the
       surviving spouse;
   (c) One-half of the intestate estate if there are surviving issue, one or more of whom are
       not issue of the surviving spouse;
(2) The part not distributable to the surviving spouse, or the entire intestate property, if there is
    no surviving spouse, shall descend and be distributed as follows:
    (a) To the decedent's children, or their descendants, in equal parts;
    (b) If there are no children, or their descendants, then to the decedent's father, mother,
        brothers and sisters or their descendants in equal parts;
    (c) If there are no children, or their descendants, father, mother, brother or sister, or their
        descendants, then to the grandparents, grandmothers, uncles and aunts or their descendants in
        equal parts;
    (d) If there are no children or their descendants, father, mother, brother, sister, or their
        descendants, grandfather, grandmother, uncles, aunts, nor their descendants, then to the great-
        grandparents, great-grandmothers, or their descendants, in equal parts; and so on, in other
        cases without end, passing to the nearest lineal ancestors and their children, or their
        descendants, in equal parts; provided, however, that collateral relatives, that is, relatives who
        are neither ancestors nor descendants of the decedent, may not inherit unless they are related
        to the decedent at least as closely as the ninth degree, the degree of kinship being computed
        according to the rules of the civil law; that is, by counting upward from the decedent to the
        nearest common ancestor, and then downward to the relative, the degree of kinship being the
        sum of these two counts, so that brothers are related in the second degree;
(3) If there is no surviving spouse or kindred of the decedent entitled to inherit, the whole shall
    go to the kindred of the predeceased spouse who, at the time of the spouse's death, was
    married to the decedent, in like course as if such predeceased spouse had survived the
    decedent and then died entitled to the property, and if there is more than one such predeceased
    spouse, then to go in equal shares to the kindred of each predeceased spouse;
(4) If no person is entitled to inherit as provided in this section the property shall escheat as
    provided by law.
Missouri Revised Statutes, 474.010

Failure to survive decedent by 120 hours deemed predecease of decedent --
consequences
1. Any person who fails to survive the decedent by one hundred twenty hours is deemed to have
   predeceased the decedent for purposes of homestead allowance, exempt property, and
   intestate succession, and the decedent's heirs are determined accordingly. If the time of death of
   the decedent, or of the person who would otherwise be an heir, or the times of death of both,
   cannot be determined, and it cannot be established that the person who would otherwise be an
heir has survived the decedent by one hundred twenty hours, it is deemed that the person failed to survive for the required period.

2. This section is not to be applied where its application would result in a taking of intestate estate by the state under section 474.010.

Missouri Revised Statutes, 474.015
Montana Intestacy Laws

Intestate estate
(1) Any part of a decedent's estate not effectively disposed of by will passes by intestate succession to the decedent's heirs as prescribed in chapters 1 through 5, except as modified by the decedent's will.

(2) A decedent may by will expressly exclude or limit the right of an individual or class to succeed to property of the decedent passing by intestate succession. If that individual or a member of that class survives the decedent, the share of the decedent's intestate estate to which that individual or class would have succeeded passes as if that individual or each member of that class had disclaimed an intestate share.

Montana Code Annotated 2005, 72-2-111

Share of spouse
The intestate share of a decedent's surviving spouse is:
(1) the entire intestate estate if:
   (a) no descendant or parent of the decedent survives the decedent; or
   (b) all of the decedent's surviving descendants are also descendants of the surviving spouse and there is no other descendant of the surviving spouse who survives the decedent;
(2) the first $200,000, plus three-fourths of any balance of the intestate estate, if no descendant of the decedent survives the decedent but a parent of the decedent survives the decedent;
(3) the first $150,000, plus one-half of any balance of the intestate estate, if all of the decedent's surviving descendants are also descendants of the surviving spouse and the surviving spouse has one or more surviving descendants who are not descendants of the decedent;
(4) the first $100,000, plus one-half of any balance of the intestate estate, if one or more of the decedent's surviving descendants are not descendants of the surviving spouse.

Montana Code Annotated 2005, 72-2-112

Share of heirs other than surviving spouse
(1) Any part of the intestate estate not passing to the decedent's surviving spouse under 72-2-112, or the entire intestate estate if there is no surviving spouse, passes in the following order to the individuals designated below who survive the decedent:
   (a) to the decedent's descendants by representation;
   (b) if there is no surviving descendant, to the decedent's parents equally if both survive or to the surviving parent;
   (c) if there is no surviving descendant or parent, to the descendants of the decedent's parents or either of them by representation;
   (d) if there is no surviving descendant, parent, or descendant of a parent and the decedent is:
      (i) survived by one or more grandparents or descendants of grandparents:
         (A) one-half to:
            (I) the decedent's paternal grandparents equally if both survive;
            (II) the surviving paternal grandparent; or
            (III) the descendants of the decedent's paternal grandparents or either of them if both are deceased, the descendants taking by representation; and
(B) the other one-half to the decedent’s maternal relatives in the same manner; or

(ii) not survived by a grandparent or descendant of a grandparent on either the paternal or the maternal side, the entire estate to the decedent’s relatives on the other side in the same manner as the half;

(e) if there is no surviving descendant, grandparent, or descendant of a grandparent, to the person of the closest degree of kinship with the decedent. Except as provided in subsection (2), if more than one person is of that closest degree, those persons share equally.

(2) If more than one person is of the closest degree as provided in subsection (1)(e) but they claim through different ancestors, those who claim through the nearer ancestor must receive to the exclusion of those claiming through a more remote ancestor.

Montana Code Annotated 2005, 72-2-113

Requirement that heir survive decedent for one hundred twenty hours
An individual who fails to survive the decedent by 120 hours is considered to have predeceased the decedent for purposes of homestead allowance, exempt property, and intestate succession, and the decedent's heirs are determined accordingly. If it is not established by clear and convincing evidence that an individual who would otherwise be an heir survived the decedent by 120 hours, it is considered that the individual failed to survive for the required period. This section is not to be applied if its application would result in a taking of intestate estate by the state under 72-2-115.

Montana Code Annotated 2005, 72-2-114

No taker
If there is no taker under the provisions of this chapter, the intestate estate passes to the state of Montana.

Montana Code Annotated 2005, 72-2-115
**Nevada Intestacy Laws**

**GENERAL PROVISIONS**

**NRS 134.005 Applicability of chapter as between spouses with premarital agreement.** The provisions of this chapter do not apply to the extent that they are inconsistent with the provisions of a premarital agreement which was executed by the decedent and the surviving spouse of the decedent and which is enforceable pursuant to chapter 123A of NRS.

**NRS 134.010 Vesting upon death of spouse; applicability of chapter only to separate property.** If a decedent leaves a surviving spouse:

1. Community property with right of survivorship vests in accordance with the right of survivorship;
2. All other community property vests as provided in NRS 123.250; and
3. The provisions of this chapter apply only to the separate property of the decedent.

**SEPARATE PROPERTY**

**NRS 134.030 Descent and distribution.** If a decedent dies intestate and has title to any estate which is the separate property of the decedent and which is not otherwise limited by contract, the estate descends and must be distributed, subject to the payment of the debts of the decedent, in the manner provided in NRS 134.040 to 134.120, inclusive.

**NRS 134.040 Surviving spouse and issue.**

1. If the decedent leaves a surviving spouse and only one child, or the lawful issue of one child, the estate goes one-half to the surviving spouse and one-half to the child or the issue of the child.
2. If the decedent leaves a surviving spouse and more than one child living, or a child and the lawful issue of one or more deceased children, the estate goes one-third to the surviving spouse and the remainder in equal shares to the children and the lawful issue of any deceased child by right of representation.

**NRS 134.050 Surviving spouse and no issue; no surviving spouse or issue but parent.**

1. If the decedent leaves no issue, the estate goes one-half to the surviving spouse, one-fourth to the father of the decedent and one-fourth to the mother of the decedent, if both are living. If both parents are not living, one-half to either the father or the mother then living.
2. If the decedent leaves no issue, or father or mother, one-half of the separate property of the decedent goes to the surviving spouse and the other one-half goes in equal shares to the brothers and sisters of the decedent.
3. If the decedent leaves no issue or surviving spouse, the estate goes one-half to the father of the decedent and one-half to the mother of the decedent, if both are living. If both parents are not living, the whole estate goes to either the father or the mother then living.
4. If the decedent leaves no issue, father, mother, brother or sister, or children of any issue, all of the separate property of the decedent goes to the surviving spouse.

**NRS 134.060 No issue, surviving spouse or parent but sibling.** If there is no issue, surviving spouse, or father or mother, then the estate goes in equal shares to the brothers and
sisters of the decedent and to the children of any deceased brother or sister in equal shares, per
capita.

NRS 134.070  **No issue, surviving spouse or immediate family.**  If the decedent leaves no
issue, surviving spouse, or father or mother, and no brother or sister living at the time of death,
the estate goes to the next of kin in equal degree, except that if there are two or more collateral
kindred in equal degree, but claiming through different ancestors, those who claim through the
nearest ancestors are preferred to those who claim through ancestors more remote.

NRS 134.080  **Unmarried minor decedent without issue or sibling but issue of sibling.**  At
the death of a child who is under age, who is without issue and who has not been married, all
the other children of the parent being also dead, if any of the other children left issue, the estate
that came to the child by inheritance from the parent descends to all the issue of the other
children of the same parent, and if all the issue are in the same degree of kindred to the child,
they are entitled to share the estate equally; otherwise, they are entitled to take according to the
right of representation.

NRS 134.085  **Unmarried minor decedent without issue but sibling or issue of sibling.**  If
any person dies leaving several children, or leaving a child and issue of one or more children,
and any such surviving child dies under age, without issue and not having been married, all the
estate that came to the deceased child by inheritance from the deceased parent descends in
equal shares to the other children of the same parent, and to the issue of any other children of
the same parent who may have died, by right of representation.

NRS 134.090  **No surviving spouse but issue.**  If the decedent leaves no surviving spouse, but
there is a child or children, the estate, if there is only one child, all goes to that child. If there is
more than one child, the estate goes to all the children of the decedent, to share and share alike.

NRS 134.100  **No surviving spouse but issue and children of issue.**  If the decedent leaves
no surviving spouse, but there is a child or children and the lawful issue of a child or children, the
estate goes to the child or children and lawful issue of the child or children by right of
representation as follows: To the child or children, each a share and to the lawful issue of each
deceased child, by right of representation, the same share that the parent would have received if
the parent had been living at the time of the death of the decedent.

NRS 134.110  **No surviving spouse or issue but children of issue.**  If the decedent leaves no
surviving spouse, or child or children, but there is the lawful issue of a child or children, all the
estate descendrs and must be distributed to the lawful issue of the child or children by right of
representation, and this rule applies to the lawful issue of all such children, and to the lawful
issue ad infinitum.

NRS 134.120  **Escheat.**  If the decedent leaves no surviving spouse or kindred, the estate
escheats to the State for educational purposes.

NRS 134.150  **Degree of kindred.**  The degrees of kindred shall be computed according to the
rules of the civil law.
NRS 134.160 Kindred of half blood. Kindred of the half blood inherit equally with those of the whole blood in the same degree, unless the inheritance comes to the decedent by descent or devise from an ancestor, in which case all those who are not of the blood of the ancestor are excluded from the inheritance.

NRS 134.190 Adopted child. An adopted child and his adoptive parents or their relatives shall inherit as provided in NRS 127.160.

NRS 134.210 Vesting of estate if both spouses die intestate. Whenever one spouse dies intestate, leaving heirs, if the other spouse dies intestate after the first spouse, without heirs, leaving property, the estate of the second spouse to die vests in the heirs of the first spouse to die, subject to expenses of administration and payment of legal debts against the estate.
New Hampshire Intestacy Laws

561:1 Distribution Upon Intestacy.

The real estate and personal estate of every person deceased, not devised or bequeathed, subject to any homestead right, and liable to be sold by license from the court of probate in cases provided by law, and personally remaining in the hands of the administrator on settlement of his or her account, shall descend or be distributed by decree of the probate court:

I. If the deceased is survived by a spouse, the spouse shall receive:

   (a) If there is no surviving issue or parent of the decedent, the entire intestate estate;

   (b) If there are surviving issue of the decedent all of whom are issue of the surviving spouse also, and there are no other issue of the surviving spouse who survive the decedent, the first $250,000, plus 1/2 of the balance;

   (c) If there are no surviving issue of the decedent but the decedent is survived by a parent or parents, the first $250,000, plus 3/4 of the balance of the intestate estate;

   (d) If there are surviving issue of the decedent all of whom are issue of the surviving spouse also, and the surviving spouse has one or more surviving issue who are not the issue of the decedent, the first $150,000, plus 1/2 of the balance of the intestate estate;

   (e) If there are surviving issue of the decedent one or more of whom are not issue of the surviving spouse, the first $100,000, plus 1/2 of the intestate estate.

II. The part of the intestate estate not passing to the surviving spouse under paragraph I, or the entire intestate estate if there is no surviving spouse, passes as follows:

   (a) To the issue of the decedent equally if they are all of the same degree of kinship to the decedent, but if of unequal degree, then those of more remote degree take by representation.

   (b) If there are no surviving issue, to the decedent's parent or parents equally.

   (c) If there are no surviving issue or parent, to the brothers and sisters and the issue of each deceased brother or sister by representation; if there is no surviving brother or sister, the issue of brothers and sisters take equally if they are all of the same degree of kinship to the decedent, but if of unequal degree then those of more remote degree take by representation.

   (d) If there are no surviving issue, parent or issue of a parent but the decedent is survived by one or more grandparents, one half of the estate passes to the paternal grandparents if both survive or to the surviving paternal grandparent if one paternal grandparent is deceased and the other half passes to the maternal grandparents in the same manner; or if only one grandparent survives, such grandparent shall receive the entire estate.
(e) If there are no surviving issue, parent, issue of a parent, or grandparent but there are
issue of the decedent's grandparent who survive, one half of the estate passes to the issue of
the paternal grandparent who are not beyond the fourth degree of kinship to the decedent and
said issue shall take equally if they are all of the same degree of kinship to the decedent, but if of
unequal degree those of more remote degree take by representation, and the other half passes
to the issue of the maternal grandparent who are not beyond the fourth degree of kinship and
said issue shall take equally if they are all of the same degree of kinship to the decedent, but if of
unequal degree those of more remote degree take by representation; provided, however, that if
there are no issue of the decedent's grandparent within the fourth degree of kinship to the
decedent on either the paternal or maternal side, the entire estate passes to the issue on the
other side who are not beyond the fourth degree of kinship to the decedent and said issue shall
take equally if they are all of the same degree of kinship to the decedent, but if of unequal
degree those of more remote degree take by representation.

(f) No portion of a decedent's intestate estate shall pass to any person who is of the fifth or
greater degree of kinship to the decedent.

(g) If there is no taker under the provisions of this section, the intestate estate passes to the
state of New Hampshire.

III. All determinations of survivorship shall be made in accordance with the provisions of RSA
563.

561:2 Estate of Unmarried Minor.

If any person die under age and unmarried his estate, derived by descent or devise from his
father or mother, shall descend to his brothers and sisters, or their legal representatives if any, to
the exclusion of the other parent.

561:3 Representation. – [Repealed 2003, 47:2, I, eff. Jan. 1, 2004.]


I. A child born of unwed parents shall inherit from or through his mother as if born in lawful
wedlock. The estate of a person born of unwed parents dying intestate and leaving no issue, nor
husband, nor wife shall descend to the mother, and, if the mother is dead, through the line of the
mother as if the person so dying were born in lawful wedlock.

II. A child born of unwed parents shall inherit from or through his father as if born in lawful
wedlock, under any of the following conditions:

(a) Intermarriage of the parents after the birth of the child.

(b) Acknowledgment of paternity or legitimation by the father.
(c) A court decree adjudges the decedent to be the father before his death.

(d) Paternity is established after the death of the father by clear and convincing evidence.

(e) The decedent had adopted the child.

561:5 Children of Unwed Parents; Mother's Estate. – [Repealed 1983, 181:2, eff. June 10, 1983.]


561:7 Personal Estate Bequeathed. – The personal estate bequeathed by a testator shall be distributed by decree of the judge according to the will.

561:7-a Interim Distributions Authorized.

The personal estate of a person deceased which was not bequeathed or included in a bequest and which remains in the hands of the executor or administrator upon settlement of an account of such fiduciary shall be distributed according to law by decree of the judge. Upon the application of the fiduciary or any interested person, the judge may issue interim orders approving or directing partial distributions or granting other relief at any time during the pendency of administration to effect distributions as expeditiously and efficiently as may be consistent with the best interests of the estate.

561:8 Escheat, etc. – [Repealed 1998, 155:10, V, eff. July 8, 1998.]

561:9 Payment to State.
If no heir or legatee be ascertained at the expiration of three years from the original grant of administration, the judge shall order the administrator to pay the balance into the state treasury, where it shall be subject to the claims of persons entitled thereto, upon application to the legislature.
New Jersey Intestacy Laws

3B:5-2 Intestate estate.
   a. Any part of the decedent's estate not effectively disposed of by his will passes by intestate succession to the decedent's heirs as prescribed in N.J.S.3B:5-3 through N.J.S.3B:5-14, except as modified by the decedent's will.
   b. A decedent by will may expressly exclude or limit the right of an individual or class to succeed to property of the decedent passing by intestate succession. If that individual or member of that class survives the decedent, the share of the decedent's intestate estate to which that individual or class would have succeeded passes as if that individual or each member of that class had disclaimed his intestate share.

3B:5-3 Intestate share of decedent's surviving spouse or domestic partner.

Intestate share of decedent's surviving spouse or domestic partner. The intestate share of the surviving spouse or domestic partner is:
   a. The entire intestate estate if:
      (1) No descendant or parent of the decedent survives the decedent; or
      (2) All of the decedent's surviving descendants are also descendants of the surviving spouse or domestic partner and there is no other descendant of the surviving spouse or domestic partner who survives the decedent;
   b. The first 25% of the intestate estate, but not less than $50,000.00 nor more than $200,000.00, plus three-fourths of any balance of the intestate estate, if no descendant of the decedent survives the decedent, but a parent of the decedent survives the decedent;
   c. The first 25% of the intestate estate, but not less than $50,000.00 nor more than $200,000.00, plus one-half of the balance of the intestate estate:
      (1) If all of the decedent's surviving descendants are also descendants of the surviving spouse or domestic partner and the surviving spouse or domestic partner has one or more surviving descendants who are not descendants of the decedent; or
      (2) If one or more of the decedent's surviving descendants is not a descendant of the surviving spouse or domestic partner.

3B:5-4 Intestate shares of heirs other than surviving spouse or domestic partner.

Any part of the intestate estate not passing to the decedent's surviving spouse or domestic partner under N.J.S.3B:5-3, or the entire intestate estate if there is no surviving spouse or domestic partner, passes in the following order to the individuals designated below who survive the decedent:
   a. To the decedent's descendants by representation;
   b. If there are no surviving descendants, to the decedent's parents equally if both survive, or to the surviving parent;
   c. If there are no surviving descendants or parent, to the descendants of the decedent's parents or either of them by representation;
   d. If there is no surviving descendant, parent or descendant of a parent, but the decedent is survived by one or more grandparents, half of the estate passes to the decedent's paternal
grandparents equally if both survive, or to the surviving paternal grandparent, or to the
descendants of the decedent's paternal grandparents or either of them if both are deceased, the
descendants taking by representation; and the other half passes to the decedent's maternal
relatives in the same manner; but if there is no surviving grandparent, or descendant of a
grandparent on either the paternal or the maternal side, the entire estate passes to the
decedent's relatives on the other side in the same manner as the half.
e. If there is no surviving descendant, parent, descendant of a parent, or grandparent, but the
decedent is survived by one or more descendants of grandparents, the descendants take
equally if they are all of the same degree of kinship to the decedent, but if of unequal degree
those of more remote degree take by representation.
f. If there are no surviving descendants of grandparents, then the decedent's step-children or
their descendants by representation.

**3B:5-6 Determining representation**

a. As used in this section:
   (1) "Deceased descendant," "deceased parent," or "deceased grandparent" means a
descendant, parent or grandparent who either predeceased the decedent or is deemed to have
predeceased the decedent under N.J.S.3B:5-1.
   (2) "Surviving descendant" means a descendant who neither predeceased the decedent nor is
deemed to have predeceased the decedent under N.J.S.3B:5-1.
b. If, under N.J.S.3B:5-4, a decedent's intestate estate or part thereof passes "by representation"
to the decedent's descendants, the estate or part thereof is divided into as many equal shares
as there are: (1) surviving descendants in the generation nearest to the decedent which contains
one or more surviving descendants; and (2) deceased descendants in the same generation who
left surviving descendants, if any. Each surviving descendant in the nearest generation is
allocated one share. The remaining shares, if any, are combined and then divided in the same
manner among the surviving descendants of the deceased descendants as if the surviving
descendants who were allocated a share and their surviving descendants had predeceased the
decedent.
c. If, under section c. or d. of N.J.S.3B:5-4, a decedent's intestate estate or a part thereof passes
"by representation" to the descendants of the decedent's deceased parents or either of them or
to the descendants of the decedent's deceased paternal or maternal grandparents or either of
them, the estate or part thereof is divided into as many equal shares as there are: (1) surviving
descendants in the generation nearest the deceased parents or either of them, or the deceased
grandparents or either of them, that contains one or more surviving descendants; and (2)
deceased descendants in the same generation who left surviving descendants, if any. Each
surviving descendant in the nearest generation is allocated one share. The remaining shares, if
any, are combined and then divided in the same manner among the surviving descendants of
the deceased descendants as if the surviving descendants who were allocated a share, and
their surviving descendants had predeceased the decedent.

**3B:5-7. Relatives of the half blood**
Relatives of the half blood inherit the same share they would inherit if they were of the whole
blood.
46:30B-37.1 Presumption of abandonment: unclaimed estate assets.
Except as otherwise provided in this section, property held by a fiduciary as defined in N.J.S.3B:1-1 or an assignee under N.J.S.2A:19-1 et seq. and remaining unclaimed for 90 days after the account of that fiduciary or assignee is judicially allowed by the courts or settled informally is presumed abandoned. Unclaimed property held by a fiduciary of an intestate estate payable to the unknown heirs of an intestate decedent shall be presumed abandoned 90 days after publication by the fiduciary of the notice required in N.J.S.3B:5-5
New Mexico Intestacy Laws

Intestate estate
A. Any part of a decedent’s estate not effectively disposed of by will passes by intestate succession to the decedent's heirs as prescribed in the Uniform Probate Code [this chapter], except as modified by the decedent's will.
B. A decedent by will may expressly exclude or limit the right of an individual or class to succeed to property of the decedent passing by intestate succession. If that individual or a member of that class survives the decedent, the share of the decedent's intestate estate to which that individual or class would have succeeded passes as if that individual or each member of that class had disclaimed his intestate share.
New Mexico Statutes, 45-2-101

Share of the spouse
The intestate share of the surviving spouse is determined as follows:
A. as to separate property:
   (1) if there is no surviving issue of the decedent, the entire intestate estate; or
   (2) if there is surviving issue of the decedent, one-fourth of the intestate estate; and
B. as to community property, the one-half of the community property as to which the decedent could have exercised the power of testamentary disposition passes to the surviving spouse.
New Mexico Statutes, 45-2-102

Share of heirs other than surviving spouse
Any part of the intestate estate not passing to the decedent's surviving spouse pursuant to Section 45-2-102 NMSA 1978, or the entire intestate estate if there is no surviving spouse, passes in the following order to the individuals designated below who survive the decedent:
A. to the decedent's descendants by representation;
B. if there is no surviving descendant, to the decedent's parents equally if both survive, or to the surviving parent;
C. if there is no surviving descendant or parent, to the descendants of the decedent's parents or either of them by representation; and
D. if there is no surviving descendant, parent or descendant of a parent, but the decedent is survived by one or more grandparents or descendants of grandparents, half of the estate passes to the decedent's paternal grandparents equally if both survive, or to the surviving paternal grandparent, or to the descendants of the decedent's paternal grandparents or either of them if both are deceased, the descendants taking by representation, and the other half passes to the decedent's maternal relatives in the same manner; but if there is no surviving grandparent or descendant of a grandparent on either the paternal or the maternal side, the entire estate passes to the decedent's relatives on the other side in the same manner as the half.
New Mexico Statutes, 45-2-103

Requirement that heir survive decedent by one hundred twenty hours
An individual who fails to survive the decedent by one hundred twenty hours is deemed to have predeceased the decedent for purposes of family allowance, personal property allowance and intestate succession, and the decedent's heirs are determined accordingly. If it is not established
by clear and convincing evidence that an individual who would otherwise be an heir survived the
decedent by one hundred twenty hours, it is deemed that the individual failed to survive for the
required period. This section is not to be applied if its application would result in a taking of
intestate estate by the state pursuant to Section 45-2-105 NMSA 1978.
New Mexico Statutes, 45-2-104

No taker
If there is no taker under the provisions of Chapter 45, Article 2 NMSA 1978, the intestate estate
passes to the state.
New Mexico Statutes, 45-2-105
New York Intestacy Laws

Descent and distribution of a decedent's estate
The property of a decedent not disposed of by will shall be distributed as provided in this section. In computing said distribution, debts, administration expenses and reasonable funeral expenses shall be deducted but all estate taxes shall be disregarded, except that nothing contained herein relieves a distributee from contributing to all such taxes the amounts apportioned against him or her under 2-1.8.

