

Wills, Trusts and Probate Briefings

Dying without making a Will

Jointly-owned property, such as a jointly-owned home or bank account passes to the surviving joint owner in any event, unless the owners specifically agreed that their shares could be passed to someone else on their deaths (in the jargon, that they held the home or account as 'tenants in common').

If you and your partner are not married or legally united in a civil partnership, your partner will not be entitled to any of your assets when you die - no matter how long your relationship has been - unless you make a will.

You aren't married when you die

- Any of your children that survive you share your estate equally between them. If any of your children have died before you, but left children of their own, those children divide their parent's share equally between them.
- If there are none, any parents that survive you share your estate equally.
- If there are none, any brothers and sisters share your estate equally. If any of your brothers and sisters have died before you, but left children of their own, those children divide their parent's share equally between them.
- If there are none, any half-brothers and half-sisters share your estate equally. If any of your half-brothers and half-sisters have died before you, but left children of their own, those children divide their parent's share equally between them.
- If there are none, any grandparents share your estate equally.
- If there are none, any aunts or uncles share your estate equally. If any of your aunts and uncles have died before you, but left children of their own, those children divide their parent's share equally between them.
- If there are none, your estate goes to the Crown.

You are married when you die and your estate is worth less than £250,000

- Your spouse inherits everything

You are married when you die and your estate is worth £250,000 or more

- If you leave no children of the marriage, and no parents, brothers, sisters, nieces or nephews when you die, your spouse inherits your whole estate.
- If you leave children of the marriage:
 - Your spouse inherits:
 - Your personal effects (car, furniture, jewellery, etc).
 - The first £250,000.
 - A life interest in half what is left (this means your spouse (or civil partner) is entitled to the income (or other benefit) arising from it during their lives, but not to the assets or money (the 'capital') itself.
- Your children are entitled to the other half, equally. If any of your children pre-decease you, then their share is divided equally between their children. When your spouse dies, your children also get the capital in which your spouse had a life interest.
- If you leave no children but any of your parents are alive:
 - Your spouse inherits the first £450,000 and half the remainder absolutely (not a life interest).
 - Your surviving parent(s) share the rest.
- If you leave no children and no parents, but leave any brothers, sisters, nieces or nephews alive:
 - Your spouse inherits the first £450,000 and half the remainder absolutely (not a life interest).

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- Your surviving brother(s), sister(s), niece(s) and/or nephew(s) share the rest.

To avoid these consequences, contact us to make a will.

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