Distribution shall then be as follows:
(a) If a decedent is survived by:
   (1) A spouse and issue, fifty thousand dollars and one-half of the residue to the spouse, and the balance thereof to the issue by representation.
   (2) A spouse and no issue, the whole to the spouse.
   (3) Issue and no spouse, the whole to the issue, by representation.
   (4) One or both parents, and no spouse and no issue, the whole to the surviving parent or parents.
   (5) Issue of parents, and no spouse, issue or parent, the whole to the issue of the parents, by representation.
   (6) One or more grandparents or the issue of grandparents (as hereinafter defined), and no spouse, issue, parent or issue of parents, one-half to the surviving paternal grandparent or grandparents, or if neither of them survives the decedent, to their issue, by representation, and the other one-half to the surviving maternal grandparent or grandparents, or if neither of them survives the decedent, to their issue, by representation; provided that if the decedent was not survived by a grandparent or grandparents on one side or by the issue of such grandparents, the whole to the surviving grandparent or grandparents on the other side, or if neither of them survives the decedent, to their issue, by representation, in the same manner as the one-half. For the purposes of this subparagraph, issue of grandparents shall not include issue more remote than grandchildren of such grandparents.
   (7) Great-grandchildren of grandparents, and no spouse, issue, parent, issue of parents, grandparent, children of grandparents or grandchildren of grandparents, one-half to the great-grandchildren of the paternal grandparents, per capita, and the other one-half to the great-grandchildren of the maternal grandparents, per capita; provided that if the decedent was not survived by great-grandchildren of grandparents on one side, the whole to the great-grandchildren of grandparents on the other side, in the same manner as the one-half.
(b) For all purposes of this section, decedent's relatives of the half blood shall be treated as if they were relatives of the whole blood.
(c) Distributees of the decedent, conceived before his or her death but born alive thereafter, take as if they were born in his or her lifetime.
(d) The right of an adopted child to take a distributive share and the right of succession to the estate of an adopted child continue as provided in the domestic relations law.
(e) A distributive share passing to a surviving spouse under this section is in lieu of any right of dower to which such spouse may be entitled.

Laws of New York, § 4-1.1

Inheritance by non-marital children
(a) For the purposes of this article:
(1) A non-marital child is the legitimate child of his mother so that he and his issue inherit from his mother and from his maternal kindred.

(2) A non-marital child is the legitimate child of his father so that he and his issue inherit from his father and his paternal kindred if:

   (A) a court of competent jurisdiction has, during the lifetime of the father, made an order of filiation declaring paternity or the mother and father of the child have executed an acknowledgment of paternity pursuant to section four thousand one hundred thirty-five-b of the public health law, which has been filed with the registrar of the district in which the birth certificate has been filed or;

   (B) the father of the child has signed an instrument acknowledging paternity, provided that

      (i) such instrument is acknowledged or executed or proved in the form required to entitle a deed to be recorded in the presence of one or more witnesses and acknowledged by such witness or witnesses, in either case, before a notary public or other officer authorized to take proof of deeds and

      (ii) such instrument is filed within sixty days from the making thereof with the putative father registry established by the state department of social services pursuant to section three hundred seventy-two-c of the social services law, as added by chapter six hundred sixty-five of the laws of nineteen hundred seventy-six and

      (iii) the department of social services shall, within seven days of the filing of the instrument, send written notice by registered mail to the mother and other legal guardian of such child, notifying them that an acknowledgment of paternity instrument acknowledged or executed by such father has been duly filed or;

   (C) paternity has been established by clear and convincing evidence and the father of the child has openly and notoriously acknowledged the child as his own; or

   (D) a blood genetic marker test had been administered to the father which together with other evidence establishes paternity by clear and convincing evidence.

(3) The existence of an agreement obligating the father to support the non-marital child does not qualify such child or his issue to inherit from the father in the absence of an order of filiation made or acknowledgement of paternity as prescribed by subparagraph (2).

(4) A motion for relief from an order of filiation may be made only by the father and a motion for relief from an acknowledgement of paternity may be made by the father, mother or other legal guardian of such child, or the child, provided however, such motion must be made within one year from the entry of such order or from the date of written notice as provided for in subparagraph (2).

(b) If a non-marital child dies, his surviving spouse, issue, mother, maternal kindred, father and paternal kindred inherit and are entitled to letters of administration as if the decedent were legitimate, provided that the father and paternal kindred may inherit or obtain such letters only if the paternity of the non-marital child has been established pursuant to provisions of clause (A) of subparagraph (2) of paragraph (a) or the father has signed an instrument acknowledging paternity and filed the same in accordance with the provisions of clause (B) of subparagraph (2) of paragraph (a) or paternity has been established by clear and convincing evidence and the father of the child has openly and notoriously acknowledged the child as his own.

Laws of New York, § 4-1.2
Disqualification of parent to take intestate share
(a) No distributive share in the estate of a deceased child shall be allowed to a parent if the parent, while such child is under the age of twenty-one years:
   (1) has failed or refused to provide for the child or has abandoned such child, whether or not such child dies before having attained the age of twenty-one years, unless the parental relationship and duties are subsequently resumed and continue until the death of the child; or
   (2) has been the subject of a proceeding pursuant to section three hundred eighty-four-b of the social services law which:
      (A) resulted in an order terminating parental rights, or
      (B) resulted in an order suspending judgment, in which event the surrogate’s court shall make a determination disqualifying the parent on the grounds adjudicated by the family court, if the surrogate’s court finds, by a preponderance of the evidence, that the parent, during the period of suspension, failed to comply with the family court order to restore the parent-child relationship.
(b) Subject to the provisions of subdivision eight of section two hundred thirteen of the civil practice law and rules, the provisions of subparagraph one of paragraph (a) of this section shall not apply to a biological parent who places the child for adoption based upon:
   (1) a fraudulent promise, not kept, to arrange for and complete the adoption of such child, or
   (2) other fraud or deceit by the person or agency where, before the death of the child, the person or agency fails to arrange for the adoptive placement or petition for the adoption of the child, and fails to comply timely with conditions imposed by the court for the adoption to proceed.
(c) In the event that a parent or spouse is disqualified from taking a distributive share in the estate of a decedent under this section or 5-1.2, the estate of such decedent shall be distributed in accordance with 4-1.1 as though such spouse or parent had predeceased the decedent.

Laws of New York, § 4-1.4

Other disqualifications
No estate property, whether passing by intestacy or otherwise, which has its situs in this state, shall pass to any other state or territory of the United States, or to any foreign country or sovereignty in the event of the absence of an individual heir, distributee, legatee or owner of said property, but shall pass as abandoned property to the state of New York, and shall be held as such property pursuant to the abandoned property law.

Laws of New York, § 4-1.5

Disqualification of joint tenant in certain instances
Notwithstanding any other provision of law to the contrary, a joint tenant convicted of murder in the second degree as defined in section 125.25 of the penal law or murder in the first degree as defined in section 125.27 of the penal law of another joint tenant shall not be entitled to the distribution of any monies in a joint bank account created or contributed to by the deceased joint tenant, except for those monies contributed by the convicted joint tenant. Upon the conviction of such joint tenant of first or second degree murder and upon application by the prosecuting attorney, the court, as part of its sentence, shall issue an order directing the amount of any joint bank account to be distributed pursuant to the provisions of this section from the convicted joint tenant and to the deceased joint tenant's estate. The court and the prosecuting attorney shall each have the power to subpoena records of a banking institution to determine the amount of
money in such bank account and by whom deposits were made. The court shall also have the power to freeze such account upon application by the prosecuting attorney during the pendency of a trial for first or second degree murder. If, upon receipt of such court orders described in this section, the banking institution holding monies in such joint account complies with the terms of the order, such banking institution shall be held free from all liability for the distribution of such funds as were in such joint account. In the absence of actual or constructive notice of such order, the banking institution holding monies in such account shall be held harmless for distributing the money according to its ordinary course of business. For purposes of this section, the term banking institution shall have the same meaning as provided for in paragraph (b) of subdivision three of section nine-f of the banking law.

Laws of New York, § 4-1.6
§ 29-1. **Short title.**
This Chapter shall be known and may be cited as the Intestate Succession Act. (1959, c. 879, s. 1.)

§ 29-2. **Definitions.**
As used in this Chapter, unless the context otherwise requires, the term:
(1) "Advancement" means an irrevocable inter vivos gift of property, made by an intestate donor to any person who would be his heir or one of his heirs upon his death, and intended by the intestate donor to enable the donee to anticipate his inheritance to the extent of the gift; except that no gift to a spouse shall be considered an advancement unless so designated by the intestate donor in a writing signed by the donor at the time of the gift.
(2) "Estate" means all the property of a decedent, including but not limited to:
   a. An estate for the life of another; and
   b. All future interests in property not terminable by the death of the owner thereof, including all reversions, remainders, executory interests, rights of entry and possibilities of reverter, subject, however, to all limitations and conditions imposed upon such future interests.
(3) "Heir" means any person entitled to take real or personal property upon intestacy under the provisions of this Chapter.
(4) "Lineal descendants" of a person means all children of such person and successive generations of children of such children.
(5) "Net estate" means the estate of a decedent, exclusive of family allowances, costs of administration, and all lawful claims against the estate.
(6) "Share," when used to describe the share of a net estate or property which any person is entitled to take, includes both the fractional share of the personal property and the undivided fractional interest in the real property, which the person is entitled to take.

§ 29-3. **Certain distinctions as to intestate succession abolished.**
In the determination of those persons who take upon intestate succession there is no distinction:
(1) Between real and personal property, or
(2) Between ancestral and nonancestral property, or
(3) Between relations of the whole blood and those of the half blood.

§ 29-4. **Curtesy and dower abolished.**
The estates of curtesy and dower are hereby abolished.

§ 29-5. **Computation of next of kin.**
Degrees of kinship shall be computed as provided in G.S. 104A-1.

§ 29-6. **Lineal succession unlimited.**
There shall be no limitation on the right of succession by lineal descendants of an intestate.
§ 29-7. **Collateral succession limited.**
There shall be no right of succession by collateral kin who are more than five degrees of kinship removed from an intestate; provided that if there is no collateral relative within the five degrees of kinship referred to herein, then collateral succession shall be unlimited to prevent any property from escheating.

§ 29-8. **Partial intestacy.**
If part but not all of the estate of a decedent is validly disposed of by his will, the part not disposed of by such will shall descend and be distributed as intestate property.

§ 29-9. **Inheritance by unborn infant.**
Lineal descendants and other relatives of an intestate born within 10 lunar months after the death of the intestate, shall inherit as if they had been born in the lifetime of the intestate and had survived him.

§ 29-10. **Renunciation.**
Renunciation of an intestate share shall be as provided for in Chapter 31B of the General Statutes.

§ 29-11. **Aliens.**
Unless otherwise provided by law, it shall be no bar to intestate succession by any person, that he, or any person through whom he traces his inheritance, is or has been an alien.

§ 29-12. **Escheats.**
If there is no person entitled to take under G.S. 29-14 or G.S. 29-15, or if in case of an illegitimate intestate, there is no one entitled to take under G.S. 29-21 or G.S. 29-22 the net estate shall escheat as provided in G.S. 116B-2.

**Article 2.**
**Shares of Persons Who Take upon Intestacy.**

§ 29-13. **Descent and distribution upon intestacy; 120-hour survivorship requirement, revised simultaneous death act, Article 24, Chapter 28A.**
(a) All the estate of a person dying intestate shall descend and be distributed, subject to the payment of costs of administration and other lawful claims against the estate, and subject to the payment of State inheritance or estate taxes, as provided in this Chapter.
(b) The determination of whether an heir has predeceased a person dying intestate shall be made as provided by Article 24 of Chapter 28A of the General Statutes.

§ 29-14. **Share of surviving spouse.**
(a) **Real Property.** – The share of the surviving spouse in the real property is:
(1) If the intestate is survived by only one child or by any lineal descendant of only one deceased child, a one-half undivided interest in the real property;
If the intestate is survived by two or more children, or by one child and any lineal descendant of one or more deceased children or by lineal descendants of two or more deceased children, a one-third undivided interest in the real property;
(3) If the intestate is not survived by a child, children or any lineal descendant of a deceased child or children, but is survived by one or more parents, a one-half undivided interest in the real property;
(4) If the intestate is not survived by a child, children or any lineal descendant of a deceased child or children, or by a parent, all the real property.

(b) **Personal Property.** – The share of the surviving spouse in the personal property is:
(1) If the intestate is survived by only one child or by any lineal descendant of only one deceased child, and the net personal property does not exceed thirty thousand dollars ($30,000) in value, all of the personal property; if the net personal property exceeds thirty thousand dollars ($30,000) in value, the sum of thirty thousand dollars ($30,000) plus one half of the balance of the personal property;
(2) If the intestate is survived by two or more children, or by one child and any lineal descendant of one or more deceased children, or by lineal descendants of two or more deceased children, and the net personal property does not exceed thirty thousand dollars ($30,000) in value, all of the personal property; if the net personal property exceeds thirty thousand dollars ($30,000) in value, the sum of thirty thousand dollars ($30,000) plus one third of the balance of the personal property;
(3) If the intestate is not survived by a child, children, or any lineal descendant of a deceased child or children, but is survived by one or more parents, and the net personal property does not exceed fifty thousand dollars ($50,000) in value, all of the personal property; if the net personal property exceeds fifty thousand dollars ($50,000) in value, the sum of fifty thousand dollars ($50,000) plus one half of the balance of the personal property;
(4) If the intestate is not survived by a child, children, or any lineal descendant of a deceased child or children, or by a parent, all of the personal property.

(c) When an equitable distribution of property is awarded to the surviving spouse pursuant to G.S. 50-20 subsequent to the death of the decedent, the share of the surviving spouse determined under subsections (a) and (b) of this section shall be first determined as though no property had been awarded to the surviving spouse pursuant to G.S. 50-20 subsequent to the death of the decedent, and then reduced by the net value of the marital estate awarded to the surviving spouse pursuant to G.S. 50-20 subsequent to the death of the decedent.

§ 29-15. **Shares of others than surviving spouse.**
Those persons surviving the intestate, other than the surviving spouse, shall take that share of the net estate not distributable to the surviving spouse, or the entire net estate if there is no surviving spouse, as follows:
(1) If the intestate is survived by only one child or by only one lineal descendant of only one deceased child, that person shall take the entire net estate or share, but if the intestate is survived by two or more lineal descendants of only one deceased child, they shall take as provided in G.S. 29-16; or
(2) If the intestate is survived by two or more children or by one child and any lineal descendant of one or more deceased children, or by lineal descendants of two or more deceased children, they shall take as provided in G.S. 29-16; or
(3) If the intestate is not survived by a child, children or any lineal descendant of a deceased child or children, but is survived by both parents, they shall take in equal shares, or if either parent is dead, the surviving parent shall take the entire share; or
(4) If the intestate is not survived by such children or lineal descendants or by a parent, the brothers and sisters of the intestate, and the lineal descendants of any deceased brothers or sisters, shall take as provided in G.S. 29-16; or
(5) If there is no one entitled to take under the preceding subdivisions of this section or under G.S. 29-14,
   a. The paternal grandparents shall take one half of the net estate in equal shares, or, if either is dead, the survivor shall take the entire one half of the net estate, and if neither paternal grandparent survives, then the paternal uncles and aunts of the intestate and the lineal descendants of deceased paternal uncles and aunts shall take said one half as provided in G.S. 29-16; and
   b. The maternal grandparents shall take the other one half in equal shares, or if either is dead, the survivor shall take the entire one half of the net estate, and if neither maternal grandparent survives, then the maternal uncles and aunts of the intestate and the lineal descendants of deceased maternal uncles and aunts shall take one half as provided in G.S. 29-16; but
   c. If there is no grandparent and no uncle or aunt, or lineal descendant of a deceased uncle or aunt, on the paternal side, then those on the maternal side who otherwise would be entitled to take one half as hereinbefore provided in this subdivision shall take the whole; or
   d. If there is no grandparent and no uncle or aunt, or lineal descendant of a deceased uncle or aunt, on the maternal side, then those on the paternal side who otherwise would be entitled to take one half as hereinbefore provided in this subdivision shall take the whole.

Article 3.
Distribution among Classes.
§ 29-16. Distribution among classes.
(a) Children and Their Lineal Descendants. – If the intestate is survived by lineal descendants, their respective shares in the property which they are entitled to take under G.S. 29-15 of this Chapter shall be determined in the following manner:
   (1) Children. – To determine the share of each surviving child, divide the property by the number of surviving children plus the number of deceased children who have left lineal descendants surviving the intestate.
   (2) Grandchildren. – To determine the share of each surviving grandchild by a deceased child of the intestate in the property not taken under the preceding subdivision of this subsection, divide that property by the number of such surviving grandchildren plus the number of deceased grandchildren who have left lineal descendants surviving the intestate.
   (3) Great-Grandchildren. – To determine the share of each surviving great-grandchild by a deceased grandchild of the intestate in the property not taken under the preceding subdivisions of this subsection, divide that property by the number of such surviving great-grandchildren plus the number of deceased great-grandchildren who have left lineal descendants surviving the intestate.
   (4) Great-Great-Grandchildren. – To determine the share of each surviving great-great-grandchild by a deceased great-grandchild of the intestate in the property not taken under the preceding subdivisions of this subsection, divide that property by the number of such
surviving great-great-grandchildren plus the number of deceased great-great-grandchildren who have left lineal descendants surviving the intestate.

(5) Other Lineal Descendants of Children. – Divide, according to the formula established in the preceding subdivisions of this subsection, any property not taken under such preceding subdivisions, among the lineal descendants of the children of the intestate not already participating.

(6) Brothers and Sisters and Their Lineal Descendants. – If the intestate is survived by brothers and sisters or the lineal descendants of deceased brothers and sisters, their respective shares in the property which they are entitled to take under G.S. 29-15 of this Chapter shall be determined in the following manner:

(1) Brothers and Sisters. – To determine the share of each surviving brother and sister, divide the property by the number of surviving brothers and sisters plus the number of deceased brothers and sisters who have left lineal descendants surviving the intestate within the fifth degree of kinship to the intestate.

(2) Nephews and Nieces. – To determine the share of each surviving nephew or niece by a deceased brother or sister of the intestate in the property not taken under the preceding subdivision of this subsection, divide that property by the number of such surviving nephews or nieces plus the number of deceased nephews and nieces who have left lineal descendants surviving the intestate within the fifth degree of kinship to the intestate.

(3) Grandnephews and Grandnieces. – To determine the share of each surviving grandnephew or grandniece by a deceased nephew or niece of the intestate in the property not taken under the preceding subdivision of this subsection, divide that property by the number of such surviving grandnephews and grandnieces plus the number of deceased grandnephews and grandnieces who have left children surviving the intestate.

(4) Great-Grandnephews and Great-Grandnieces. – To determine the share of each surviving child of a deceased grandnephew or grandniece of the intestate, divide equally among the great-grandnephews and great-grandnieces of the intestate any property not taken under the preceding subdivisions of this subsection.

(5) Grandparents and Others. – If there is no one within the fifth degree of kinship to the intestate entitled to take the property under the preceding subdivisions of this subsection, then the intestate's property shall go to those entitled to take under G.S. 29-15(5).

(c) Uncles and Aunts and Their Lineal Descendants. – If the intestate is survived by uncles and aunts or the lineal descendants of deceased uncles and aunts, their respective shares in the property which they are entitled to take under G.S. 29-15 shall be determined in the following manner:

(1) Uncles and Aunts. – To determine the share of each surviving uncle and aunt, divide the property by the number of surviving uncles and aunts plus the number of deceased uncles and aunts who have left children or grandchildren surviving the intestate.

(2) Children of Uncles and Aunts. – To determine the share of each surviving child of a deceased uncle or aunt of the intestate in the property not taken under the preceding subdivision of this subsection, divide that property by the number of surviving children of deceased uncles and aunts plus the number of deceased children of deceased uncles and aunts who have left children surviving the intestate.

(3) Grandchildren of Uncles and Aunts. – To determine the share of each surviving child of a deceased child of a deceased uncle or aunt of the intestate, divide equally among the grandchildren of uncles or aunts of the intestate any property not taken under the preceding
subdivisions of this subsection.

Article 4.
Adopted Children.

§ 29-17. Succession by, through and from adopted children.
(a) A child, adopted in accordance with Chapter 48 of the General Statutes or in accordance with the applicable law of any other jurisdiction, and the heirs of such child, are entitled by succession to any property by, through and from his adoptive parents and their heirs the same as if he were the natural legitimate child of the adoptive parents.
(b) An adopted child is not entitled by succession to any property, by, through, or from his natural parents or their heirs, except as provided in subsection (e) of this section.
(c) The adoptive parents and the heirs of the adoptive parents are entitled by succession to any property, by, through and from an adopted child the same as if the adopted child were the natural legitimate child of the adoptive parents.
(d) The natural parents and the heirs of the natural parents are not entitled by succession to any property, by, through or from an adopted child, except as provided in subsection (e) of this section.
(e) If a natural parent has previously married, is married to, or shall marry an adoptive parent, the adopted child is considered the child of such natural parent for all purposes of intestate succession.

For additional provisions regarding North Carolina's intestacy laws, click here.
North Dakota Intestacy Laws

30.1-04-01. (2-101) **Intestate estate.**
1. Any part of a decedent's estate not effectively disposed of by will passes by intestate succession to the decedent's heirs as prescribed in this title, except as modified by the decedent's will.

2. A decedent, by will, may expressly exclude or limit the right of an individual or class to succeed to property of the decedent passing by intestate succession. If that individual or a member of that class survives the decedent, the share of the decedent's intestate estate to which that individual or class would have succeeded passes as if that individual or each member of that class had disclaimed the intestate share.

30.1-04-02. (2-102) **Share of spouse.**
The intestate share of a decedent's surviving spouse is:
1. The entire intestate estate if:
   a. No descendant or parent of the decedent survives the decedent; or
   b. All of the decedent's surviving descendants are also descendants of the surviving spouse and there is no other descendant of the surviving spouse who survives the decedent.
2. The first two hundred thousand dollars, plus three-fourths of any balance of the intestate estate, if no descendant of the decedent survives the decedent, but a parent of the decedent survives the decedent.
3. The first one hundred fifty thousand dollars, plus one-half of any balance of the intestate, if all of the decedent's surviving descendants are also descendants of the surviving spouse and the surviving spouse has one or more surviving descendants who are not descendants of the decedent.
4. The first one hundred thousand dollars, plus one-half of any balance of the intestate estate, if one or more of the decedent's surviving descendants are not descendants of the surviving spouse.

30.1-04-03. (2-103) **Share of heirs other than surviving spouse.**
Any part of the intestate estate not passing to the decedent's surviving spouse under section 30.1-04-02, or the entire intestate estate if there is no surviving spouse, passes in the following order to the individuals designated below who survive the decedent:
1. To the decedent's descendants by representation.
2. If there is no surviving descendant, to the decedent's parents equally if both survive, or to the surviving parent.
3. If there is no surviving descendant or parent, to the descendants of the decedent's parents or either of them by representation.
4. If there is no surviving descendant, parent, or descendant of a parent, but the decedent is survived by one or more grandparents or descendants of grandparents, half of the estate passes to the decedent's paternal grandparents equally if both survive, or to the surviving paternal grandparent, or to the descendants of the decedent's paternal grandparents or either of them if both are deceased, the Page No. 1 descendant's taking by representation; and the other half passes to the decedent's maternal relatives in the same manner; but if there is no surviving
grandparent or descendant of a grandparent on either the paternal or the maternal side, the entire estate passes to the decedent's relatives on the other side in the same manner as the half.

30.1-04-03.1. Individuals related to decedent through two lines.
An individual who is related to the decedent through two lines of relationship is entitled to only a single share based on the relationship that would entitle the individual to the larger share.

30.1-04-04. (2-104) Requirement that heir survive decedent for one hundred twenty hours.
An individual who fails to survive the decedent by one hundred twenty hours is deemed to have predeceased the decedent for purposes of homestead allowance, exempt property, and intestate succession, and the decedent's heirs are determined accordingly. If it is not established by clear and convincing evidence that an individual who would otherwise be an heir survived the decedent by one hundred twenty hours, it is deemed that the individual failed to survive for the required period. This section is not to be applied if its application would result in a taking of intestate estate by the state under section 30.1-04-05.

30.1-04-05. (2-105) No taker.
If there is no taker under the provisions of this title, the intestate estate passes to the state for the support of the common schools and an action for the recovery of such property and to reduce it into the possession of the state or for its sale and conveyance may be brought by the attorney general or by the state's attorney in the district court of the county in which the property is situated.


30.1-04-07. (2-107) Kindred of half blood.
Relatives of the half blood inherit the same share they would inherit if they were of the whole blood.

An individual in gestation at a particular time is treated as living at that time if the individual lives one hundred twenty hours or more after birth.
30.1-04-09. (2-114) Meaning of child and related terms. If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person:
1. An adopted individual is the child of an adopting parent or parents and not of the natural parents, but adoption of a child by the spouse of either natural parent has no effect on the relationship between the child and that natural parent or the right of the child or a descendant of the child to inherit from or through the other natural parent.
2. Inheritance from and through a child by either natural parent or kindred is precluded unless that natural parent has openly treated the child as the parent's, and has not refused to support the child.
3. In cases not covered by subsections 1 and 2, an individual is the child of its natural parents
regardless of the marital status of its parents. The parent and child relationship may be established under chapter 14-17.

1. If an individual dies intestate as to all or a portion of the individual's estate, property the decedent gave during the decedent's lifetime to an individual who, at the decedent's death, is an heir is treated as an advancement against the heir's intestate share only if the decedent declared in a contemporaneous writing or the heir acknowledged in writing that the gift is an advancement or the decedent's contemporaneous writing or the heir's written acknowledgment otherwise indicates that the gift is to be taken into account in computing the division and distribution of the decedent's intestate estate.
2. For purposes of subsection 1, property advanced is valued as of the time the heir decedent's death, whichever first occurs. 3. If the recipient of the property fails to survive the decedent, the property is not taken into account in computing the division and distribution of the decedent's intestate estate, unless the decedent's contemporaneous writing provides otherwise.

30.1-04-11. (2-110) Debts to decedent.
A debt owed to a decedent is not charged against the intestate share of any individual except the debtor. If the debtor fails to survive the decedent, the debt is not taken into account in computing the intestate share of the debtor's descendants.

No individual is disqualified to take as an heir because the individual or an individual through whom that individual claims is or has been an alien.

The estates of dower and curtesy are abolished.
Ohio Intestacy Laws

2105.01 No distinction between ancestral and nonancestral or real and personal property.
In intestate succession, there shall be no difference between ancestral and nonancestral property or between real and personal property.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 10-01-1953

2105.02 Construction of living and died.
When, in Chapter 2105. of the Revised Code, a person is described as living, it means that the person was living at the time of the death of the intestate from whom the estate came, and when a person is described as having died, it means that the person died before such intestate.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 05-16-2002

2105.03 Determination of next of kin.
In the determination of intestate succession, next of kin shall be determined by degrees of relationship computed by the rules of civil law.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 10-01-1953

2105.04 Permanent leases to descend same as estates in fee.
Permanent leasehold estates, renewable forever, are subject to Chapter 2105. of the Revised Code.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 05-16-2002

2105.05 Repealed.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 05-26-1976

2105.051 Advancements - time of valuation.
When a person dies, property that he gave during his lifetime to an heir shall be treated as an advancement against the heir’s share of the estate only if declared in a contemporaneous writing by the decedent, or acknowledged in writing by the heir to be an advancement. For this purpose, property advanced is valued as of the time the heir came into possession or enjoyment of the property, or as of the time of death of the decedent, whichever occurs first. If the heir does not survive the decedent, the property shall not be taken into account in computing the intestate share to be received by the heir’s issue, unless the declaration or acknowledgment provides otherwise.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 01-01-1976

2105.052 Debts owed to decedent.
Any debt owed to a decedent shall not be charged against the intestate share of any person except the debtor. If the debtor fails to survive decedent, the debt shall not be taken into account in computing the intestate share of the debtor’s issue.
Effective Date: 01-01-1976

2105.06 Statute of descent and distribution.
When a person dies intestate having title or right to any personal property, or to any real estate or inheritance, in this state, the personal property shall be distributed, and the real estate or
inheritance shall descend and pass in parcenary, except as otherwise provided by law, in the following course:
(A) If there is no surviving spouse, to the children of the intestate or their lineal descendants, per stirpes;
(B) If there is a spouse and one or more children of the decedent or their lineal descendants surviving, and all of the decedent’s children who survive or have lineal descendants surviving also are children of the surviving spouse, then the whole to the surviving spouse;
(C) If there is a spouse and one child of the decedent or the child’s lineal descendants surviving and the surviving spouse is not the natural or adoptive parent of the decedent’s child, the first twenty thousand dollars plus one-half of the balance of the intestate estate to the spouse and the remainder to the child or the child’s lineal descendants, per stirpes;
(D) If there is a spouse and more than one child or their lineal descendants surviving, the first sixty thousand dollars if the spouse is the natural or adoptive parent of one, but not all, of the children, or the first twenty thousand dollars if the spouse is the natural or adoptive parent of none of the children, plus one-third of the balance of the intestate estate to the spouse and the remainder to the children equally, or to the lineal descendants of any deceased child, per stirpes;
(E) If there are no children or their lineal descendants, then the whole to the surviving spouse;
(F) If there is no spouse and no children or their lineal descendants, to the parents of the intestate equally, or to the surviving parent;
(G) If there is no spouse, no children or their lineal descendants, and no parent surviving, to the brothers and sisters, whether of the whole or of the half blood of the intestate, or their lineal descendants, per stirpes;
(H) If there are no brothers or sisters or their lineal descendants, one-half to the paternal grandparents of the intestate equally, or to the survivor of them, and one-half to the maternal grandparents of the intestate equally, or to the survivor of them;
(I) If there is no paternal grandparent or no maternal grandparent, one-half to the lineal descendants of the deceased grandparents, per stirpes; if there are no such lineal descendants, then to the surviving grandparents or their lineal descendants, per stirpes; if there are no surviving grandparents or their lineal descendants, then to the next of kin of the intestate, provided there shall be no representation among such next of kin;
(J) If there are no next of kin, to stepchildren or their lineal descendants, per stirpes;
(K) If there are no stepchildren or their lineal descendants, escheat to the state.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 03-22-2001

2105.061 Real property subject to monetary charge of surviving spouse.
Except any real property that a surviving spouse elects to receive under section 2106.10 of the Revised Code, the title to real property in an intestate estate shall descend and pass in parcenary to those persons entitled to it under division (B), (C), or (D) of section 2105.06 of the Revised Code, subject to the monetary charge of the surviving spouse. The administrator or executor shall file an application for a certificate of transfer as provided in section 2113.61 of the Revised Code, and the application shall include a statement of the amount of money that remains due and payable to the surviving spouse as found by the probate court. The certificate of transfer ordered by the probate court shall recite that the title to the real property described in the certificate is subject to the monetary charge in favor of the surviving spouse and shall recite the value in dollars of the charge on the title to the real property included in the certificate.
2105.07 Escheat of personal estate.
When, under Chapter 2105. of the Revised Code, personal property escheats to the state, the prosecuting attorney of the county in which letters of administration are granted upon such estate shall collect and pay it over to the county treasurer. Such estate shall be applied exclusively to the support of the common schools of the county in which collected.

2105.08 Application of provisions relating to escheating estates.
Chapter 2105. of the Revised Code applies to any escheating estate of which possession has not been taken, or which has not been collected by the proper officers of the state or those acting under their authority. Right or claim of the state thereto is hereby relinquished to the person who would have been entitled thereto had such sections been in force when the intestate died.

2105.09 Disposition of escheated lands.
(A) The county auditor, unless he acts pursuant to division (C) of this section, shall take possession of real property escheated to the state that is located in his county and outside the incorporated area of a city. The auditor shall take possession in the name of the state and sell the property at public auction, at the county seat of the county, to the highest bidder, after having given thirty days’ notice of the intended sale in a newspaper published within the county. On the application of the auditor, the court of common pleas shall appoint three disinterested freeholders of the county to appraise the real property. The freeholders shall be governed by the same rule as appraisers in sheriffs’ or administrators’ sales. The auditor shall sell the property at not less than two thirds of its appraised value and may sell it for cash, or for one-third cash and the balance in equal annual payments, the deferred payments to be amply secured. Upon payment of the whole consideration, the auditor shall execute a deed to the purchaser, in the name and on behalf of the state. The proceeds of the sale shall be paid by the auditor to the county treasurer.

If there is a regularly organized agricultural society within the county, the treasurer shall pay the greater of six hundred dollars or five per cent of the proceeds, in any case, to the society. The excess of the proceeds, or the whole thereof if there is no regularly organized agricultural society within the county, shall be distributed as follows:

1. Twenty-five per cent shall be paid equally to the townships of the county;
2. Seventy per cent shall be paid into the state treasury to the credit of the Agro Ohio fund created under section 901.04 of the Revised Code;
3. Five per cent shall be credited to the county general fund for such lawful purposes as the board of county commissioners provides.

(B) The legislative authority of a city within which are lands escheated to the state, unless it acts pursuant to division (C) of this section, shall take possession of the lands for the city, and the title to the lands shall vest in the city. The city shall use the premises primarily for health, welfare, or recreational purposes, or may lease them at such prices and for such purposes as it
considers proper. With the approval of the tax commissioner, the city may sell the lands or any undivided interest in the lands, in the same manner as is provided in the sale of land not needed for any municipal purposes; provided, that the net proceeds from the rent or sale of the premises shall be devoted to health, welfare, or recreational purposes.

(C) As an alternative to the procedure prescribed in divisions (A) and (B) of this section, the county auditor, or if the real property is located within the incorporated area of a city, the legislative authority of that city by an affirmative vote of at least a majority of its members, may request the probate court to direct the administrator or executor of the estate that contains the escheated property to commence an action in the probate court for authority to sell the real property in the manner provided in Chapter 2127. of the Revised Code. The proceeds from the sale of real property that is located outside the incorporated area of a city shall be distributed by the court in the same manner as the proceeds are distributed under division (A) of this section. The proceeds from the sale of real property that is located within the incorporated area of a city shall be distributed by the court in the same manner as the proceeds are distributed under division (B) of this section.

Ohio Intestacy Laws (Descent and Distribution); Effective Date: 09-08-1986

2105.10 Parent abandoning minor child barred from intestate succession.

(A) As used in this section:

(1) “Abandoned” means that a parent of a minor failed without justifiable cause to communicate with the minor, care for him, and provide for his maintenance or support as required by law or judicial decree for a period of at least one year immediately prior to the date of the death of the minor.

(2) “Minor” means a person who is less than eighteen years of age.

(B) Subject to divisions (C), (D), and (E) of this section, a parent who has abandoned his minor child who subsequently dies intestate as a minor shall not inherit the real or personal property of the deceased child pursuant to section 2105.06 of the Revised Code. If a parent is prohibited by this division from inheriting from his deceased child, the real or personal property of the deceased child shall be distributed, or shall descend and pass in parcenary, pursuant to section 2105.06 of the Revised Code as if the parent had predeceased the deceased child.

(C) Subject to divisions (D) and (E) of this section, a parent who is alleged to have abandoned a child who died as an intestate minor shall be considered as a next of kin or an heir at law of the deceased child only for the following purposes:

(1) To receive any notice required to be given to the heirs at law of a decedent in connection with an application for release of an estate from administration under section 2113.03 of the Revised Code;

(2) To be named as a next of kin in an application for the appointment of a person as the administrator of the estate of the deceased child, if the parent is known to the person filing the application pursuant to section 2113.07 of the Revised Code, and to receive a citation issued by the probate court pursuant to that section.

(D)

(1) The prohibition against inheritance set forth in division (B) of this section shall be enforceable only in accordance with a probate court adjudication rendered pursuant to this division.

(2) If the administrator of the estate of an intestate minor has actual knowledge, or reasonable cause to believe, that the minor was abandoned by a parent, the administrator shall file a petition pursuant to section 2123.02 of the Revised Code to obtain an adjudication that the parent
abandoned the child and that, because of the prohibition against inheritance set forth in division (B) of this section, the parent shall not be considered to be an heir at law of, and shall not be entitled to inherit the real and personal property of, the deceased child pursuant to section 2105.06 of the Revised Code. That parent shall be named as a defendant in the petition and, whether or not that parent is a resident of this state, shall be served with a summons and a copy of the petition in accordance with the Rules of Civil Procedure. In the heirship determination proceeding, the administrator has the burden of proving, by a preponderance of the evidence, that the parent abandoned the child. If, after the hearing, the probate court finds that the administrator has sustained that burden of proof, the probate court shall include in its adjudication described in section 2123.05 of the Revised Code its findings that the parent abandoned the child and, because of the prohibition against inheritance set forth in division (B) of this section, the parent shall not be considered to be an heir at law of, and shall not be entitled to inherit the real and personal property of, the deceased child pursuant to section 2105.06 of the Revised Code. If the probate court so finds, then, upon the entry of its adjudication on its journal, the administrator may make a final distribution of the estate of the deceased child in accordance with division (B) of this section.

(3) An heirship determination proceeding resulting from the filing of a petition pursuant to this division shall be conducted in accordance with Chapter 2123. of the Revised Code, except to the extent that a provision of this section conflicts with a provision of that chapter, in which case the provision of this section shall control.

(E) If the administrator of the estate of an intestate minor has not commenced an heirship determination proceeding as described in division (D) of this section within four months from the date that he receives his letters of administration, then such a proceeding may not be commenced subsequently, no parent of the deceased child shall be prohibited from inheriting the real or personal property of the deceased child pursuant to division (B) of this section, and the probate of the estate of the deceased child in accordance with section 2105.06 and other relevant sections of the Revised Code shall be forever binding.

Ohio Intestacy Laws (Descent and Distribution); Effective Date: 08-03-1992

2105.11 Estate to descend equally to children of intestate.
When a person dies intestate leaving children and none of the children of such intestate have died leaving children or their lineal descendants, such estate shall descend to the children of such intestate, living at the time of his death, in equal proportions.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 10-01-1953

2105.12 Descent when all descendants of equal degree of consanguinity.
When all the descendants of an intestate, in a direct line of descent, are on an equal degree of consanguinity to the intestate, the estate shall pass to such persons in equal parts, however remote from the intestate such equal and common degree of consanguinity may be.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 10-01-1953

2105.13 Descent when children and heirs of deceased children are living.
If some of the children of an intestate are living and others are dead, the estate shall descend to the children who are living and to the lineal descendants of such children as are dead, so that each child who is living will inherit the share to which he would have been entitled if all the children of the intestate were living, and the lineal descendants of the deceased child will inherit
equal parts of that portion of the estate to which such deceased child would be entitled if he were living. This section shall apply in all cases in which the descendants of the intestate, not more remote than lineal descendants of grandparents, entitled to share in the estate, are of unequal degree of consanguinity to the intestate, so that those who are of the nearest degree of consanguinity will take the share to which they would have been entitled, had all the descendants in the same degree of consanguinity with them who died leaving issue, been living.

Ohio Intestacy Laws (Descent and Distribution); Effective Date: 10-01-1953

2105.14 Posthumous child to inherit.
Descendants of an intestate begotten before his death, but born thereafter, in all cases will inherit as if born in the lifetime of the intestate and surviving him; but in no other case can a person inherit unless living at the time of the death of the intestate.

Ohio Intestacy Laws (Descent and Distribution); Effective Date: 10-01-1953

2105.15 Designation of heir at law.
A person of sound mind and memory may appear before the probate judge of his county and in the presence of such judge and two disinterested persons of such person’s acquaintance, file a written declaration declaring that, as his free and voluntary act, he did designate and appoint another, stating the name and place of residence of such person specifically, to stand toward him in the relation of an heir at law in the event of his death. Such declaration must be attested by the two disinterested persons and subscribed by the declarant. If satisfied that such declarant is of sound mind and memory and free from restraint, the judge thereupon shall enter that fact upon his journal and make a complete record of such proceedings. Thenceforward the person designated will stand in the same relation, for all purposes, to such declarant as he could if a child born in lawful wedlock. The rules of inheritance will be the same between him and the relations by blood of the declarant, as if so born. A certified copy of such record will be prima-facie evidence of the fact stated therein, and conclusive evidence, unless impeached for actual fraud or undue influence. After a lapse of one year from the date of such designation, such declarant may have such designation vacated or changed by filing in said probate court an application to vacate or change such designation of heir; provided, that there is compliance with the procedure, conditions, and prerequisites required in the making of the original declaration.

Ohio Intestacy Laws (Descent and Distribution); Effective Date: 10-01-1953

2105.16 Heirs of aliens may inherit - aliens may hold lands.
No person who is capable of inheriting shall be deprived of the inheritance by reason of any of his ancestors having been aliens. Aliens may hold, possess, and enjoy lands, tenements, and hereditaments within this state, either by descent, devise, gift, or purchase, as fully as any citizen of the United States or of this state may do.

Ohio Intestacy Laws (Descent and Distribution); Effective Date: 10-01-1953

2105.17 Children born out of wedlock.
Children born out of wedlock shall be capable of inheriting or transmitting inheritance from and to their mother, and from and to those from whom she may inherit, or to whom she may transmit inheritance, as if born in lawful wedlock.

Ohio Intestacy Laws (Descent and Distribution); Effective Date: 01-01-1976
2105.18 Amended and Renumbered RC 5101.314.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 01-01-1998

Persons prohibited from benefiting by the death of another.
(A) Except as provided in division (C) of this section, no person who is convicted of, pleads guilty to, or is found not guilty by reason of insanity of a violation of or complicity in the violation of section 2903.01, 2903.02, or 2903.03 of the Revised Code or of an existing or former law of any other state, the United States, or a foreign nation, substantially equivalent to a violation of or complicity in the violation of any of these sections, no person who is indicted for a violation of or complicity in the violation of any of those sections or laws and subsequently is adjudicated incompetent to stand trial on that charge, and no juvenile who is found to be a delinquent child by reason of committing an act that, if committed by an adult, would be a violation of or complicity in the violation of any of those sections or laws, shall in any way benefit by the death. All property of the decedent, and all money, insurance proceeds, or other property or benefits payable or distributable in respect of the decedent’s death, shall pass or be paid or distributed as if the person who caused the death of the decedent had predeceased the decedent.

(B) A person prohibited by division (A) of this section from benefiting by the death of another is a constructive trustee for the benefit of those entitled to any property or benefit that the person has obtained, or over which he has exerted control, because of the decedent’s death. A person who purchases any such property or benefit from the constructive trustee, for value, in good faith, and without notice of the constructive trustee’s disability under division (A) of this section, acquires good title, but the constructive trustee is accountable to the beneficiaries for the proceeds or value of the property or benefit.

(C) A person who is prohibited from benefiting from a death pursuant to division (A) of this section either because he was adjudicated incompetent to stand trial or was found not guilty by reason of insanity, or his guardian appointed pursuant to Chapter 2111. of the Revised Code or other legal representative, may file a complaint to declare his right to benefit from the death in the probate court in which the decedent’s estate is being administered or which released the estate from administration. The complaint shall be filed no later than sixty days after the person is adjudicated incompetent to stand trial or found not guilty by reason of insanity. The court shall notify each person who is a devisee or legatee under the decedent’s will, or if there is no will, each person who is an heir of the decedent pursuant to section 2105.06 of the Revised Code that such a complaint has been filed within ten days after the filing of such a complaint. The person who files the motion, and each person who is required to be notified of the filing of the motion under this division is entitled to a jury trial in the action. To assert the right, the person desiring a jury trial shall demand a jury in the manner prescribed in the civil rules.

A person who files a complaint pursuant to this division shall be restored to his right to benefit from the death unless the court determines, by a preponderance of the evidence, that the person would have been convicted of a violation of, or complicity in the violation of, section 2903.01, 2903.02, or 2903.03 of the Revised Code, or of a law of another state, the United States, or a foreign nation that is substantially similar to any of those sections, if he had been brought to trial in the case in which he was adjudicated incompetent or if he were not insane at the time of the commission of the offense.

Ohio Intestacy Laws (Descent and Distribution); Effective Date: 10-17-1985
2105.20 Waste by tenant for life.
A tenant for life in real property who commits or suffers waste thereto shall forfeit that part of the property, to which such waste is committed or suffered, to the person having the immediate estate in reversion or remainder and such tenant will be liable in damages to such person for the waste committed or suffered thereto.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 10-01-1953

2105.21 Repealed.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 05-16-2002

2105.25 Filing declaration alleging fatherhood of adult child.
(A) As used in this section and section 2105.26 of the Revised Code:
   (1) “Adult child” means a person born in this state who is twenty-three years old or older.
   (2) “Genetic test” has the same meaning as in section 3111.09 of the Revised Code.
(B) A man alleging himself to be the father of an adult child, the adult child’s mother, and the adult child may appear together before the probate judge of the county in which the man resides and jointly file a declaration stating that the man is the adult child’s father and requesting that the court issue an order declaring the man to be the adult child’s father. The declaration must state that the adult child’s birth certificate does not designate anyone as the adult child’s father, the request for the order is made freely and voluntarily by all parties appearing before the court, and genetic test results show the man is the adult child’s father. A copy of the birth certificate and the genetic test results must be attached to the declaration.
(C) The man alleging himself to be the adult child’s father and the adult child may appear before the court without the adult child’s mother and file the declaration if the mother is deceased or has been adjudicated incompetent. If the man alleging himself to be the adult child’s father is not a resident of this state, appearance under this section may be made before a probate judge of any county of this state.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 10-31-2001

2105.26 Order declaring fatherhood of adult child.
(A) If the probate court determines the following, it shall issue the order requested under section 2105.25 of the Revised Code declaring the man alleging himself to be the father of the adult child to be the adult child’s father:
   (1) The order was freely and voluntarily requested.
   (2) No person is designated as the father on the birth certificate of the adult child.
   (3) Genetic test results show that the man is the father of the adult child.
   (4) It is in the best interests of the man and adult child that the order be issued.
(B) As part of the order, the court shall order the adult child’s birth certificate to be changed to designate the man as the adult child’s father.
(C) After issuance of an order under this section, the adult child shall be considered the child of the man declared to be the father as if born to him in lawful wedlock, except that the adult child and the adult child’s mother shall not be awarded child support from the man for the time the adult child was a minor.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 10-31-2001
2105.31 Uniform simultaneous death act definitions.
As used in sections 2105.31 to 2105.39 of the Revised Code:
(A) “Co-owners with right of survivorship” includes joint tenants, tenants by the entireties, and other co-owners of real or personal property; insurance or other policies; or bank, savings bank, credit union, or other accounts, held under circumstances that entitle one or more persons to the whole of the property or account on the death of the other person or persons.
(B) “Governing instrument” means a deed, will, trust, insurance or annuity policy, account with a transfer-on-death designation or the abbreviation TOD, account with a payable-on-death designation or the abbreviation POD, pension, profit-sharing, retirement, or similar benefit plan, instrument creating or exercising a power of appointment or a power of attorney, or a dispositive, appointive, or nominative instrument of any similar type.
(C) “Payor” means a trustee, insurer, business entity, employer, governmental agency, political subdivision, or any other person authorized or obligated by law or a governing instrument to make payments or transfers.
(D) “Event” includes the death of another person.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 05-16-2002; 04-14-2006

2105.32 Person is deemed to have predeceased another person.
(A) Except as provided in section 2105.36 of the Revised Code, a person who is not established by clear and convincing evidence to have survived another specified person by one hundred twenty hours is deemed to have predeceased the other person for the following purposes:
(1) When the title to real or personal property or the devolution of real or personal property depends upon a person’s survivorship of the death of another person;
(2) When the right to elect an interest in or exempt a surviving spouse’s share of an intestate estate under section 2105.06 of the Revised Code depends upon a person’s survivorship of the death of another person;
(3) When the right to elect an interest in or exempt an interest of the decedent in the mansion house pursuant to section 2106.10 of the Revised Code depends upon a person’s survivorship of the death of another person;
(4) When the right to elect an interest in or exempt an allowance for support pursuant to section 2106.13 of the Revised Code depends upon a person’s survivorship of the death of another person.
(B) This section does not apply if its application would result in a taking of an intestate estate by the state.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 05-16-2002

2105.33 Person deemed to have predeceased specified event.
Except as provided in section 2105.36 of the Revised Code, a person who is not established by clear and convincing evidence to have survived a specified event by one hundred twenty hours is deemed to have predeceased the event for purposes of a provision of a governing instrument that relates to the person surviving an event.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 05-16-2002

2105.34 Co-owners with right of survivorship.
Except as provided in section 2105.36 of the Revised Code:
(A) If it is not established by clear and convincing evidence that one of two co-owners with right of survivorship in specified real or personal property survived the other co-owner by one hundred twenty hours, that property shall pass as if each person had survived the other person by one hundred twenty hours.

(B) If there are more than two co-owners with right of survivorship in specified real or personal property and it is not established by clear and convincing evidence that at least one of the co-owners survived the others by one hundred twenty hours, that property shall pass in the proportion that each person owns.

Ohio Intestacy Laws (Descent and Distribution); Effective Date: 05-16-2002

2105.35 Determination and evidence of death.

(A) 
(1) A person is dead if the person has been determined to be dead pursuant to standards established under section 2108.30 of the Revised Code.

(2) A physician who makes a determination of death in accordance with section 2108.30 of the Revised Code and any person who acts in good faith in reliance on a determination of death made by a physician in accordance with that section is entitled to the immunity conveyed by that section.

(B) A certified or authenticated copy of a death certificate purporting to be issued by an official or agency of the place where the death of a person purportedly occurred is prima-facie evidence of the fact, place, date, and time of the person's death and the identity of the decedent.

(C) A certified or authenticated copy of any record or report of a domestic or foreign governmental agency that a person is missing, detained, dead, or alive is prima-facie evidence of the status and of the dates, circumstances, and places disclosed by the record or report.

(D) In the absence of prima-facie evidence of death under division (B) or (C) of this section, the fact of death may be established by clear and convincing evidence, including circumstantial evidence.

(E) Except as provided in division (F) of this section, a presumption of the death of a person arises:

(1) When the person has disappeared and been continuously absent from the person's place of last domicile for a five-year period without being heard from during the period;

(2) When the person has disappeared and been continuously absent from the person's place of last domicile without being heard from and was at the beginning of the person's absence exposed to a specific peril of death, even though the absence has continued for less than a five-year period.

(F) When a person who is on active duty in the armed services of the United States has been officially determined to be absent in a status of "missing" or "missing in action," a presumption of death arises when the head of the federal department concerned has made a finding of death pursuant to the "Federal Missing Persons Act," 80 Stat. 625 (1966), 37 U.S.C.A. 551, as amended.

(G) In the absence of evidence disputing the time of death stipulated on a document described in division (B) or (C) of this section, a document described in either of those divisions that stipulates a time of death one hundred twenty hours or more after the time of death of another person, however the time of death of the other person is determined, establishes by clear and convincing evidence that the person survived the other person by one hundred twenty hours.
(H) The provisions of divisions (A) to (G) of this section are in addition to any other provisions of the Revised Code, the Rules of Criminal Procedure, or the Rules of Evidence that pertain to the determination of death and status of a person.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 05-16-2002

2105.36 Provisions of governing instrument.
A person who is not established by clear and convincing evidence to have survived another specified person by one hundred twenty hours shall not be deemed to have predeceased the other person if any of the following apply:
(A) The governing instrument contains language dealing explicitly with simultaneous deaths or deaths in a common disaster, and that language is operative under the situation in question.
(B) The governing instrument expressly indicates that a person is not required to survive an event by any specified period in order for any right or interest governed by the instrument to properly vest or transfer.
(C) The governing instrument expressly requires the person to survive the event for a specified period in order for any right or interest governed by the instrument to properly vest or transfer, and the survival of the event by the person or survival of the event by the person for the specified period is established by clear and convincing evidence.
(D) The imposition of a one-hundred-twenty-hour requirement of the person’s survival of the other specified person causes a nonvested property interest or a power of appointment to be invalid under section 2131.08 of the Revised Code, and the person’s survival of the other specified person is established by clear and convincing evidence.
(E) The application of a one-hundred-twenty-hour requirement of survival to multiple governing instruments would result in an unintended failure or duplication of a disposition, and the person’s survival of the other specified person is established by clear and convincing evidence.
Ohio Intestacy Laws (Descent and Distribution); Effective Date: 05-16-2002

2105.37 Payor or third party not liable.
(A) A payor or other third party is not liable for any of the following:
(1) Making a payment, transferring an item of real or personal property, or otherwise transferring any other benefit to a person designated in a governing instrument who, under sections 2105.31 to 2105.39 of the Revised Code, is not entitled to the payment or item of property, if the payment or transfer was made before the payor or other third party received written notice of a claimed lack of entitlement pursuant to sections 2105.31 to 2105.39 of the Revised Code;
(2) Taking any other action not specified in division (A)(1) of this section in good faith reliance on the person’s apparent entitlement under the terms of the governing instrument before the payor or other third party received written notice of a claimed lack of entitlement pursuant to sections 2105.31 to 2105.39 of the Revised Code.
(B) A payor or other third party is liable for a payment, transfer, or other action taken after the payor or other third party receives written notice of a claimed lack of entitlement pursuant to sections 2105.31 to 2105.39 of the Revised Code.
(C) Written notice of a claimed lack of entitlement under divisions (A) or (B) of this section must be mailed to the payor’s or other third party’s main office or home by registered or certified mail, return receipt requested, or served upon the payor or other third party in the same manner as a summons in a civil action. Upon receipt of written notice of a claimed lack of entitlement pursuant to sections 2105.31 to 2105.39 of the Revised Code, a payor or other third party may
pay any amount owed or transfer or deposit any item of real or personal property held by it to or with the probate court that has jurisdiction over the decedent’s estate. If no probate proceedings have been commenced, upon receipt of written notice of a claimed lack of entitlement pursuant to sections 2105.31 to 2105.39 of the Revised Code, a payor or other third party may pay any amount owed or transfer or deposit any item of real or personal property held by it to or with the probate court located in the county of the decedent’s residence. The court shall hold the funds or real or personal property until it is determined pursuant to sections 2105.31 to 2105.39 of the Revised Code to whom the funds or real or personal property should be disbursed. The court then shall order disbursement of the funds or real or personal property in accordance with that determination. Payments, transfers, or deposits made to or with the court discharge the payor or other third party from all claims for the value of amounts paid to or items of property transferred to or deposited with the court.

Ohio Intestacy Laws (Descent and Distribution); Effective Date: 05-16-2002

2105.38 Effect on bona fide purchaser or transferee for value.
(A) A person who purchases real or personal property that would otherwise be subject to sections 2105.31 to 2105.39 of the Revised Code for value and without notice that the person selling or otherwise transferring the real or personal property is not entitled to the real or personal property pursuant to sections 2105.31 to 2105.39 of the Revised Code is neither obligated under sections 2105.31 to 2105.39 of the Revised Code to return the payment, item of property, or benefit nor liable under sections 2105.31 to 2105.39 of the Revised Code for the amount of the payment or the value of the item of property or benefit.

A person who receives a payment or other item of real or personal property in partial or full satisfaction of a legally enforceable obligation without notice that the person making the payment or otherwise transferring the real or personal property is not entitled to the real or personal property pursuant to sections 2105.31 to 2105.39 of the Revised Code is neither obligated under sections 2105.31 to 2105.39 of the Revised Code to return the payment, item of property, or benefit nor liable under sections 2105.31 to 2105.39 of the Revised Code for the amount of the payment or the value of the item of property or benefit.

(B) A person who, not for value, receives a payment, item of real or personal property, or any other benefit to which the person is not entitled under sections 2105.31 to 2105.39 of the Revised Code is obligated to return the payment, item of real or personal property, or benefit, and is personally liable for the amount of the payment or the value of the item of property or benefit, to the person who is entitled to it under sections 2105.31 to 2105.39 of the Revised Code.

(C) If sections 2105.31 to 2105.39 of the Revised Code or any provision of sections 2105.31 to 2105.39 of the Revised Code are preempted by federal law with respect to a payment, an item of real or personal property, or any other benefit covered by sections 2105.31 to 2105.39 of the Revised Code, a person who, not for value, receives the payment, item of property, or any other benefit to which the person is not entitled under sections 2105.31 to 2105.39 of the Revised Code is obligated to return the payment, item of property, or benefit, and is personally liable for the amount of the payment or the value of the item of property or benefit, to the person who would have been entitled to it were sections 2105.31 to 2105.39 of the Revised Code or any provision of sections 2105.31 to 2105.39 of the Revised Code not preempted.

Ohio Intestacy Laws (Descent and Distribution); Effective Date: 05-16-2002
2105.39 Retroactivity.

(A) Sections 2105.31 to 2105.39 of the Revised Code do not impair any act done in any proceeding, or any right that accrued, before May 16, 2002. If a right is acquired, extinguished, or barred upon the expiration of a prescribed period of time that has commenced to run prior to May 16, 2002, under any provision of the Revised Code, the provision of the applicable section of the Revised Code applies with respect to that right.

(B) Any rule of construction or presumption that is provided in sections 2105.31 to 2105.39 of the Revised Code applies to any governing instrument that is executed, or any multiple-party account that is opened, prior to May 16, 2002, unless there is a clear indication of a contrary intent in the governing instrument or multiple-party account.

(C) If any provision of sections 2105.31 to 2105.39 of the Revised Code or the application of those sections to any persons or circumstance is held invalid, the invalidity does not affect other provisions or applications of sections 2105.31 to 2105.39 of the Revised Code that can be given effect without the invalid provision or application.
(H) If there are no brothers or sisters or their lineal descendants, one-half to the paternal grandparents of the intestate equally, or to the survivor of them, and one-half to the maternal grandparents of the intestate equally, or to the survivor of them;
(I) If there is no paternal grandparent or no maternal grandparent, one-half to the lineal descendants of the deceased grandparents, per stirpes; if there are no such lineal descendants, then to the surviving grandparents or their lineal descendants, per stirpes; if there are no surviving grandparents or their lineal descendants, then to the next of kin of the intestate, provided there shall be no representation among such next of kin;
(J) If there are no next of kin, to stepchildren or their lineal descendants, per stirpes;
(K) If there are no stepchildren or their lineal descendants, escheat to the state.

Effective Date: 03-22-2001
This section is set out twice. See also § 2105.06, as amended by 129th General Assembly File No. 52, SB 124, § 1, eff. 1/13/2012.

2105.06 [Effective1/13/2012] Statute of descent and distribution
When a person dies intestate having title or right to any personal property, or to any real property or inheritance, in this state, the personal property shall be distributed, and the real property or inheritance shall descend and pass in parcenary, except as otherwise provided by law, in the following course:
(A) If there is no surviving spouse, to the children of the intestate or their lineal descendants, per stirpes;
(B) If there is a spouse and one or more children of the decedent or their lineal descendants surviving, and all of the decedent’s children who survive or have lineal descendants surviving also are children of the surviving spouse, then the whole to the surviving spouse;
(C) If there is a spouse and one child of the decedent or the child’s lineal descendants surviving and the surviving spouse is not the natural or adoptive parent of the decedent’s child, the first twenty thousand dollars plus one-half of the balance of the intestate estate to the spouse and the remainder to the child or the child’s lineal descendants, per stirpes;
(D) If there is a spouse and more than one child or their lineal descendants surviving, the first sixty thousand dollars if the spouse is the natural or adoptive parent of one, but not all, of the children, or the first twenty thousand dollars if the spouse is the natural or adoptive parent of none of the children, plus one-third of the balance of the intestate estate to the spouse and the remainder to the children equally, or to the lineal descendants of any deceased child, per stirpes;
(E) If there are no children or their lineal descendants, then the whole to the surviving spouse;
(F) If there is no spouse and no children or their lineal descendants, to the parents of the intestate equally, or to the surviving parent;
(G) If there is no spouse, no children or their lineal descendants, and no parent surviving, to the brothers and sisters, whether of the whole or of the half blood of the intestate, or their lineal descendants, per stirpes;
(H) If there are no brothers or sisters or their lineal descendants, one-half to the paternal grandparents of the intestate equally, or to the survivor of them, and one-half to the maternal grandparents of the intestate equally, or to the survivor of them;
(I) If there is no paternal grandparent or no maternal grandparent, one-half to the lineal descendants of the deceased grandparents, per stirpes; if there are no such lineal descendants,
then to the surviving grandparents or their lineal descendants, per stirpes; if there are no surviving grandparents or their lineal descendants, then to the next of kin of the intestate, provided there shall be no representation among the next of kin;

(J) If there are no next of kin, to stepchildren or their lineal descendants, per stirpes;
(K) If there are no stepchildren or their lineal descendants, escheat to the state.

Amended by 129th General Assembly File No. 52, SB 124, § 1, eff. 1/13/2012.
Effective Date: 03-22-2001
This section is set out twice. See also § 2105.06, effective until 1/13/2012.
Oklahoma Intestacy Laws

§84-2. All property of intestate subject to debts.
When a person dies intestate, all his property, real and personal, without any distinction between them, is chargeable with the payment of his debts, except as otherwise provided in this code and under civil procedure.

§84-212. Property of intestate passes to heirs subject to control of court and possession of administrator.
The property, both real and personal, of one who dies without disposing of it by will, passes to the heirs of the intestate, subject to the control of the district court, and to the possession of any administrator appointed by that court for the purpose of administration.

§84-213. Descent and distribution.
A. Prior to July 1, 1985, if any person having title to any estate not otherwise limited by marriage contract, dies without disposing of the estate by will, it descends and must be distributed in the following manner:
First. If the decedent leave a surviving husband or wife, and only one child, or the lawful issue of one child, in equal shares to the surviving husband, or wife and child, or issue of such child. If the decedent leave a surviving husband or wife, and more than one child living, or one child living and the lawful issue of one or more deceased children, one-third (1/3) to the surviving husband or wife, and the remainder in equal shares to his children, and to the lawful issue of any deceased child, by right of representation; but if there be no child of the decedent living at his death, the remainder goes to all of his lineal descendants; and if all the descendants are in the same degree of kindred to the decedent they share equally, otherwise they take according to the right of representation: Provided, that if the decedent shall have been married more than once, the spouse at the time of death shall inherit of the property not acquired during coverture with such spouse only an equal part with each of the living children of decedent, and the lawful issue of any deceased child by right of representation. If the decedent leave no surviving husband or wife, but leaves issue, the whole estate goes to such issue, and if such issue consists of more than one child living or one child living, and the lawful issue of one or more deceased children, then the estate goes in equal shares to the children living, or to the child living, and the issue of the deceased child or children by right of representation.
Second. If the decedent leave no issue, the estate goes one-half (1/2) to the surviving husband or wife, and the remaining one-half (1/2) to the decedent's father or mother, or, if he leave both father and mother, to them in equal shares; but if there be no father or mother, then said remaining one-half (1/2) goes, in equal shares, to the brothers and sisters of the decedent, and to the children of any deceased brother or sister, by right of representation. If decedent leave no issue, nor husband nor wife, the estate must go to the father or mother, or if he leave both father and mother, to them in equal shares: Provided, that in all cases where the property is acquired by the joint industry of husband and wife during coverture, and there is no issue, the whole estate shall go to the survivor, at whose death, if any of the said property remain, one-half (1/2) of such property shall go to the heirs of the husband and one-half (1/2) to the heirs of the wife, according to the right of representation.
Third. If there be no issue, nor husband nor wife, nor father, nor mother, then in equal shares to the brothers and sisters of the decedent, and to the children of any deceased brother or sister, by right of representation; if the deceased, being a minor, leave no issue, the estate must go to the parents equally, if living together, if not living together, to the parent having had the care of said deceased minor.

Fourth. If the decedent leave no issue nor husband, nor wife, nor father and no brother or sister is living at the time of his death, the estate goes to his mother to the exclusion of the issue, if any, of deceased brothers or sisters.

Fifth. If the decedent leave a surviving husband or wife, and no issue, and no father, nor mother, nor brother, nor sister, the whole estate goes to the surviving husband or wife.

Sixth. If the decedent leave no issue, nor husband, nor wife, and no father or mother, nor brother, or sister, the estate must go to the next of kin in equal degree, excepting that when there are two or more collateral kindred, in equal degree, but claiming through different ancestors, those who claimed through the nearest ancestors must be preferred to those claiming through an ancestor more remote.

Seventh. If the decedent leave several children, or one child and the issue of one or more children, and any such surviving child dies under age, and not having been married, all the estate that came to the deceased child by inheritance from such decedent, descends in equal shares to the other children of the same parent, and to the issue of any such other children who are dead, by right of representation.

Eighth. If, at the death of such child who dies under age, not having been married, all the other children of his parents are also dead, and any of them have left issue, the estate that came to such child by inheritance from his parent descends to the issue of all other children of the same parent; and if all the issue are in the same degree of kindred to the child, they share the estate equally, otherwise, they take according to the right of representation.

Ninth. If the decedent leave no husband, wife, or kindred, the estate escheats to the state for the support of common schools.

B. Beginning July 1, 1985, if any person having title to any estate not otherwise limited by any antenuptial marriage contract dies without disposing of the estate by will, such estate descends and shall be distributed in the following manner:

1. If the decedent leaves a surviving spouse, the share of the estate passing to said spouse is:
   a. if there is no surviving issue, parent, brother or sister, the entire estate, or
   b. if there is no surviving issue but the decedent is survived by a parent or parents, brother or sister:
      (1) all the property acquired by the joint industry of the husband and wife during coverture, and
      (2) an undivided one-third (1/3) interest in the remaining estate, or
   c. if there are surviving issue, all of whom are also issue of the surviving spouse: an undivided one-half (1/2) interest in all the property of the estate whether acquired by the joint industry of the husband and wife during coverture or otherwise, or
   d. if there are surviving issue, one or more of whom are not also issue of the surviving spouse:
      (1) an undivided one-half (1/2) interest in the property acquired by the joint industry of the husband and wife during coverture, and
      (2) an undivided equal part in the property of the decedent not acquired by the joint industry of the husband and wife during coverture with each of the living children of the decedent and the lawful issue of any deceased child by right of representation;
2. The share of the estate not passing to the surviving spouse or if there is no surviving spouse, the estate is to be distributed as follows:
   a. in undivided equal shares to the surviving children of the decedent and issue of any deceased child of the decedent by right of representation, or
   b. if there is no surviving issue, to the surviving parent or parents of the decedent in undivided equal shares, or
   c. if there is no surviving issue nor parent, in undivided equal shares to the issue of parents by right of representation, or
   d. if there is no surviving issue, parent, nor issue of parents, but the decedent is survived by one or more grandparents or issue of any grandparent, half of the estate passes equally to the paternal grandparents if both survive, or to the surviving paternal grandparent, or to the issue of any paternal grandparent if both paternal grandparents are deceased, the issue taking equally if they are all of the same degree of kinship to the decedent, but if of unequal degree those of more remote degree take by representation and the other half passes to the maternal relatives in the same manner; but if the decedent is survived by one or more grandparents or issue of grandparents on only one side of the family, paternal or maternal, the entire estate shall pass to such survivors in the manner set forth in this subsection, or
   e. if there is no surviving issue, parent, issue of parents, grandparent, nor issue of a grandparent, the estate passes to the next of kin in equal degree;
3. If the decedent leaves no spouse, issue, parent, issue of parents, grandparent, issue of a grandparent, nor kindred, then the estate shall escheat to the state for the support of the common schools; and
4. For the purpose of this section, the phrase "by right of representation" means the estate is to be divided into as many equal shares as there are surviving heirs in the nearest degree of kinship and deceased persons in the same degree who left issue who survive the decedent, each surviving heir in the nearest degree receiving one equal share and the equal share of each deceased person in the same degree being divided among his issue in the same manner. The word "issue" means lineal descendants.
Oregon Intestacy Laws

112.015 Net intestate estate.
Any part of the net estate of a decedent not effectively disposed of by the will of the decedent shall pass as provided in ORS 112.025 to 112.055.

112.025 Share of surviving spouse if decedent leaves issue.
If the decedent leaves a surviving spouse and issue, the intestate share of the surviving spouse is:

(1) If there are surviving issue of the decedent all of whom are issue of the surviving spouse also, the entire net intestate estate.

(2) If there are surviving issue of the decedent one or more of whom are not issue of the surviving spouse, one-half of the net intestate estate.

112.035 Share of surviving spouse if decedent leaves no issue.
If the decedent leaves a surviving spouse and no issue, the surviving spouse shall have all of the net intestate estate.

112.045 Share of others than surviving spouse.
The part of the net intestate estate not passing to the surviving spouse shall pass:

(1) To the issue of the decedent. If the issue are all of the same degree of kinship to the decedent, they shall take equally, but if of unequal degree, then those of more remote degrees take by representation.

(2) If there is no surviving issue, to the surviving parents of the decedent.

(3) If there is no surviving issue or parent, to the brothers and sisters of the decedent and the issue of any deceased brother or sister of the decedent by representation. If there is no surviving brother or sister, the issue of brothers and sisters take equally if they are all of the same degree of kinship to the decedent, but if of unequal degree, then those of more remote degrees take by representation.

(4) If there is no surviving issue, parent or issue of a parent, to the grandparents of the decedent and the issue of any deceased grandparent of the decedent by representation. If there is no surviving grandparent, the issue of grandparents take equally if they are all of the same degree of kinship to the decedent, but if of unequal degree, then those of more remote degrees take by representation.

(5) If, at the time of taking, surviving parents or grandparents of the decedent are married to each other, they shall take real property as tenants by the entirety and personal property as joint owners with the right of survivorship.

112.047 Forfeiture of parent's share by reason of desertion or neglect.
(1) Property that would pass by intestate succession under ORS 112.045 from the estate of a decedent to a parent of the decedent shall pass and be vested as if the parent had predeceased the decedent if the decedent was an adult when the decedent died and:

(a) The parent of the decedent willfully deserted the decedent for the 10-year period immediately preceding the date on which the decedent became an adult; or

(b) The parent neglected without just and sufficient cause to provide proper care and maintenance for the decedent for the 10-year period immediately preceding the date on which the decedent became an adult.
Property that would pass by intestate succession under ORS 112.045 from the estate of a
decedent to a parent of the decedent shall pass and be vested as if the parent had predeceased
the decedent if the decedent was a minor when the decedent died and:

(a) The parent of the decedent willfully deserted the decedent for the life of the decedent or
for the 10-year period immediately preceding the date on which the decedent died; or
(b) The parent neglected without just and sufficient cause to provide proper care and
maintenance for the decedent for the life of the decedent or for the 10-year period
immediately preceding the date on which the decedent died.

For the purposes of subsections (1) and (2) of this section, the court may disregard incidental
visitations, communications and contributions in determining whether a parent willfully deserted
the decedent or neglected without just and sufficient cause to provide proper care and
maintenance for the decedent.

For the purposes of subsections (1) and (2) of this section, in determining whether the parent
willfully deserted the decedent or neglected without just and sufficient cause to provide proper
care and maintenance for the decedent, the court may consider whether a custodial parent or
other custodian attempted, without good cause, to prevent or to impede contact between the
decedent and the parent whose intestate share would be forfeited under this section.

The intestate share of a parent of a decedent may be forfeited under this section only
pursuant to an order of the court entered after the filing of a petition under ORS 112.049. A
petition filed under ORS 113.035 may not request the forfeiture of the intestate share of a parent
of a decedent under this section.

Note: Section 6, chapter 741, Oregon Laws 2005, provides: Sec. 6. Section 2 of this 2005 Act
[112.047] and the amendments to ORS 113.035 and 113.145 by sections 4 and 5 of this 2005
Act apply only to the estates of persons who die on or after the effective date of this 2005 Act
[January 1, 2006]. [2005 c.741 §6]

112.049 Petition for forfeiture of parent’s share.

(1) A petition may be filed in probate proceedings to assert that the intestate share of a parent of
a decedent is subject to forfeiture under ORS 112.047. A petition may be filed under this section
only by a person who would be benefited by a forfeiture of the parent’s share.

(2) A petition under this section must be filed not later than:

(a) Four months after the date of delivery or mailing of the information described in ORS
113.145 if that information was required to be delivered or mailed to the person on whose
behalf the petition is filed; or

(b) Four months after the first publication of notice to interested persons if the person on
whose behalf the petition is filed was not required to be named as an interested person in
the petition for appointment of a personal representative.

(3) The petitioner has the burden of proving the facts alleged in a petition filed under this section
by clear and convincing evidence.

112.055 Escheat.

(1) If no person takes under ORS 112.025 to 112.045, the net intestate estate escheats to the
State of Oregon

(2) If a devisee or a person entitled to take under ORS 112.025 to 112.045 is not identified or
found, the share of that person escheats to the State of Oregon.

(3) If a devisee or a person entitled to take under ORS 112.025 to 112.045 is not identified or
found:
(a) The Department of State Lands has the same preference as the missing devisee or person for the purpose of appointment as personal representative under ORS 113.085;
(b) Title to property of the decedent that would vest in the missing devisee or person under ORS 114.215 vests in the Department of State Lands; and
(c) The Department of State Lands has all of the rights of the missing devisee or person for the purposes of ORS chapters 111, 112, 113, 114, 115, 116 and 117, including but not limited to the following:
   (A) The right to contest any will of the decedent under ORS 113.075; and
   (B) The right to information under ORS 113.145.

112.058 Preferences and presumptions in escheat proceedings.
(1) In any proceeding to determine the escheat share of the estate of a decedent whose estate is wholly or partially subject to probate in this state:
   (a) No preference shall be given to any person over escheat; and
   (b) After diligent search and inquiry appropriate to the circumstances, the following presumptions apply in a proceeding to determine whether a missing person has died:
      (A) A missing person whose death cannot be proved by other means lives to 100 years of age.
      (B) A missing person who was exposed to a specific peril at the time the person became missing has died if it is reasonable to expect from the nature of the peril that proof of death would be impractical.
      (C) A missing person whose absence is unexplained has died if the character and habits of the person are inconsistent with a voluntary absence for the time that the person has been missing.
      (D) A missing person known to have been alive who has not been seen or heard from for seven years has died if the person has been absent from the person’s usual residence, the absence is unexplained, there are other persons who would have been likely to have heard from the missing person during that period were the missing person alive, and those other persons have not heard from the missing person.

(2) In any proceeding described by subsection (1) of this section, a missing person who is presumed to be dead is also presumed to have had two children in addition to any known issue of the person unless the presumption of death arises by reason of the application of subsection (1)(b)(B) or (C) of this section.

112.065 Representation defined.
“Representation” means the method of determining the passing of the net intestate estate when the distributees are of unequal degrees of kinship to the decedent. It is accomplished as follows: The estate shall be divided into as many shares as there are surviving heirs of the nearest degree of kinship and deceased persons of the same degree who left issue who survive the decedent, each surviving heir of the nearest degree receiving one share and the share of each deceased person of the same degree being divided among the issue of the deceased person in the same manner.

112.075 Time of determining relationships; afterborn heirs.
112.095 Persons of the half blood. Persons of the half blood inherit the same share that they would inherit if they were of the whole blood.

112.105 Succession where parents not married.
(1) For all purposes of intestate succession, full effect shall be given to all relationships as described in ORS 109.060, except as otherwise provided by law in case of adoption.
(2) For all purposes of intestate succession and for those purposes only, before the relationship of father and child and other relationships dependent upon the establishment of paternity shall be given effect under subsection (1) of this section:
   (a) The paternity of the child shall have been established under ORS 109.070 during the lifetime of the child or;
   (b) The father shall have acknowledged himself to be the father in writing signed by him during the lifetime of the child.

112.115 **Persons related to decedent through two lines.**
A person who is related to the decedent through two lines of relationship is entitled to only a single share based on the relationship which would entitle the person to the larger share.
Pennsylvania Intestacy Laws

Intestate estate
(a) General rule. - All or any part of the estate of a decedent not effectively disposed of by will or otherwise passes to his heirs as prescribed in this chapter, except as modified by the decedent's will.
(b) Modification by decedent's will. - A decedent by will may expressly exclude or limit the right of an individual or class to succeed to property of the decedent passing by intestate succession. If that individual or a member of that class survives the decedent, the share of the decedent's intestate estate to which the individual or class would have succeeded passes as if that individual or each member of that class had disclaimed his intestate share.

Pennsylvania Consolidated Statutes, § 2101

Share of surviving spouse
The intestate share of a decedent's surviving spouse is:
1. If there is no surviving issue or parent of the decedent, the entire intestate estate.
2. If there is no surviving issue of the decedent but he is survived by a parent or parents, the first $30,000 plus one-half of the balance of the intestate estate.
3. If there are surviving issue of the decedent all of whom are issue of the surviving spouse also, the first $30,000 plus one-half of the balance of the intestate estate.
4. If there are surviving issue of the decedent one or more of whom are not issue of the surviving spouse, one-half of the intestate estate.
5. In case of partial intestacy any property received by the surviving spouse under the will shall satisfy pro tanto the $30,000 allowance under paragraphs (2) and (3).

Pennsylvania Consolidated Statutes, § 2102

Share of others than surviving spouse
The share of the estate, if any, to which the surviving spouse is not entitled, and the entire estate if there is no surviving spouse, shall pass in the following order:
1. Issue. - To the issue of the decedent.
2. Parents. - If no issue survives the decedent, then to the parents or parent of the decedent.
3. Brothers, sisters, or their issue. - If no parent survives the decedent, then to the issue of each of the decedent's parents.
4. Grandparents. - If no issue of either of the decedent's parents but at least one grandparent survives the decedent, then half to the paternal grandparents or grandparent, or if both are dead, to the children of each of them and the children of the deceased children of each of them, and half to the maternal grandparents or grandparent, or if both are dead to the children of each of them and the children of the deceased children of each of them. If both of the paternal grandparents or both of the maternal grandparents are dead leaving no child or grandchild to survive the decedent, the half which would have passed to them or to their children and grandchildren shall be added to the half passing to the grandparents or grandparent or to their children and grandchildren on the other side.
5. Uncles, aunts and their children, and grandchildren. - If no grandparent survives the decedent, then to the uncles and aunts and the children and grandchildren of deceased...
uncles and aunts of the decedent as provided in section 2104(1) (relating to taking in
different degrees.)

6. **Commonwealth.** - In default of all persons hereinbefore described, then to the
Commonwealth of Pennsylvania.

Pennsylvania Consolidated Statutes, § 2103

**Rules of succession**
The provisions of this chapter shall be applied to both real and personal estate in accordance
with the following rules:

1. **Taking in different degrees.** - The shares passing under this chapter to the issue of the
decedent, to the issue of his parents or grandparents or to his uncles or aunts or to their
children, or grandchildren, shall pass to them as follows: The part of the estate passing to
any such persons shall be divided into as many equal shares as there shall be persons in
the nearest degree of consanguinity to the decedent living and taking shares therein and
persons in that degree who have died before the decedent and have left issue to survive
him who take shares therein. One equal share shall pass to each such living person in the
nearest degree and one equal share shall pass by representation to the issue of each
such deceased person, except that no issue of a child of an uncle or aunt of the decedent
shall be entitled to any share of the estate unless there be no relatives as close as a child
of an uncle or aunt living and taking a share therein, in which case the grandchildren of
uncles and aunts of the decedent shall be entitled to share, but no issue of a grandchild
of an uncle or aunt shall be entitled to any share of the estate.

2. **Taking in same degree.** - When the persons entitled to take under this chapter other
than as a surviving spouse are all in the same degree of consanguinity to the decedent,
they shall take in equal shares.

3. **Whole and half blood.** - Persons taking under this chapter shall take without distinction
between those of the whole and those of the half blood.

4. **After-born persons; time of determining relationships.** - Persons begotten before the
decedent’s death but born thereafter, shall take as if they had been born in his lifetime.

5. **Source of ownership.** - Real estate shall pass under this chapter without regard to the
ancestor or other relation from whom it has come.

6. **Quantity of estate.** - Any person taking real or personal estate under this chapter shall
take such interest as the decedent had therein.

7. **Tenancy in estate.** - When real or personal estate or shares therein shall pass to two or
more persons, they shall take it as tenants in common, except that if it shall pass to a
husband and wife they shall take it as tenants by the entirety.

8. **Alienage.** - Real and personal estate shall pass without regard to whether the decedent
or any person otherwise entitled to take under this chapter is or has been an alien.

9. **Person related to decedent through two lines.** - A person related to the decedent
through two lines of relationship shall take one share only which shall be the larger share.

10. **Requirement that heir survive decedent by five days.** - Any person who fails to survive
the decedent by five days shall be deemed to have predeceased the decedent for
purposes of intestate succession and the decedent’s heirs shall be determined
accordingly. If the time of death of the decedent or of a person who would otherwise be
an heir, or the times of death of both, cannot be determined, and it cannot be established
that the person who would otherwise be an heir survived the decedent by five days, that
person shall be deemed to have failed to survive for the required period. This section shall not be applied where its application would result in a taking by the Commonwealth under section 2103(6) (relating to shares of others than surviving spouse).

Pennsylvania Consolidated Statutes, § 2104

**Spouse’s rights**

(a) **Widow.** - The share of the estate to which a widow is entitled under this title shall be in lieu and full satisfaction of her dower at common law.

(b) **Surviving husband.** - The share of the estate to which a surviving husband is entitled under this title shall be in lieu and full satisfaction of his curtesy at common law.

Pennsylvania Consolidated Statutes, § 2105

**Forfeiture**

(a) **Spouse's share.** - A spouse who, for one year or upwards previous to the death of the other spouse, has willfully neglected or refused to perform the duty to support the other spouse, or who for one year or upwards has willfully and maliciously deserted the other spouse, shall have no right or interest under this chapter in the real or personal estate of the other spouse.

(b) **Parent's share.** - Any parent who, for one year or upwards previous to the death of the parent's minor or dependent child, has willfully neglected or failed to perform any duty to support owed to the minor or dependent child or who, for one year, has willfully deserted the minor or dependent child shall have no right or interest under this chapter in the real or personal estate of the minor or dependent child.

Pennsylvania Consolidated Statutes, § 2106

**Persons born out of wedlock**

(a) **Child of mother.** - For purposes of descent by, from and through a person born out of wedlock, he shall be considered the child of his mother.

(b) [Rescinded]

(c) **Child of father.** - For purposes of descent by, from and through a person born out of wedlock, he shall be considered the child of his father when the identity of the father has been determined in any one of the following ways:

1. If the parents of a child born out of wedlock shall have married each other.
2. If during the lifetime of the child, the father openly holds out the child to be his and receives the child into his house, or openly holds the child out to be his and provides support for the child which shall be determined by clear and convincing evidence.
3. If there is clear and convincing evidence that the man was the father of his child, which may include a prior court determination of paternity.

Pennsylvania Consolidated Statutes, § 2107

**Adopted person**

For purposes of inheritance by, from and through an adopted person he shall be considered the issue of his adopting parent or parents. An adopted person shall not be considered as continuing to be the child or issue of his natural parents except in distributing the estate of a natural kin, other than the natural parent, who has maintained a family relationship with the adopted person. If a natural parent shall have married the adopting parent, the adopted person
for purposes of inheritance by, from and through him shall also be considered the issue of such natural parent.
Pennsylvania Consolidated Statutes, § 2108

## Advancements
If a person dies intestate as to all or any part of his estate, property which he gave in his lifetime to an heir is treated as an advancement against the latter's share of the estate only if declared in writing by the decedent or acknowledged in writing by the heir to be an advancement. For this purpose the property advanced is valued as of the time the heir came into possession or enjoyment of the property or as of the time of death of the decedent, whichever first occurs. If the recipient of the property fails to survive the decedent, the property is not taken into account in computing the intestate share to be received by the recipient's issue unless the declaration or acknowledgement so provides.
Pennsylvania Consolidated Statutes, § 2109.1

## Spouse's allowance; procedure
The allowance shall be set aside and awarded in distribution to the surviving spouse, or his successor in interest, in the same manner as other distributive shares of the estate are awarded, without any right in the surviving spouse to choose particular real or personal property in satisfaction thereof. Nothing herein shall be construed as limiting the right of the surviving spouse and other distributees to demand that property, not theretofore sold, be distributed in kind to them.
Pennsylvania Consolidated Statutes, § 2110
Rhode Island Intestacy Laws

Rules of Descent

§ 33-1-1 Real estate descending by intestacy to children or descendants, parents, or brothers and sisters. – Whenever any person having title to any real estate of inheritance shall die intestate as to such estate, it shall descend and pass in equal portions to his or her kindred, in the following course:

1. First to his children or their descendants, if there are any.
2. Second if there be no children nor their descendants, then to the parents in equal shares, or to the surviving parent of such intestate.
3. Third if there is no parent, then to the brothers and sisters of the intestate, and their descendants.

§ 33-1-2 Descent of real estate to paternal or maternal kindred. – If there is no parent, nor brother, nor sister, nor their descendants, the inheritance shall go in equal moieties to the paternal and maternal kindred, each in the following course:

1. First to the grandparents, in equal shares, if any there be.
2. Second if there be no grandparent, then to the uncles and aunts, or their descendants by representation, or such of them as there be.
3. Third if there be no grandparent, nor uncle, nor aunt, nor their descendants, then to the great grandparents in equal shares, if any there be.
4. Fourth if there be no great grandparent, then to the great uncles and great aunts or their descendants by representation, or such of them as there be; and so on, in other cases, without end, passing to the nearest lineal ancestors and their descendants or such of them as there be.

§ 33-1-3 Descent when no paternal or maternal kindred survive. – When in this chapter the inheritance is directed to go by moieties to the paternal and maternal kindred, if there are no such kindred on the one part, the whole shall go to the other part; and if there are no kindred either on the one part or the other the whole shall go to the husband or wife of the intestate, and if the husband or wife is dead, it shall go to his or her kindred in the like course as if such husband or wife had survived the intestate and then died entitled to the estate.

§ 33-1-4 Descent to persons not in being or not capable to take as heirs. – No right in the inheritance shall accrue to any persons whatsoever other than to the children of the intestate, unless such persons are in being and capable in law to take as heirs at the time of the intestate's death.

§ 33-1-5 Life estate descending to spouse. – Whenever the intestate dies without issue and leaves a husband or wife surviving, the real estate of the intestate shall descend and pass to the husband or wife for his or her natural life. The provisions of §§ 33-1-1 and 33-1-2 shall be subject to the provisions of this section and § 33-1-6.

§ 33-1-6 Widow's or husband's allowance of real estate in fee. – The probate court having jurisdiction of the estate of the intestate, if a resident of this state, or the probate court of any city or town in which the real estate of the intestate is situated if not a resident of this state, may also, in its discretion if there is no issue as aforesaid, upon petition filed within six (6) months from the
date of the first publication of notice of the qualification of the administrator of the estate of the intestate, allow and set off to the widow or husband in fee real estate of the decedent situated in this state to an amount not exceeding seventy-five thousand dollars ($75,000) in value, over and above all incumbrances, if not required for the payment of the debts of the decedent; provided that if the real estate shall be in a single parcel of greater value over and above incumbrances than seventy-five thousand dollars ($75,000) and shall be deemed by the court, because of such condition and value, to be incapable of being allowed and set off hereunder, either as a whole or by partition, without unreasonable diminution in the value thereof, the court may order the parcel to be sold by the administrator, the administrator giving bond as in other cases of the sale of real estate, and from the proceeds of such sale may allow and set off the sum of seventy-five thousand dollars ($75,000) to the widow or surviving husband for his or her own use and any surplus of the proceeds of sale shall be deemed to be real estate for the purposes of descent and distribution; provided, however, that title to real estate situated in any town or city of this state shall not pass by the decree of the probate court setting off and allowing such real estate, for the purpose of conveyance by the widow or surviving husband until a copy of such decree as entered, duly certified by the probate clerk, is recorded in the records of land evidence in the town or city where the land is situated.

§ 33-1-7 Descendants of deceased heirs. – The descendants of any person deceased shall inherit the estate which the person would have inherited had the person survived the intestate, subject to the express provisions of these canons of descent.

§ 33-1-8 Children born out of wedlock. – A child born out of wedlock shall be capable of inheriting or transmitting inheritance on the part of his or her mother and father in like manner as if born in lawful wedlock. Any such child whose parents shall lawfully intermarry and shall acknowledge him or her as their child shall be deemed legitimate.

§ 33-1-9 [Repealed.]

§ 33-1-10 Surplus personalty not bequeathed. – The surplus of any chattels or personal estate of a deceased person, not bequeathed, after the payment of his or her just debts, funeral charges, and expenses of settling his or her estate, shall be distributed by order of the probate court which shall grant administration in the manner following:

1. The sum of fifty thousand dollars ($50,000) from the surplus and one-half (1/2) of the remainder to the widow or surviving husband forever, if the intestate died without issue.
2. One-half (1/2) of the surplus to the widow or surviving husband forever, if the intestate died leaving issue.
3. The residue shall be distributed among the heirs of the intestate in the same manner real estates descend and pass by this chapter, but without having any respect to the life estate and discretionary allowance provided by §§ 33-1-5 and 33-1-6.

§ 33-1-11 Advancements. – If real estate shall be conveyed by deed of gift, or personal estate shall be delivered to a child or grandchild, and charged, or a memorandum made thereof in writing by the intestate or by his or her order, or shall be delivered expressly for that purpose in the presence of two (2) witnesses, who were requested to take notice thereof, the real estate or
personal estate shall be deemed an advancement to the child to the value of the real or personal estate.
Any part of the estate of a decedent not effectively disposed of by his will passes to his heirs as prescribed in the following sections of this Code.

The intestate share of the surviving spouse is:
(1) if there is no surviving issue of the decedent, the entire intestate estate;
(2) if there are surviving issue, one-half of the intestate estate.

SECTION 62-2-103. Share of heirs other than surviving spouse.
The part of the intestate estate not passing to the surviving spouse under § 62-2-102, or the entire estate if there is no surviving spouse, passes as follows:
(1) to the issue of the decedent: if they are all of the same degree of kinship to the decedent they take equally, but if of unequal degree then those of more remote degree take by representation;
(2) if there is no surviving issue, to his parent or parents equally;
(3) if there is no surviving issue or parent, to the issue of the parents or either of them by representation;
(4) if there is no surviving issue, parent or issue of a parent, but the decedent is survived by one or more grandparents or issue of grandparents, half of the estate passes to the paternal grandparents if both survive, or to the surviving paternal grandparent, or to the issue of the paternal grandparents if both are deceased, the issue taking equally if they are all of the same degree of kinship to the decedent, but if of unequal degree those of more remote degree take by representation; and the other half passes to the maternal relatives in the same manner; but if there be no surviving grandparent or issue of grandparent on either the paternal or the maternal side, the entire estate passes to the relatives on the other side in the same manner as the half;
(5) if there is no surviving issue, parent or issue of a parent, grandparent or issue of a grandparent, but the decedent is survived by one or more great-grandparents or issue of great-grandparents, half of the estate passes to the surviving paternal great-grandparents in equal shares, or to the surviving paternal great-grandparent if only one survives, or to the issue of the paternal great-grandparents if none of the great-grandparents survive, the issue taking equally if they are all of the same degree of kinship to the decedent, but if of unequal degree those of more remote degree take by representation; and the other half passes to the maternal relatives in the same manner; but if there be no surviving great-grandparent or issue of a great-grandparent on either the paternal or the maternal side, the entire estate passes to the relatives on the other side in the same manner as the half;
(6) if there is no surviving issue, parent or issue of a parent, grandparent or issue of a grandparent, great-grandparent or issue of a great-grandparent, but the decedent is survived by one or more stepchildren or issue of stepchildren, the estate passes to the surviving stepchildren and to the issue of any deceased stepchildren; if they are all of the same degree of step-kinship to the decedent they take equally, but if of unequal degree then those of more remote degree take by representation.
SECTION 62-2-104. Requirement that heir survive decedent for one hundred twenty hours.
Any person who fails to survive the decedent by one hundred twenty hours is deemed to have predeceased the decedent for purposes of Section 62-2-401 and intestate succession, and the decedent's heirs are determined accordingly. If the time of death of the decedent or of the person who would otherwise be an heir, or the times of death of both, cannot be determined, and it cannot be established that the person who would otherwise be an heir has survived the decedent by one hundred twenty hours, it is deemed that the person failed to survive for the required period. This section is not to be applied where its application would result in a taking of the intestate estate by the State under Section 62-1-105.

SECTION 62-2-105. No taker.
If there is no taker under the provisions of this article, the intestate estate passes to the State of South Carolina.

SECTION 62-2-106. Representation; disclaimer by intestate beneficiary.
If representation is called for by this Code, the estate is divided into as many equal shares as there are surviving heirs in the nearest degree of kinship and deceased persons in the same degree who left issue who survive the decedent, each surviving heir in the nearest degree receiving one share and the share of each deceased person in the same degree being divided among his issue in the same manner. If an interest created by intestate succession is disclaimed, the beneficiary is not treated as having predeceased the decedent for purposes of determining the generation at which the division of the estate is to be made.

Relatives of the half blood inherit the same share they would inherit if they were of the whole blood.

Issue of the decedent (but no other persons) conceived before his death but born within ten months thereafter inherit as if they had been born in the lifetime of the decedent.

If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person:
(1) from the date the final decree of adoption is entered, and except as otherwise provided in § 20-7-1825, an adopted person is the child of an adopting parent and not of the natural parents except that adoption of a child by the spouse of a natural parent has no effect on the relationship between the child and that natural parent.
(2) In cases not covered by (1), a person born out of wedlock is a child of the mother. That person is also a child of the father if:
(i) the natural parents participated in a marriage ceremony before or after the birth of the child, even though the attempted marriage is void; or
(ii) the paternity is established by an adjudication commenced before the death of the father or within the later of eight months after the death of the father or six months after the initial
appointment of a personal representative of his estate and, if after his death, by clear and convincing proof, except that the paternity established under this subitem (ii) is ineffective to qualify the father or his kindred to inherit from or through the child unless the father has openly treated the child as his and has not refused to support the child.

(3) A person is not the child of a parent whose parental rights have been terminated under § 20-7-1574 of the 1976 Code, except that the termination of parental rights is ineffective to disqualify the child or its kindred to inherit from or through the parent.

If a person dies intestate as to all his estate, property which he gave in his lifetime to an heir is treated as an advancement against the latter's share of the estate only if declared in a contemporaneous writing signed by the decedent or acknowledged in a writing signed by the heir to be an advancement. For this purpose, the property advanced is valued as of the time the heir came into possession or enjoyment of the property or as of the time of death of the decedent, whichever first occurs. If the recipient of the property fails to survive the decedent, the property shall be taken into account in computing the intestate share to be received by the recipient's issue, unless the declaration or acknowledgment provides otherwise.

SECTION 62-2-111. Debts to decedent.
A debt owed to the decedent is not charged against the intestate share of any person except the debtor. If the debtor fails to survive the decedent, the debt is not taken into account in computing the intestate share of the debtor's issue.

No person is disqualified to take as an heir because he, or a person through whom he claims, is or has been an alien.

SECTION 62-2-113. Persons related to decedent through two lines.
A person who is related to the decedent through two lines of relationship is entitled to only a single share based on the relationship which would entitle him to the larger share.

SECTION 62-2-114. Limitation on parent's entitlement as intestate heirs to estate proceeds; failure to provide support for decedent during minority.
Notwithstanding any other provision of law, if the parents of the deceased would be the intestate heirs pursuant to Section 62-2-103(2), upon the motion of either parent or any other party of potential interest based upon the decedent having died intestate, the probate court may deny or limit either or both parent's entitlement for a share of the proceeds if the court determines, by a preponderance of the evidence, that the parent or parents failed to reasonably provide support for the decedent as defined in Section 20-7-40 and did not otherwise provide for the needs of the decedent during his or her minority.
South Dakota Intestacy Laws

(a) Any part of a decedent's estate not effectively disposed of by will or otherwise passes by intestate succession to the decedent's heirs as prescribed in this code, except as modified by the decedent's will.
(b) A decedent by will may expressly exclude or limit the right of an individual or class to succeed to property of the decedent passing by intestate succession. If that individual or a member of that class survives the decedent, the share of the decedent's intestate estate to which that individual or class would have succeeded passes as if that individual or all members of that class had disclaimed their intestate shares.

The intestate share of a decedent's surviving spouse is:
(1) The entire intestate estate if:
   (i) No descendant of the decedent survives the decedent; or
   (ii) All of the decedent's surviving descendants are also descendants of the surviving spouse;
(2) The first $100,000, plus one-half of any balance of the intestate estate, if one or more of the decedent's surviving descendants are not descendants of the surviving spouse.

29A-2-103. Shares of heirs other than surviving spouse.
Any part of the intestate estate not passing to the decedent's surviving spouse under § 29A-2-102, or the entire intestate estate if there is no surviving spouse, passes in the following order to the individuals designated below who survive the decedent:
   (1) To the decedent's descendants by representation;
   (2) If there is no surviving descendant, to the decedent's parents equally if both survive, or to the surviving parent;
   (3) If there is no surviving descendant or parent, to the descendants of the decedent's parents or either of them by representation;
   (4) If there is no surviving descendant, parent, or descendant of a parent, but the decedent is survived by one or more grandparents or descendants of grandparents, half of the estate passes to the decedent's paternal grandparents equally if both survive, or to the surviving paternal grandparent, or by representation to the descendants of the decedent's paternal grandparents or either of them if both are deceased; and the other half passes to the decedent's maternal relatives in the same manner; but if there is no surviving grandparent or descendant of a grandparent on either the paternal or the maternal side, the entire estate passes to the decedent's relatives on the other side in the same manner as the half.

29A-2-104. Requirement that heir survive decedent for 120 hours.
An individual who fails to survive the decedent by 120 hours is deemed to have predeceased the decedent for purposes of homestead allowance, exempt property, and intestate succession, and the decedent's heirs are determined accordingly. This section is not to be applied if its application would result in a taking of intestate estate by the state under § 29A-2-105.
29A-2-105. No taker.
If there is no taker under the provisions of this chapter, the intestate estate passes to the State of South Dakota as provided in § 29A-3-914.

29A-2-106. Representation.
(a) If, under § 29A-2-103(1), a decedent's intestate share or a part thereof passes "by representation" to the decedent's descendants, the estate or part thereof is divided into as many equal shares as there are (i) surviving children of the decedent, if any, and (ii) children of the decedent who failed to survive the decedent but who left descendants who survive the decedent. Each surviving child is allocated one share. The share of each child who failed to survive the decedent but who left descendants who survive the decedent is divided in the same manner, with subdivision repeating at each succeeding generation until the share is fully allocated among surviving descendants.

(b) If, under § 29A-2-103(3) or (4), a decedent's intestate estate or a part thereof passes "by representation" to the descendants of the decedent's parents or either of them or to the descendants of the decedent's paternal or maternal grandparents or either of them, the estate or part thereof is divided into as many equal shares as there are (i) children of the designated ancestor or ancestors who survived the decedent, if any, and (ii) children of the designated ancestor or ancestors who failed to survive the decedent but who left descendants who survive the decedent. Each surviving child is allocated one share. The share of each child who failed to survive the decedent but who left descendants who survive the decedent is divided in the same manner, with subdivision repeating at each succeeding generation until the share is fully allocated among surviving descendants.

Relatives of the half blood inherit the same share they would inherit if they were of the whole blood.

An individual is treated as living at that time if the individual was conceived prior to a decedent's death, born within ten months of a decedent's death, and survived one hundred twenty hours or more after birth.

(a) If an individual dies intestate as to all or a portion of that individual's estate, property the decedent gave during the decedent's lifetime to an individual who, at the decedent's death, is an heir is treated as an advancement against the heir's intestate share only if (i) the decedent declared in a writing or the heir acknowledged in writing that the gift is an advancement or (ii) the decedent's writing or the heir's written acknowledgment otherwise indicates that the gift is to be taken into account in computing the division and distribution of the decedent's intestate estate.

(b) For purposes of subsection (a), property advanced is valued as of the time the heir came into possession or enjoyment of the property or as of the time of the decedent's death, whichever first occurs.
(c) If the recipient of the property fails to survive the decedent, the property is not taken into account in computing the division and distribution of the decedent's intestate estate, unless the decedent's writing provides otherwise.

29A-2-110. Debts to decedent.
A debt owed to a decedent is not charged against the intestate share of any individual except the debtor. If the debtor fails to survive the decedent, the debt is not taken into account in computing the intestate share of the debtor's descendants.

29A-2-111. Alienage.
No individual is disqualified to take as an heir because that individual or another individual through whom that individual claims is or has been an alien.

29A-2-112. Dower and curtesy abolished.
Dower and curtesy are abolished.

29A-2-113. Individual related to decedent through two lines.
An individual who is related to the decedent through two lines of relationship is entitled to only a single share based on the relationship that would entitle the individual to the larger share.

29A-2-114. Parent and child relationships.
(a) For purposes of intestate succession by, from, or through a person, and except as provided in subsection (b), an individual born out of wedlock is the child of that individual's birth parents. However, inheritance from or through the child by a birth parent or that birth parent's kindred is precluded unless that birth parent has openly treated the child as kindred, and has not refused to support the child.
(b) For purposes of intestate succession by, from, or through a person, an adopted individual is the child of that individual's adopting parent or parents and not of that individual's birth parents, except that:
   (1) Adoption of a child by the spouse of a birth parent has no effect on (i) the relationship between the child and the birth parent whose spouse has adopted the child or (ii) the right of the child or a descendant of the child to inherit from or through the other birth parent; and
   (2) Adoption of a child by a birth grandparent or a descendant of a birth grandparent of the child has no effect on the right of the child or a descendant of the child to inherit from or through either birth parent;
(c) The identity of the mother of an individual born out of wedlock is established by the birth of the child. The identity of the father may be established by the subsequent marriage of the parents, by a written acknowledgment by the father during the child's lifetime, by a judicial determination of paternity during the father's lifetime, or by a presentation of clear and convincing proof in the proceeding to settle the father's estate.
31-2-101. Intestate estate.
When any person dies intestate, after the payment of debts and charges against the estate, the deceased's property passes to the deceased's heirs as prescribed in the following sections of this chapter. Any part of the estate of a decedent not effectively disposed of by the deceased's will passes to the deceased's heirs in the same manner.

31-2-102. Dower and curtesy abolished.
Dower and curtesy, as formerly known, are abolished. This section shall neither abridge nor affect rights that have vested before April 1, 1979.

The real property of an intestate decedent shall vest immediately upon death of the decedent in the heirs as provided in § 31-2-104. The real property of a testate decedent vests immediately upon death in the beneficiaries named in the will, unless the will contains a specific provision directing the real property to be administered as part of the estate subject to the control of the personal representative. Upon qualifying, the personal representative shall be vested with the personal property of the decedent for the purpose of first paying administration expenses, taxes, and funeral expenses and then for the payment of all other debts or obligations of the decedent as provided in § 30-2-317. If the decedent's personal property is insufficient for the discharge or payment of a decedent's obligations, the personal representative may utilize the decedent's real property in accordance with title 30, chapter 2, part 4. After payment of debts and charges against the estate, the personal representative shall distribute the personal property of an intestate decedent to the decedent's heirs as prescribed in § 31-2-104, and the property of a testate decedent to the distributees as prescribed in decedent's will.

31-2-104. Share of surviving spouse and heirs.
(a) The intestate share of the surviving spouse is:
(1) If there is no surviving issue of the decedent, the entire intestate estate; or
(2) If there are surviving issue of the decedent, either one-third (1/3) or a child's share of the entire intestate estate, whichever is greater.
(b) The part of the intestate estate not passing to the surviving spouse under subsection (a) or the entire intestate estate if there is no surviving spouse, passes as follows:
(1) To the issue of the decedent; if they are all of the same degree of kinship to the decedent they take equally, but if of unequal degree, then those of more remote degree take by representation;
(2) If there is no surviving issue, to the decedent's parent or parents equally;
(3) If there is no surviving issue or parent, to the brothers and sisters and the issue of each deceased brother and sister by representation; if there is no surviving brother or sister, the issue of brothers and sisters take by representation; or
(4) If there is no surviving issue, parent, or issue of a parent, but the decedent is survived by one or more grandparents or issue of grandparents, half of the estate passes to the paternal grandparents if both survive, or to the surviving paternal grandparent or to the issue of the paternal grandparents if both are deceased, the issue taking equally if they are all of the same degree of kinship to the decedent, but if of unequal degree those of more remote degree take by
representation; and the other half passes to the maternal relatives in the same manner; but if there is no surviving grandparent or issue of grandparent on either the paternal or maternal side, the entire estate passes to the relatives on the other side in the same manner as the half.

(a) If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person:
(1) An adopted person is the child of an adopting parent and not of the natural parents except that adoption of a child by the spouse of a natural parent has no effect on the relationship between the child and that natural parent; and
(2) In cases not covered by subdivision (a)(1), a person born out of wedlock is a child of the mother. That person is also a child of the father, if:
(A) The natural parents participated in a marriage ceremony before or after the birth of the child, even though the attempted marriage is void; or
(B) The paternity is established by an adjudication before the death of the father or is established thereafter by clear and convincing proof, but the paternity established under this subdivision (a)(2)(B) is ineffective to qualify the father or the father's kindred to inherit from or through the child unless the father has openly treated the child as the father's, and has not refused to support the child.
(b) In no event shall a parent be permitted to inherit through intestate succession until all child support arrearages together with interest thereon at the legal rate of interest computed from the date each payment was due have been paid in full to the parent ordered to receive support or to the parent's estate if deceased.
(c) Nothing in this section shall be construed to prevent a child from inheriting from a parent through intestate succession.

31-2-106. Representation.
If representation is called for by this title, such representation shall be per stirpes.

Relatives of the half blood inherit the same share they would inherit if they were of the whole blood.

31-2-108. Afterborn heirs.
Relatives of the decedent conceived before the decedent’s death but born thereafter inherit as if they had been born in the lifetime of the decedent.

31-2-110. Escheat.
If there is no taker under this chapter, the intestate estate shall escheat to the state of Tennessee under the provisions of chapter 6 of this title.
Texas Intestacy Laws

PERSONS WHO TAKE UPON INTESTACY
(a) Intestate Leaving No Husband or Wife. Where any person, having title to any estate, real, personal or mixed, shall die intestate, leaving no husband or wife, it shall descend and pass in parcnery to his kindred, male and female, in the following course:

1. To his children and their descendants.
2. If there be no children nor their descendants, then to his father and mother, in equal portions. But if only the father or mother survive the intestate, then his estate shall be divided into two equal portions, one of which shall pass to such survivor, and the other half shall pass to the brothers and sisters of the deceased, and to their descendants; but if there be none such, then the whole estate shall be inherited by the surviving father or mother.
3. If there be neither father nor mother, then the whole of such estate shall pass to the brothers and sisters of the intestate, and to their descendants.
4. If there be none of the kindred aforesaid, then the inheritance shall be divided into two moieties, one of which shall go to the paternal and the other to the maternal kindred, in the following course: To the grandfather and grandmother in equal portions, but if only one of these be living, then the estate shall be divided into two equal parts, one of which shall go to such survivor, and the other shall go to the descendant or descendants of such deceased grandfather or grandmother. If there be no such descendants, then the whole estate shall be inherited by the surviving grandfather or grandmother. If there be no surviving grandfather or grandmother, then the whole of such estate shall go to their descendants, and so on without end, passing in like manner to the nearest lineal ancestors and their descendants.

(b) Intestate Leaving Husband or Wife. Where any person having title to any estate, real, personal or mixed, other than a community estate, shall die intestate as to such estate, and shall leave a surviving husband or wife, such estate of such intestate shall descend and pass as follows:

1. If the deceased have a child or children, or their descendants, the surviving husband or wife shall take one-third of the personal estate, and the balance of such personal estate shall go to the child or children of the deceased and their descendants. The surviving husband or wife shall also be entitled to an estate for life, in one-third of the land of the intestate, with remainder to the child or children of the intestate and their descendants.
2. If the deceased have no child or children, or their descendants, then the surviving husband or wife shall be entitled to all the personal estate, and to one-half of the lands of the intestate, without remainder to any person, and the other half shall pass and be inherited according to the rules of descent and distribution; provided, however, that if the deceased has neither surviving father nor mother nor surviving brothers or sisters, or their descendants, then the surviving husband or wife shall be entitled to the whole of the estate of such intestate.

Texas Statutes, Probate Code, Sec. 38

DETERMINATION OF PER CAPITA AND PER STIRPES DISTRIBUTION
When the intestate's children, descendants, brothers, sisters, uncles, aunts, or any other relatives of the deceased standing in the first or same degree alone come into the distribution upon intestacy, they shall take per capita, namely: by persons; and, when a part of them being dead and a part living, the descendants of those dead shall have right to distribution upon
intestacy, such descendants shall inherit only such portion of said property as the parent through whom they inherit would be entitled to if alive.

Texas Statutes, Probate Code, Sec. 43

COMMUNITY ESTATE
(a) On the intestate death of one of the spouses to a marriage, the community property estate of the deceased spouse passes to the surviving spouse if:
   (1) no child or other descendant of the deceased spouse survives the deceased spouse; or
   (2) all surviving children and descendants of the deceased spouse are also children or descendants of the surviving spouse.
(b) On the intestate death of one of the spouses to a marriage, if a child or other descendant of the deceased spouse survives the deceased spouse and the child or descendant is not a child or descendant of the surviving spouse, one-half of the community estate is retained by the surviving spouse and the other one-half passes to the children or descendants of the deceased spouse. The descendants shall inherit only such portion of said property to which they would be entitled under Section 43 of this code. In every case, the community estate passes charged with the debts against it.

Texas Statutes, Probate Code, Sec. 45

REQUIREMENT OF SURVIVAL BY 120 HOURS
(a) Survival of Heirs. A person who fails to survive the decedent by 120 hours is deemed to have predeceased the decedent for purposes of homestead allowance, exempt property, and intestate succession, and the decedent's heirs are determined accordingly, except as otherwise provided in this section. If the time of death of the decedent or of the person who would otherwise be an heir, or the times of death of both, cannot be determined, and it cannot be established that the person who would otherwise be an heir has survived the decedent by 120 hours, it is deemed that the person failed to survive for the required period. This subsection does not apply where its application would result in the escheat of an intestate estate.
(b) Disposal of Community Property. When a husband and wife have died, leaving community property, and neither the husband nor wife survived the other by 120 hours, one-half of all community property shall be distributed as if the husband had survived, and the other one-half thereof shall be distributed as if the wife had survived. The provisions of this subsection apply to proceeds of life or accident insurance which are community property and become payable to the estate of either the husband or the wife, as well as to other kinds of community property.
(c) Survival of Devises or Beneficiaries. A devisee who does not survive the testator by 120 hours is treated as if he predeceased the testator, unless the will of the decedent contains some language dealing explicitly with simultaneous death or deaths in a common disaster, or requiring that the devisee survive the testator or survive the testator for a stated period in order to take under the will. If property is so disposed of that the right of a beneficiary to succeed to any interest therein is conditional upon his surviving another person, the beneficiary shall be deemed not to have survived unless he or she survives the person by 120 hours. However, if any interest in property is given alternatively to one of two or more beneficiaries, with the right of each to take being dependent upon his surviving the other or others, and all shall die within a period of less than 120 hours, the property shall be divided into as many equal portions as there are
beneficiaries, and those portions shall be distributed respectively to those who would have taken in the event that each beneficiary had survived.

d) **Joint Owners.** If any real or personal property, including community property with a right of survivorship, shall be so owned that one of two joint owners is entitled to the whole on the death of the other, and neither survives the other by 120 hours, these assets shall be distributed one-half as if one joint owner had survived and the other one-half as if the other joint owner had survived. If there are more than two joint owners and all have died within a period of less than 120 hours, these assets shall be divided into as many equal portions as there are joint owners and these portions shall be distributed respectively to those who would have taken in the event that each joint owner survived.

e) **Insured and Beneficiary.** When the insured and a beneficiary in a policy of life or accident insurance have died within a period of less than 120 hours, the insured shall be deemed to have survived the beneficiary for the purpose of determining the rights under the policy of the beneficiary or beneficiaries as such. The provisions of this subsection shall not prevent the application of subsection (b) above to the proceeds of life or accident insurance which are community property.

(f) **Instruments Providing Different Disposition.** When provision has been made in the case of wills, living trusts, deeds, or contracts of insurance, or any other situation, for disposition of property different from the provisions of this Section, this Section shall not apply.

Texas Statutes, Probate Code, Sec. 47

TEX PB. CODE ANN. § 38 : Texas Statutes - Section 38: PERSONS WHO TAKE UPON INTESTACY

(a) Intestate Leaving No Husband or Wife. Where any person, having title to any estate, real, personal or mixed, shall die intestate, leaving no husband or wife, it shall descend and pass in parcnary to his kindred, male and female, in the following course:

1. To his children and their descendants.
2. If there be no children nor their descendants, then to his father and mother, in equal portions. But if only the father or mother survive the intestate, then his estate shall be divided into two equal portions, one of which shall pass to such survivor, and the other half shall pass to the brothers and sisters of the deceased, and to their descendants; but if there be none such, then the whole estate shall be inherited by the surviving father or mother.
3. If there be neither father nor mother, then the whole of such estate shall pass to the brothers and sisters of the intestate, and to their descendants.
4. If there be none of the kindred aforesaid, then the inheritance shall be divided into two moieties, one of which shall go to the paternal and the other to the maternal kindred, in the following course: To the grandfather and grandmother in equal portions, but if only one of these be living, then the estate shall be divided into two equal parts, one of which shall go to such survivor, and the other shall go to the descendant or descendants of such deceased grandfather or grandmother. If there be no such descendants, then the whole estate shall be inherited by the surviving grandfather or grandmother. If there be no surviving grandfather or grandmother, then the whole of such estate shall go to their descendants, and so on without end, passing in like manner to the nearest lineal ancestors and their descendants.

(b) Intestate Leaving Husband or Wife. Where any person having title to any estate, real, personal or mixed, other than a community estate, shall die intestate as to such estate, and shall
leave a surviving husband or wife, such estate of such intestate shall descend and pass as follows:

1. If the deceased have a child or children, or their descendants, the surviving husband or wife shall take one-third of the personal estate, and the balance of such personal estate shall go to the child or children of the deceased and their descendants. The surviving husband or wife shall also be entitled to an estate for life, in one-third of the land of the intestate, with remainder to the child or children of the intestate and their descendants.

2. If the deceased have no child or children, or their descendants, then the surviving husband or wife shall be entitled to all the personal estate, and to one-half of the lands of the intestate, without remainder to any person, and the other half shall pass and be inherited according to the rules of descent and distribution; provided, however, that if the deceased has neither surviving father nor mother nor surviving brothers or sisters, or their descendants, then the surviving husband or wife shall be entitled to the whole of the estate of such intestate.

TEX PB. CODE ANN. § 43 : Texas Statutes - Section 43: DETERMINATION OF PER CAPITA AND PER STIRPES DISTRIBUTION

When the intestate's children, descendants, brothers, sisters, uncles, aunts, or any other relatives of the deceased standing in the first or same degree alone come into the distribution upon intestacy, they shall take per capita, namely: by persons; and, when a part of them being dead and a part living, the descendants of those dead shall have right to distribution upon intestacy, such descendants shall inherit only such portion of said property as the parent through whom they inherit would be entitled to if alive.

Utah Intestacy Laws

Intestate succession

(1) Any part of a decedent's estate not effectively disposed of by will passes by intestate succession to the decedent's heirs as provided in this title, except as modified by the decedent's will.

(2) A decedent by will may expressly exclude or limit the right of an individual or class to succeed to property of the decedent passing by intestate succession. If that individual or a member of that class survives the decedent, the share of the decedent's intestate estate to which that individual or class would have succeeded passes as if that individual or each member of that class had disclaimed his intestate share.
Utah Code, 75-2-101

Intestate share of spouse

(1) The intestate share of a decedent's surviving spouse is:

(a) the entire intestate estate if:
   (i) no descendant of the decedent survives the decedent; or
   (ii) all of the decedent's surviving descendants are also descendants of the surviving spouse;

(b) the first $50,000, plus 1/2 of any balance of the intestate estate, if one or more of the decedent's surviving descendants are not descendants of the surviving spouse.

(2) For purposes of Subsection (1)(b), if the intestate estate passes to both the decedent's surviving spouse and to other heirs, then any nonprobate transfer, as defined in Section 75-2-206, received by the surviving spouse is chargeable against the intestate share of the surviving spouse.
Utah Code, 75-2-102

Share of heirs other than surviving spouse

(1) Any part of the intestate estate not passing to the decedent's surviving spouse under Section 75-2-102, or the entire intestate estate if there is no surviving spouse, passes in the following order to the individuals designated below who survive the decedent:

(a) to the decedent's descendants per capita at each generation as defined in Subsection 75-2-106(2);

(b) if there is no surviving descendant, to the decedent's parents equally if both survive, or to the surviving parent;

(c) if there is no surviving descendant or parent, to the descendants of the decedent's parents or either of them per capita at each generation as defined in Subsection 75-2-106(3);

(d) if there is no surviving descendant, parent, or descendant of a parent, but the
decedent is survived by one or more grandparents or descendants of grandparents, half of the estate passes to the decedent's paternal grandparents equally if both survive, or to the surviving paternal grandparent, or to the descendants of the decedent's paternal grandparents or either of them if both are deceased, the descendants taking per capita at each generation as defined in Subsection 75-2-106(3); and the other half passes to the decedent's maternal relatives in the same manner; but if there is no surviving grandparent or descendant of a grandparent on either the paternal or the maternal side, the entire estate passes to the decedent's relatives on the other side in the same manner as the half.

(2) For purposes of Subsections (a), (b), (c), and (d), any nonprobate transfer, as defined in Section 75-2-205, received by an heir is chargeable against the intestate share of such heir.
Utah Code, 75-2-103

Requirement that heir survive decedent for 120 hours
An individual who fails to survive the decedent by 120 hours is considered to have predeceased the decedent for purposes of homestead allowance, exempt property, and intestate succession, and the decedent's heirs are determined accordingly. If it is not established by clear and convincing evidence that an individual who would otherwise be an heir survived the decedent by 120 hours, it is considered that the individual failed to survive for the required period. This section is not to be applied if its application would result in a taking of intestate estate by the state under Section 75-2-105.
Utah Code, 75-2-104

No taker
If there is no taker under the provisions of this chapter, the intestate estate passes to the state for the benefit of the state school fund.
Utah Code, 75-2-105
§ 551. General rules of descent
The real and personal estate of a decedent, not devised nor bequeathed and not otherwise appropriated and distributed in pursuance of law, shall descend in the following manner:
(1) In equal shares to the children of such decedent or the legal representatives of deceased children;
(2) If the decedent is married and leaves no issue and the surviving spouse does not elect to take a third in value of the real estate of which the decedent dies seised in his or her own right, or waives the provisions of the will of such decedent, such spouse shall be entitled to the whole of the decedent's estate forever, if it does not exceed $25,000.00, but if it exceeds that sum, then such spouse shall be entitled to $25,000.00 and half the remainder. The remainder of such estate shall descend as the whole would if such spouse did not survive. If the decedent has no kindred who may inherit the estate, such spouse shall be entitled to the whole of such estate;
(3) If the decedent does not leave issue nor surviving spouse, the estate shall descend in equal shares to the father and mother of such decedent. If the mother is not living and the father survives, the estate shall descend to the father. If the father is not living and the mother survives, the estate shall descend to the mother;
(4) If the decedent does not leave issue, nor surviving spouse, nor father, nor mother, the estate shall descend in equal shares to the brothers and sisters of such decedent, and to the legal representatives of deceased brothers and sisters;
(5) If none of the kindred above-named survives the decedent, the estate shall descend in equal shares to the next of kin in equal degree; but a person shall not be entitled, by right of representation, to the share of such next of kin who has died.
(6) Notwithstanding the foregoing rules or provisions otherwise made in any case where a person is entitled to inherit, including a devisee or legatee under the last will of a decedent, such person's share in the decedent's estate shall be forfeited and shall pass to the remaining heirs of the decedent if such person stands convicted in any court of the United States or of any of the individual states of the United States of intentionally and unlawfully killing the decedent. In any proceedings to contest the right of a person to inherit, the record of such person's conviction of intentionally and unlawfully killing the decedent shall be admissible evidence and may be taken as sufficient proof that such person did intentionally kill the decedent.

§ 552. Degrees, how computed; kindred of half-blood
The degrees of kindred shall be computed according to the rules of the civil law and the kindred of the half-blood shall inherit equally with those of the whole blood, in the same degree.

§ 553. Illegitimate children; inheritance by and from
(a) An illegitimate child shall inherit from or through his mother as if born in lawful wedlock. The estate of an illegitimate person dying intestate and leaving no issue nor husband nor wife shall descend to the mother, and, if the mother is dead, through the line of the mother as if the person so dying were born in lawful wedlock.
(b) An illegitimate child shall inherit from or through his father as if born in lawful wedlock, under any of the following conditions:
(1) The father has been declared the putative father of the child under 15 V.S.A. § 306.
(2) The father has openly and notoriously claimed the child to be his own.
§ 554. Children legitimatized by parents' marriage
When the parents of an illegitimate child intermarry, the child shall be considered legitimate and be capable of inheriting, if recognized by the father as his child.

§ 555. Share of after-born child
When a child of a testator is born after the making of a will and provision is not therein made for him, such child shall have the same share in the estate of the testator as if such testator had died intestate. The share of such child shall be assigned to him as in case of intestate estates, unless it is apparent from the will that it was the intention of the testator that provision should not be made for such child.

§ 556. Share of child or issue of child omitted from will
When a testator omits to provide in his will for any of his children, or for the issue of a deceased child, and it appears that such omission was made by mistake or accident, such child or its issue shall have the same share of the estate of the testator as if he had died intestate, to be assigned as in case of intestate estates.

§ 557. Omitted or after-born child, from what part of estate share taken
When a share of a testator’s estate is assigned to a child born after the making of a will, or to a child or the issue of a child omitted in the will, such share shall be taken first from the estate not disposed of by the will, if there is any. If that is not sufficient, so much as is necessary shall be taken from the devisees or legatees in proportion to the value of the estate they respectively receive under the will. If the obvious intention of the testator, as to some specific devise or legacy or other provision in the will, would thereby be defeated, such specific devise, legacy or provision may be exempted from such apportionment and a different apportionment adopted in the discretion of the court.

§ 558. Devisee dying before testator; issue to take
When a devise or legacy is made to a child or other kindred of the testator, and such devisee or legatee dies before the testator, leaving issue who survive the testator, such issue shall take the estate so given as the devisee or legatee would have taken if he had survived the testator, unless a different disposition is required by the will.

§ 559. Person absent and unheard of; share of
If a person entitled to a distributive share of the estate of a decedent is absent and unheard of for fifteen years, five years of which are after the death of the decedent, or is absent and unheard of for a period of twenty-five years, two years of which are after such death, the probate court in which the decedent's estate is pending may order the share of the absent person distributed among the person's lineal heirs, if it is shown to the probate court that the person has any, otherwise among the heirs of the decedent. If the absent person proves to be alive, the person shall be entitled to the share of the estate notwithstanding prior distribution, and may recover in an action on this statute, any portion thereof which any one received under order. Before an order is made for the payment or distribution of any money or estate as herein authorized, notice shall be given as provided by the rules of probate procedure.
§ 64.1-1. Course of descents generally.
When any person having title to any real estate of inheritance shall die intestate as to such estate, it shall descend and pass in parcenary to such of his kindred, male and female, in the following course:
First. To the surviving spouse of the intestate, unless the intestate is survived by children or their descendants, one or more of whom are not children or their descendants of the surviving spouse, in which case two-thirds of such estate shall pass to all the intestate’s children and their descendants and the remaining one-third of such estate shall pass to the intestate’s surviving spouse.
Second. If there be no surviving spouse, then the whole shall go to all the intestate’s children and their descendants.
Third. If there be none such, then to his or her father and mother or the survivor.
Fourth. If there be none such, then to his or her brothers and sisters, and their descendants.
Fifth. If there be none such, then one moiety shall go to the paternal, the other to the maternal kindred, of the intestate, in the following course:
Sixth. First to the grandfather and grandmother or the survivor.
Seventh. If there be none, then to the uncles and aunts, and their descendants.
Eighth. If there be none such, then to the great grandfathers or great grandfather, and great grandmothers or great grandmother.
Ninth. If there be none, then to the brothers and sisters of the grandfathers and grandmothers, and their descendants.
Tenth. And so on, in other cases, without end, passing to the nearest lineal ancestors, and the descendants of such ancestors.
Eleventh. If there be no paternal kindred the whole shall go to the maternal kindred; and if there be no maternal kindred, the whole shall go to the paternal kindred. If there be neither maternal nor paternal kindred, the whole shall go to the kindred of the husband or wife, in the like course as if such husband or wife had died entitled to the estate.

§ 64.1-2. How collaterals of half blood inherit.
Collaterals of the half blood shall inherit only half so much as those of the whole blood.

§ 64.1-3. When parties take per capita and when per stirpes.
Whenever those entitled to partition are all in the same degree of kindred to the intestate, they shall take per capita or by persons; and when, a part of them being dead and a part living, the issue of those dead have right to partition, such issue shall take per stirpes or by stocks, that is to say, the shares of their deceased parents.

§ 64.1-4. When alienage of ancestor not to bar.
In making title by descent, it shall be no bar to a party that any ancestor, whether living or dead, through whom he derives his descent from the intestate, is or has been an alien.

§ 64.1-5.1. Meaning of child and related terms.
If, for purposes of this title or for determining rights in and to property pursuant to any deed, will, trust or other instrument, a relationship of parent and child must be established to determine succession or a taking by, through or from a person:
1. An adopted person is the child of an adopting parent and not of the biological parents, except that adoption of a child by the spouse of a biological parent has no effect on the relationship between the child and either biological parent.
2. The parentage of a child resulting from assisted conception shall be determined as provided in Chapter 9 (§ 20-156 et seq.) of Title 20.
3. In cases not covered by subdivision 1 or 2 hereof, a person born out of wedlock is a child of the mother. That person is also a child of the father, if:
   a. The biological parents participated in a marriage ceremony before or after the birth of the child, even though the attempted marriage was prohibited by law, deemed null or void or dissolved by a court; or
   b. The paternity is established by clear and convincing evidence, including scientifically reliable genetic testing, as set forth in § 64.1-5.2; however, paternity establishment pursuant to this subdivision b shall be ineffective to qualify the father or his kindred to inherit from or through the child unless the father has openly treated the child as his and has not refused to support the child.
4. No claim of succession based upon the relationship between a child born out of wedlock and a parent of such child shall be recognized in the settlement of any decedent's estate unless an affidavit by such child or by someone acting for such child alleging such parenthood has been filed within one year of the date of the death of such parent in the clerk's office of the circuit court of the jurisdiction wherein the property affected by such claim is located and an action seeking adjudication of parenthood is filed in an appropriate circuit court within said time. However, such one-year period shall run notwithstanding the minority of such child. The limitation period of the preceding sentence shall not apply in those cases where the relationship between the child born out of wedlock and the parent in question is (i) established by a birth record prepared upon information given by or at the request of such parent; or (ii) by admission by such parent of parenthood before any court or in writing under oath; or (iii) by a previously concluded proceeding to determine parentage pursuant to the provisions of former § 20-61.1 or Chapter 3.1 (§ 20-49.1 et seq.) of Title 20.
5. Unless otherwise specifically provided therein, an order terminating residual parental rights under § 16.1-283 shall terminate the rights of the parent to take from or through the child in question but the order shall not otherwise affect the rights of the child, the child's kindred, or the parent's kindred to take from or through the parent or the rights of the parent's kindred to take from or through the child.

§ 64.1-5.2. Evidence of paternity.
For the purposes of this title, evidence that a man is the father of a child born out of wedlock shall be clear and convincing and may include, but shall not be limited to, the following:
1. That he cohabited openly with the mother during all of the ten months immediately prior to the time the child was born;
2. That he gave consent to a physician or other person, not including the mother, charged with the responsibility of securing information for the preparation of a birth record that his name be used as the father of the child upon the birth records of the child;
3. That he allowed by a general course of conduct the common use of his surname by the child;
4. That he claimed the child as his child on any statement, tax return or other document filed and signed by him with any local, state or federal government or any agency thereof;
5. That he admitted before any court having jurisdiction to try and dispose of the same that he is the father of the child;
6. That he voluntarily admitted paternity in writing, under oath;
7. The results of scientifically reliable genetic tests, including DNA tests, weighted with all the evidence; or
8. Other medical, scientific or anthropological evidence relating to the alleged parentage of the child based on tests performed by experts.

If a proceeding to determine parentage has been initiated and concluded pursuant to former § 20-61.1 or Chapter 3.1 (§ 20-49.1 et seq.) of Title 20, and the court enters a judgment against a man for the support, maintenance and education of a child as if the child were born in lawful wedlock to the man, that judgment shall be sufficient evidence of paternity for the purposes of this section.

§ 64.1-6.1. Persons related to decedent through two lines.
A person who is related to the decedent through two lines of relationship is entitled to only a single share based on the relationship which would entitle him to the larger share.

§ 64.1-8.1. Afterborn heirs.
Relatives of the decedent conceived before his death but born thereafter, and children resulting from assisted conception born after decedent's death who are determined to be relatives of the decedent as provided in Chapter 9 (§ 20-156 et seq.) of Title 20, shall inherit as if they had been born during the lifetime of the decedent.

§ 64.1-10. Right of entry not affected by descent cast.
The right of entry on or action for land shall not be tolled or defeated by descent cast.

§ 64.1-11. Distribution of personal estate.
When any person shall die intestate as to his personal estate or any part thereof, the surplus (subject to the provisions of Article 5.1 (§ 64.1-151.1 et seq.) of Chapter 6 of this title), after payment of funeral expenses, charges of administration and debts, shall pass and be distributed to and among the same persons, and in the same proportions, to whom and in which real estate is directed to descend. However, if the intestate was married, the surviving spouse shall be entitled to one-third of such surplus, if the intestate left surviving children or their descendants, one or more of whom are not children or descendants of the surviving spouse. If no such children or their descendants survive, the surviving spouse shall be entitled to the whole of such surplus.

§ 64.1-12. Right of Commonwealth, if no other distributee.
To the Commonwealth shall accrue all the personal estate of every decedent, of which there is no other distributee.

§ 64.1-13. When and how elective share may be claimed.
A. Whether or not (i) any provision for a husband or wife is made in the spouse’s will, or (ii) the spouse dies intestate, the surviving husband or wife of a decedent who dies domiciled in this Commonwealth may, within six months from the later of (i) the time of the admission of the will to
probate or (ii) the qualification of an administrator on the intestate estate, claim an elective share in the spouse's augmented estate. The claim to an elective share shall be made either in person before the court having jurisdiction over administration of the decedent's estate or by writing recorded in such court, or the clerk's office thereof, upon such acknowledgment or proof as would authorize a writing to be admitted to record under Chapter 6 (§ 55-106 et seq.) of Title 55.

B. The right, if any, of the surviving husband or wife of a decedent who dies domiciled outside this Commonwealth to take an elective share amount based upon the value of property in this Commonwealth is governed by the law of the decedent's domicile at death.
Washington Intestacy Laws

RCW 11.04.015 Descent and distribution of real and personal estate.
The net estate of a person dying intestate, or that portion thereof with respect to which the person shall have died intestate, shall descend subject to the provisions of RCW 11.04.250 and 11.02.070, and shall be distributed as follows:

(1) Share of surviving spouse or state registered domestic partner. The surviving spouse or state registered domestic partner shall receive the following share:

(a) All of the decedent's share of the net community estate; and

(b) One-half of the net separate estate if the intestate is survived by issue; or

(c) Three-quarters of the net separate estate if there is no surviving issue, but the intestate is survived by one or more of his parents, or by one or more of the issue of one or more of his parents; or

(d) All of the net separate estate, if there is no surviving issue nor parent nor issue of parent.

(2) Shares of others than surviving spouse or state registered domestic partner. The share of the net estate not distributable to the surviving spouse or state registered domestic partner, or the entire net estate if there is no surviving spouse or state registered domestic partner, shall descend and be distributed as follows:

(a) To the issue of the intestate; if they are all in the same degree of kinship to the intestate, they shall take equally, or if of unequal degree, then those of more remote degree shall take by representation.

(b) If the intestate not be survived by issue, then to the parent or parents who survive the intestate.

(c) If the intestate not be survived by issue or by either parent, then to those issue of the parent or parents who survive the intestate; if they are all in the same degree of kinship to the intestate, they shall take equally, or, if of unequal degree, then those of more remote degree shall take by representation.

(d) If the intestate not be survived by issue or by either parent, or by any issue of the parent or parents who survive the intestate, then to the grandparent or grandparents who survive the intestate; if both maternal and paternal grandparents survive the intestate, the maternal grandparent or grandparents shall take one-half and the paternal grandparent or grandparents shall take one-half.

(e) If the intestate not be survived by issue or by either parent, or by any issue of the parent or parents or by any grandparent or grandparents, then to those issue of any grandparent or
grandparents who survive the intestate; taken as a group, the issue of the maternal grandparent or grandparents shall share equally with the issue of the paternal grandparent or grandparents, also taken as a group; within each such group, all members share equally if they are all in the same degree of kinship to the intestate, or, if some be of unequal degree, then those of more remote degree shall take by representation.

RCW 11.04.035 Kindred of the half blood.
Kindred of the half blood shall inherit the same share which they would have inherited if they had been of the whole blood, unless the inheritance comes to the intestate by descent, devise, or gift from one of his ancestors, or kindred of such ancestor’s blood, in which case all those who are not of the blood of such ancestors shall be excluded from such inheritance: PROVIDED, HOWEVER, That the words “kindred of such ancestor’s blood” and “blood of such ancestors” shall be construed to include any child lawfully adopted by one who is in fact of the blood of such ancestors.

RCW 11.04.041 Advancements.
If a person dies intestate as to all his estate, property which he gave in his lifetime as an advancement to any person who, if the intestate had died at the time of making the advancement, would be entitled to inherit a part of his estate, shall be counted toward the advancee’s intestate share, and to the extent that it does not exceed such intestate share shall be taken into account in computing the estate to be distributed. Every gratuitous inter vivos transfer is deemed to be an absolute gift and not an advancement unless shown to be an advancement. The advancement shall be considered as of its value at the time when the advancee came into possession or enjoyment or at the time of the death of the intestate, whichever first occurs. If the advancee dies before the intestate, leaving a lineal heir who takes from the intestate, the advancement shall be taken into account in the same manner as if it had been made directly to such heir. If such heir is entitled to a lesser share in the estate than the advancee would have been entitled had he survived the intestate, then the heir shall only be charged with such proportion of the advancement as the amount he would have inherited, had there been no advancement, bears to the amount which the advancee would have inherited, had there been no advancement.

RCW 11.04.060 Tenancy in dower and by curtesy abolished.
The provisions of RCW 11.04.015, as to the inheritance of the husband and wife from each other take the place of tenancy in dower and tenancy by curtesy, which are hereby abolished.

RCW 11.04.071 Survivorship as incident of tenancy by the entireties abolished.
The right of survivorship as an incident of tenancy by the entireties is abolished.

RCW 11.04.081 Inheritance by and from any child not dependent upon marriage of parents.
For the purpose of inheritance to, through, and from any child, the effects and treatment of the parent-child relationship shall not depend upon whether or not the parents have been married.
RCW 11.04.085 Inheritance by adopted child.
A lawfully adopted child shall not be considered an "heir" of his natural parents for purposes of this title.

RCW 11.04.095 Inheritance from stepparent avoids escheat.
If a person dies leaving a surviving spouse or surviving domestic partner and issue by a former spouse or former domestic partner and leaving a will whereby all or substantially all of the deceased's property passes to the surviving spouse or surviving domestic partner or having before death conveyed all or substantially all his or her property to the surviving spouse or surviving domestic partner, and afterwards the latter dies without heirs and without disposing of his or her property by will so that except for this section the same would all escheat, the issue of the spouse or domestic partner first deceased who survive the spouse or domestic partner last deceased shall take and inherit from the spouse or domestic partner last deceased the property so acquired by will or conveyance or the equivalent thereof in money or other property; if such issue are all in the same degree of kinship to the spouse or domestic partner first deceased they shall take equally, or, if of unequal degree, then those of more remote degree shall take by representation with respect to such spouse or such domestic partner first deceased.

If either co-owner of United States savings bonds registered in two names as co-owners (in the alternative) dies without having presented and surrendered the bond for payment to a federal reserve bank or the treasury department, the surviving co-owner will be the sole and absolute owner of the bond.

If the registered owner of United States savings bonds registered in the name of one person payable on death to another dies without having presented and surrendered the bond for payment or authorized reissue to a federal reserve bank or the treasury department, and is survived by the beneficiary, the beneficiary will be the sole and absolute owner of the bond.

RCW 11.04.250 When real estate vests — Rights of heirs.
When a person dies seized of lands, tenements or hereditaments, or any right thereto or entitled to any interest therein in fee or for the life of another, his title shall vest immediately in his heirs or devisees, subject to his debts, family allowance, expenses of administration and any other charges for which such real estate is liable under existing laws. No administration of the estate of such decedent, and no decree of distribution or other finding or order of any court shall be necessary in any case to vest such title in the heirs or devisees, but the same shall vest in the heirs or devisees instantly upon the death of such decedent: PROVIDED, That no person shall be deemed a devisee until the will has been probated. The title and right to possession of such lands, tenements, or hereditaments so vested in such heirs or devisees, together with the rents, issues and profits thereof, shall be good and valid against all persons claiming adversely to the claims of any such heirs, or devisees, excepting only the personal representative when appointed, and persons lawfully claiming under such personal representative; and any one or more of such heirs or devisees, or their grantees, jointly or severally, may sue for and recover their respective shares or interests in any such lands, tenements, or hereditaments and the
rents, issues and profits thereof, whether letters testamentary or of administration be granted or not, from any person except the personal representative and those lawfully claiming under such personal representative.

RCW 11.04.290 Vesting of title.
RCW 11.04.250 through 11.04.290 shall apply to community real property and also to separate estate; and upon the death of either spouse or either domestic partner, title of all community real property shall vest immediately in the person or persons to whom the same shall go, pass, descend or be devised, as provided in RCW 11.04.015, subject to all the charges mentioned in RCW 11.04.250
West Virginia Intestacy Laws

§42-1-1. General definitions.
Subject to additional definitions contained in the subsequent articles that are applicable to specific articles, parts or sections, and unless the context otherwise requires in this code:
(1) "Agent" includes an attorney-in-fact under a durable or nondurable power of attorney, an individual authorized to make decisions concerning another's health care and an individual authorized to make decisions for another under a natural death act.
(2) "Beneficiary" as it relates to a trust beneficiary, includes a person who has any present or future interest, vested or contingent, and also includes the owner of an interest by assignment or other transfer; as it relates to a charitable trust, includes any person entitled to enforce the trust; as it relates to a "beneficiary of a beneficiary designation", refers to a beneficiary of an account with POD designation, of a security registered in beneficiary form (TOD) or other nonprobate transfer at death; and, as it relates to a "beneficiary designated in a governing instrument", includes a grantee of a deed, a devisee, a trust beneficiary, a beneficiary of a beneficiary designation or a person in whose favor a power of attorney or a power held in any individual, fiduciary or representative capacity is exercised.
(3) "Court" means the county commission or branch in this state having jurisdiction in matters relating to the affairs of decedents.
(4) "Conservator" means a person who is appointed by a court to manage the estate of a protected person.
(5) "Descendant" of an individual means all of his or her descendants of all generations, with the relationship of parent and child at each generation being determined by the definition of child and parent contained in this code.
(6) "Devise" when used as a noun, means a testamentary disposition of real or personal property and, when used as a verb, means to dispose of real or personal property by will.
(7) "Devisee" means a person designated in a will to receive a devise. In the case of a devise to an existing trust or trustee, or to a trustee on trust described by will, the trust or trustee is the devisee and the beneficiaries are not devisees.
(8) "Distributee" means any person who has received property of a decedent from his or her personal representative other than as a creditor or purchaser. A testamentary trustee is a distributee only to the extent of distributed assets or increment thereto remaining in his or her hands. A beneficiary of a testamentary trust to whom the trustee has distributed property received from a personal representative is a distributee of the personal representative. For the purposes of this provision, "testamentary trustee" includes a trustee to whom assets are transferred by will, to the extent of the devised assets.
(9) "Estate" includes the property of the decedent, trust or other person whose affairs are subject to this code as originally constituted and as it exists from time to time during administration.
(10) "Exempt property" means that property of a decedent's estate which is provided for in section forty-eight, article VI of the constitution.
(11) "Fiduciary" includes a personal representative, guardian, conservator and trustee.
(12) "Foreign personal representative" means a personal representative appointed by another jurisdiction.
(13) "Formal proceedings" means proceedings conducted before a judge with notice to interested persons.
"Governing instrument" means a deed, will, trust, insurance or annuity policy, account with POD designation, security registered in beneficiary form (TOD), pension, profit-sharing, retirement or similar benefit plan, instrument creating or exercising a power of appointment or a power of attorney or a donative, appointive or nominative instrument of any other type.

"Guardian" means a person who has qualified as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment, but excludes one who is merely a guardian ad litem.

"Heirs" means persons, including the surviving spouse and the state, who are entitled under the statutes of intestate succession to the property of a decedent.

"Informal proceedings" mean those conducted without notice to interested persons by an officer of the court acting as a registrar for probate of a will or appointment of a personal representative.

"Interested person" includes heirs, devisees, children, spouses, creditors, beneficiaries and any others having a property right in or claim against a trust estate or the estate of a decedent, ward or protected person. It also includes persons having priority for appointment as personal representative and other fiduciaries representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding.

"Issue" of a person means descendant as defined in subdivision (5) of this section.

"Joint tenants with the right of survivorship" and "community property with the right of survivorship" includes coowners of property held under circumstances that entitle one or more to the whole of the property on the death of the other or others, but excludes forms of coownership registration in which the underlying ownership of each party is in proportion to that party's contribution.

"Lease" includes an oil, gas or other mineral lease.

"Letters" includes letters testamentary, letters of guardianship, letters of administration and letters of conservatorship.

"Minor" means a person who is under eighteen years of age.

"Mortgage" means any deed of trust, conveyance, agreement or arrangement in which property is encumbered or used as security.

"Nonresident decedent" means a decedent who was domiciled in another jurisdiction at the time of his or her death.

"Parent" includes any person entitled to take, or who would be entitled to take if the child died without a will, as a parent under this code by intestate succession from the child whose relationship is in question and excludes any person who is only a stepparent, foster parent or grandparent.

"Payor" means a trustee, insurer, business entity, employer, government, governmental agency or subdivision or any other person authorized or obligated by law or a governing instrument to make payments.

"Person" means an individual or an organization.

"Personal representative" includes executor, administrator, successor personal representative, special administrator and persons who perform substantially the same function under the law governing their status. "General personal representative" excludes special administrator.

"Petition" means a written request to the court for an order after notice.

"Proceeding" includes action at law and suit in equity.
(32) "Property" includes both real and personal property or any interest therein and means anything that may be the subject of ownership.

(33) "Security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security or any certificate of interest or participation, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing.

(34) "Settlement" in reference to a decedent's estate, includes the full process of administration, distribution and closing.

(35) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States.

(36) "Successor personal representative" means a personal representative, other than a special administrator, who is appointed to succeed a previously appointed personal representative.

(37) "Successors" means persons, other than creditors, who are entitled to property of a decedent under his or her will or this code.

(38) "Survive" means that an individual has neither predeceased an event, including the death of another individual, nor is deemed to have predeceased an event. The term includes its derivatives, such as "survives", "survived", "survivor" and "surviving".

(39) "Surviving spouse" means the person to whom the decedent was married at the time of the decedent's death.

(40) "Testacy proceeding" means a proceeding to establish a will or determine intestacy.

(41) "Testator" includes an individual of either sex.

(42) "Trust" includes an express trust, private or charitable, with additions thereto, wherever and however created. The term also includes a trust created or determined by judgment or decree under which the trust is to be administered in the manner of an express trust. The term excludes other constructive trusts and excludes resulting trusts, conservatorships, personal representatives and custodial arrangements, including that relating to gifts or transfers to minors, dealing with special custodial situations, business trusts providing for certificates to be issued to beneficiaries.

(43) "Trustee" includes an original, additional or successor trustee, whether or not appointed or confirmed by court.

(44) "Will" includes codicil and any testamentary instrument that merely appoints an executor, revokes or revises another will, nominates a guardian or expressly excludes or limits the right of an individual or class to succeed to property of the decedent passing by intestate succession.

§42-1-2. Intestate estate.
(a) Any part of a decedent's estate not effectively disposed of by will passes by intestate succession to the decedent's heirs as prescribed in this code, except as modified by the decedent's will.

(b) A decedent by will may expressly exclude or limit the right of an individual or class to succeed to property of the decedent passing by intestate succession. If that individual or a member of that class survives the decedent, the share of the decedent's intestate estate to which that individual or class would have succeeded passes as if that individual or each member...
of that class had disclaimed his or her intestate share.

The intestate share of a decedent's surviving spouse is:
(a) The entire intestate estate if:
(1) No descendant of the decedent survives the decedent; or
(2) All of the decedent’s surviving descendants are also descendants of the surviving spouse and there is no other descendant of the surviving spouse who survives the decedent;
(b) Three fifths of the intestate estate, if all of the decedent's surviving descendants are also descendants of the surviving spouse and the surviving spouse has one or more surviving descendants who are not descendants of the decedent;
(c) One half of the intestate estate, if one or more of the decedent's surviving descendants are not descendants of the surviving spouse.

§42-1-3a. Share of heirs other than surviving spouse.
Any part of the intestate estate not passing to the decedent's surviving spouse under section three of this article, or the entire intestate estate if there is no surviving spouse, passes in the following order to the individuals designated below who survive the decedent:
(a) To the decedent's descendants by representation;
(b) If there is no surviving descendant, to the decedent's parents equally if both survive, or to the surviving parent;
(c) If there is no surviving descendant or parent, to the descendants of the decedent's parents or either of them by representation;
(d) If there is no surviving descendant, parent, or descendant of a parent, but the decedent is survived by one or more grandparents or descendants of grandparents, half of the estate passes to the decedent's paternal grandparents equally if both survive, or to the surviving paternal grandparent, or to the descendants of the decedent's paternal grandparents or either of them if both are deceased, the descendants taking by representation; and the other half passes to the decedent's maternal relatives in the same manner; but, if there is no surviving grandparent or descendant of a grandparent on either the paternal or the maternal side, the entire estate passes to the decedent's relatives on the other side in the same manner as the half.

§42-1-3b. Requirement that heir survive decedent for one hundred twenty hours.
An individual who fails to survive the decedent by one hundred twenty hours is deemed to have predeceased the decedent for purposes of intestate succession, and the decedent's heirs are determined accordingly. If the time of death of a decedent or of an individual who would otherwise be an heir, or the times of death of both, cannot be determined, and it is not established that the individual who would otherwise be an heir survived the decedent by one hundred twenty hours, it is deemed that the individual failed to survive for the required period. This section is not to be applied if its application would result in a taking of intestate estate by the state under section three-c of this article.

§42-1-3c. No taker.
If there is no taker under the provisions of this article, the intestate estate passes to the state. Any real property shall pass to the state auditor. Any personal property shall pass to the state treasurer for disposition by public sale in accordance with the provisions of section twelve, article
eight, chapter thirty-six of this code. The proceeds of the sale of any such real property shall be deposited to the credit of the general school fund. The proceeds of the sale of any such personal property shall be deposited to the credit of the general revenue fund.

§42-1-3d. Representation.
(a) In this section:
(1) "Deceased descendant," "deceased parent," or "deceased grandparent" means a descendant, parent, or grandparent who either predeceased the decedent or is deemed to have predeceased the decedent under section three-b of this article.
(2) "Surviving descendant" means a descendant who neither predeceased the decedent nor is deemed to have predeceased the decedent under section three-b of this article.
(b) If, under section three-a of this article, a decedent's intestate estate or a part thereof passes "by representation" to the decedent's descendants, the estate or part thereof is divided into as many equal shares as there are: (i) Surviving descendants in the generation nearest to the decedent which contains one or more surviving descendants; and (ii) deceased descendants in the same generation who left surviving descendants, if any. Each surviving descendant in the nearest generation is allocated one share. The remaining shares, if any, are combined and then divided in the same manner among the surviving descendants of the deceased descendants as if the surviving descendants who were allocated a share and their surviving descendants had predeceased the decedent.
(c) If, under section three-a of this article, a decedent's intestate estate or a part thereof passes "by representation" to the descendants of the decedent's deceased parents or either of them or to the descendants of the decedent's deceased paternal or maternal grandparents or either of them, the estate or part thereof is divided into as many equal shares as there are: (i) Surviving descendants in the generation nearest the deceased parents or either of them, or the deceased grandparents or either of them, that contains one or more surviving descendants; and (ii) deceased descendants in the same generation who left surviving descendants, if any. Each surviving descendant in the nearest generation is allocated one share. The remaining shares, if any, are combined and then divided in the same manner among the surviving descendants of the deceased descendants as if the surviving descendants who were allotted a share and their surviving descendants had predeceased the decedent.

§42-1-3e. Kindred of half blood.
Relatives of the half blood inherit the same share they would inherit if they were of the whole blood.

§42-1-3f. Afterborn heirs.
An individual in gestation at a particular time is treated as living at that time if the individual lives one hundred twenty hours or more after birth.

§42-1-3g. Advancements.
(a) If an individual dies intestate as to all or a portion of his or her estate, property the decedent gave during the decedent's lifetime to an individual who, at the decedent's death, is an heir is treated as an advancement against the heir's intestate share only if (i) the decedent declared in a contemporaneous writing or the heir acknowledged in writing that the gift is an advancement or (ii) the decedent's contemporaneous writing or the heir's written acknowledgement otherwise
indicates that the gift is to be taken into account in computing the division and distribution of the
decedent's intestate estate.
(b) For purposes of subsection (a), property advanced is valued as of the time the heir came into
possession or enjoyment of the property or as of the time of the decedent's death, whichever
first occurs.
(c) If the recipient of the property fails to survive the decedent, the property is not taken into
account in computing the division and distribution of the decedent's intestate estate, unless the
decedent's contemporaneous writing provides otherwise.

§42-1-4. Alienage.
No individual is disqualified to take as an heir because the individual or an individual through
whom he or she claims is or has been an alien.

§42-1-5. From whom children born out of wedlock inherit.
(a) Children born out of wedlock shall be capable of inheriting and transmitting inheritance on the
part of their mother and father.
(b) Prior to the death of the father, paternity shall be established by:
(1) Acknowledgment that he is the child's father;
(2) Adjudication on the merits pursuant to the provisions of article twenty-four, chapter forty-eight
of this code; or
(3) By order of a court of competent jurisdiction issued in another state.
(c) After the death of the father, paternity shall be established if, after a hearing on the merits,
the court shall find, by clear and convincing evidence, that the man is the father of the child. The
civil action shall be filed in the family court of the county where the administration of the
decedent's estate has been filed or could be filed:
(1) Within six months of the date of the final order of the county commission admitting the
decedent's will to probate or commencing intestate administration of the estate; or
(2) If none of the above apply, within six months from the date of decedent's death.
(d) Any putative child who at the time of the decedent's death is under the age of eighteen years,
a convict or a mentally incapacitated person may file such civil action within six months after he
or she becomes of age or the disability ceases.
(e) The provisions of this section do not apply where the putative child has been lawfully adopted
by another man and stands to inherit property or assets through his adopted father.
(f) The provisions of this section do not apply where the father or putative father has expressly
disinherited the child in a provision of his will.

§42-1-6. Legitimation by marriage.
If a man, having had a child or children by a woman, shall afterwards intermarry with her, such
child or children, or their descendants, shall be deemed legitimate.

The issue of marriages deemed null in law, or dissolved by a court, shall nevertheless be
legitimate.

§42-1-8. Posthumous children to take.
Any child in the womb of its mother at, and which may be born after, the death of the intestate,
shall be capable of taking by inheritance in the same manner as if such child were in being at the time of such death.

Where any person having title to an estate of inheritance in real estate within this state has died intestate, or testate, without having devised his real estate, his heirs, or any of them, or any person deriving title from or through such heirs, or any of them, may at any time within twenty years after the death of such person present to the circuit court of the county where such real estate, or any part thereof, is situated, a petition, under oath, describing such real estate, setting forth the interest or share of the petitioner and of each other heir of the decedent in such real estate, and praying for a decree establishing the right of inheritance thereto, and that all the heirs of the decedent, and other parties in interest may be summoned to show cause why the prayer of the petition should not be granted. There shall also be set out in the petition and be made parties, the heirs or devisees of any person who inherited from the decedent but who has died before the proceeding is instituted, and any purchasers or successors in title from such a person, and any holders of liens on the whole property or on the share of any person interested in the property. Upon the presentation of such petition a rule to show cause, returnable within such time as the court shall direct, shall be issued accordingly, except in a case where all the interested parties unite in such petition or appear and waive service of the rule. Guardians ad litem for all infants, convicts in confinement and insane persons, who may be parties to such proceeding, shall be appointed and attend, and nonresident persons may be proceeded against by order of publication, as in other cases, upon the return of the rule to show cause the circuit court shall hear the allegations and proofs of the parties and determine all the issues raised. The petitioner shall establish the fact of the decedent's death; the place of his residence at the time of his death; his will or intestacy, either generally, or as to the real estate in question; the heirs entitled to inherit the real estate in question; the name, age, residence and relationship to the decedent, of each; and the interest or share of each heir or other person in such real estate. The court, when these facts are established, shall make a decree describing the real estate, and declaring that the right of inheritance thereto has been established to the court's satisfaction, in accordance with the facts which shall be recited in the decree, and that at the death of the testator or intestate certain persons, who shall be named in the decree, were entitled to take the property in certain proportions, which shall also be set out in the decree. A certified copy of such decree shall be recorded in the office of the clerk of the county court of the county or counties in which such real estate is situated, in the record of deeds, and indexed in the general index of deeds in the name of the decedent as if grantor, and in the name of each heir as if grantee, and the fees for such recording and indexing shall be the same as for deeds. From the time when such copy is so recorded, the decree, or the record thereof, shall be conclusive evidence of the facts so declared to be established thereby against all parties to such proceeding. An appeal from such decree shall lie to the supreme court of appeals as in other cases, and any person under disability or proceeded against by publication and not appearing may have the matter reheard as in other cases.

§42-1-10. Individuals related to decedent through two lines.
An individual who is related to the decedent through two lines of relationship is entitled to only a single share based on the relationship that would entitle the individual to the larger share.
Wisconsin Intestacy Laws

852.01 Basic rules for intestate succession.
(1) Who are heirs. Except as modified by the decedent's will under s. 852.10 (1), any part of the net estate of a decedent that is not disposed of by will passes to the decedent's surviving heirs as follows:
   (a) To the spouse:
      1. If there are no surviving issue of the decedent, or if the surviving issue are all issue of the surviving spouse and the decedent, the entire estate.
      2. If there are surviving issue one or more of whom are not issue of the surviving spouse, one-half of decedent's property other than the following property:
         a. The decedent's interest in marital property.
         b. The decedent's interest in property held equally and exclusively with the surviving spouse as tenants in common.
   (b) To the issue, per stirpes, the share of the estate not passing to the spouse under par. (a), or the entire estate if there is no surviving spouse.
   (c) If there is no surviving spouse or issue, to the parents.
   (d) If there is no surviving spouse, issue or parent, to the brothers and sisters and the issue of any deceased brother or sister per stirpes.
   (f) If there is no surviving spouse, issue, parent or issue of a parent, to the grandparents and their issue as follows:
      1. One-half to the maternal grandparents equally if both survive, or to the surviving maternal grandparent; if both maternal grandparents are deceased, to the issue of the maternal grandparents or either of them, per stirpes.
      2. One-half to the paternal relations in the same manner as to the maternal relations under subd. 1.
      3. If either the maternal side or the paternal side has no surviving grandparent or issue of a grandparent, the entire estate to the decedent's relatives on the other side.
(2) Survivorship requirement. Survivorship under sub. (1) is determined as provided in s. 854.03.

(2m) Heir who kills decedent. If a person under sub. (1) killed the decedent, the inheritance rights of that person are governed by s. 854.14.

(3) Escheat. If there are no heirs of the decedent under subs. (1) and (2), the net estate escheats to the state to be added to the capital of the school fund.

852.03 Related rules.
(1) Per stirpes. If per stirpes distribution is called for under s. 852.01 (1) (b), (d) or (f), the rules under s. 854.04 apply.
(3) **Relatives of the half blood.** Inheritance rights of relatives of the half blood are governed by s. 854.21 (4).

(4) **Posthumous heirs.** Inheritance rights of a person specified in s. 852.01 (1) who was born after the death of the decedent are governed by s. 854.21 (5).

(5) **Related through 2 lines.** Inheritance rights of a person who is related to the decedent through 2 lines of relationship are governed by s. 854.21 (6).

(6) **Taking through or by alien.** No person is disqualified from taking as an heir because the person or a person through whom he or she claims is not or at some time was not a U.S. citizen. The rights of an alien to acquire or hold land in the state are governed by ss. 710.01 to 710.03.

**852.05 Status of child born to unmarried parents for purposes of intestate succession.**
(1) A child born to unmarried parents, or the child's issue, is treated in the same manner as a child, or the issue of a child, born to married parents with respect to intestate succession from and through the child's mother, and from and through the child's father if any of the following applies:
(a) The father has been adjudicated to be the father in a paternity proceeding under ch. 767 or by final order or judgment of a court of competent jurisdiction in another state.

(b) The father has admitted in open court that he is the father.

(c) The father has acknowledged himself to be the father in writing signed by him.

(2) Property of a child born to unmarried parents passes in accordance with s. 852.01 except that the father or the father's kindred can inherit only if the father has been adjudicated to be the father in a paternity proceeding under ch. 767 or by final order or judgment of a court of competent jurisdiction in another state or has been determined to be the father under s. 767.805 or a substantially similar law of another state.

(3)  
(a) This section does not apply to a child who becomes a marital child by the subsequent marriage of the child's parents under s. 767.803.

(b) The status of a child born to unmarried parents who is legally adopted is governed by s. 854.20.

(4) Section 895.01 (1) applies to paternity proceedings under ch. 767.

**852.09 Assignment of home to surviving spouse.** If the intestate estate includes an interest in a home, assignment of that interest to the surviving spouse is governed by s. 861.21.

**852.10 Disinheritance from intestate share.**
(1) A decedent's will may exclude or limit the right of an individual or class to succeed to property passing by intestate succession.
The share of the intestate estate that would have passed to the individual or class described in sub. (1) passes as if the individual or each member of the class had disclaimed his or her intestate share under s. 854.13.

This section does not apply if the individual or all members of the class described in sub. (1) predecease the testator.

852.11 Advancement. The effect of a lifetime gift by the decedent on the intestate share of an heir is governed by s. 854.09.

852.12 Debts to decedent. If an heir owes a debt to the decedent, s. 854.12 governs the treatment of that debt.

852.13 Right to disclaim intestate share. Any person to whom property would otherwise pass under s. 852.01 may disclaim all or part of the property as provided under s. 854.13.
Wyoming Intestacy Laws

Wyoming Intestacy Laws, Sec. 2-4-101. Rule of descent; generally; dower and curtesy abolished.
(a) Whenever any person having title to any real or personal property having the nature or legal character of real estate or personal estate undisposed of, and not otherwise limited by marriage settlement, dies intestate, the estate shall descend and be distributed in parcenary to his kindred, male and female, subject to the payment of his debts, in the following course and manner:
(i) If the intestate leaves husband or wife and children, or the descendants of any children surviving, one-half (1/2) of the estate shall descend to the surviving husband or wife, and the residue thereof to the surviving children and descendants of children, as hereinafter limited;
(ii) If the intestate leaves husband or wife and no child nor descendants of any child, then the real and personal estate of the intestate shall descend and vest in the surviving husband or wife.

(b) Dower and the tenancy by the curtesy are abolished and neither husband nor wife shall have any share in the estate of the other dying intestate, save as herein provided.
(c) Except in cases above enumerated, the estate of any intestate shall descend and be distributed as follows:
(i) To his children surviving, and the descendents of his children who are dead, the descendents collectively taking the share which their parents would have taken if living;
(ii) If there are no children, nor their descendents, then to his father, mother, brothers and sisters, and to the descendents of brothers and sisters who are dead, the descendents collectively taking the share which their parents would have taken if living, in equal parts;
(d) If there are no children nor their descendents, nor father, mother, brothers, sisters, nor descendents of deceased brothers and sisters, nor husband nor wife, living, then to the grandfather, grandmother, uncles, aunts and their descendents, the descendents taking collectively, the share of their immediate ancestors, in equal parts.

Wyoming Intestacy Laws, Sec. 2-4-102. Rule of descent; illegitimate person.
(a) The rule of descent of all property, real and personal, of any illegitimate person dying intestate in this state and leaving property and effects therein, shall be as follows:
(i) To the widow or surviving husband and children, as the property and effects of other persons in like cases;
(ii) If the deceased illegitimate person leaves no children or descendents of a child or children, then the whole estate shall descend to and vest in the widow or surviving husband;
(iii) If the deceased illegitimate person leaves no widow, surviving husband or descendents, his estate shall descend to and vest in the mother and her children, and their descendents, one-half (1/2) to the mother and the other half to be equally divided between her children and their descendents, the descendents of a child taking the share of the deceased parent or ancestors;
If the deceased illegitimate person leaves no heirs, as above provided, the estate shall pass to and vest in the next of kin of the mother of such illegitimate person, in the same manner as the estate of a legitimate person would pass by law to the next of kin.

**Wyoming Intestacy Laws, Sec. 2-4-103. Posthumous persons.**
Persons conceived before the decedent's death but born thereafter inherit as if they had been born in the lifetime of the decedent.

**Wyoming Intestacy Laws, Sec. 2-4-104. Kindred of half blood; stepchildren; foster children.**
Persons of the half-blood inherit the same share they would inherit if they were of the whole blood, but stepchildren and foster children and their descendents do not inherit.

**Wyoming Intestacy Laws, Sec. 2-4-105. Alienage not to affect inheritance; exception; burden of proof; when property to escheat to state.**
(a) The alienage of the legal heirs shall not invalidate any title to real estate which shall descend or pass from the decedent, except that no nonresident alien who is a citizen of any country foreign to the United States of America, shall by any manner or means acquire real property in this state by succession or testamentary disposition if the laws of the country of which the nonresident alien is a citizen do not allow citizens of the United States of America to take real property by succession or by testamentary disposition.
(b) If a decedent leaves no heirs, devisees or legatees entitled to take real property under the terms of this act, the decedent's property shall escheat to the state of Wyoming as now provided by law for escheat property.
(c) The burden of proof is upon a nonresident alien to establish the existence of reciprocal rights asserted by him.

**Wyoming Intestacy Laws, Sec. 2-4-106. Divorce not to affect children's rights.**
Divorces of husband and wife do not affect the right of children to inherit their property.

**Wyoming Intestacy Laws, Sec. 2-4-107. Determination of relationship of parent and child.**
(a) If for purposes of intestate succession, a relationship of parent and child shall be established to determine succession by, through or from a person:
(i) An adopted person is the child of an adopting parent and of the natural parents for inheritance purposes only. The adoption of a child by the spouse of a natural parent has no effect on the relationship between the child and that natural parent;
(ii) An adopted person shall inherit from all other relatives of an adoptive parent as though he was the natural child of the adoptive parent and the relatives shall inherit from the adoptive person's estate as if they were his relatives;
(iii) In cases not covered by paragraph (i) of this subsection, a person born out of wedlock is a child of the mother. That person is also a child of the father, if the relationship of parent and child has been established under the Uniform Parentage Act, W.S. 14-2-401 through 14-2-907.
Wyoming Intestacy Laws, Sec. 2-4-108. Advancements generally; exceptions; determination.

(a) If a person dies intestate, property which he gave in his lifetime to an heir is treated as an advancement against the latter's share of the estate only if declared in a contemporaneous writing by the decedent or acknowledged in writing by the heir to be an advancement. For this purpose the property advanced is valued as of the time the heir came into possession or enjoyment of the property. If the recipient of the property fails to survive the decedent, the property is not taken into account in computing the intestate share to be received by the recipient's issue, unless the declaration or acknowledgment provides otherwise.

(b) The maintenance, education or supply of money to a minor, without any view to apportion or settlement in life, is not deemed an advancement under this section.

(c) When any heir of the intestate receives in his lifetime any real or personal estate by way of advancement, and the other heirs desire it to be charged to him, the judge shall cite the parties to appear before him, shall hear proof upon the subject, and shall determine the amount of such advancement or advancements to be thus charged.