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DEATH - WHAT HAPPENS IF THERE IS NO WILL?

On death what happens if there is no will?

A person who dies without having made a will or whose will is deemed to be invalid is said to have died "intestate". If this happens the law sets out how the deceased's assets are to be distributed and who can deal with the deceased's affairs.

Who can deal with the deceased's estate where no will has been made?

In order to administer a deceased's estate an application can be made by the next of kin, usually a spouse, child or parent, to the District Probate registry in the area where the deceased lived at the date of death to extract a Grant of Letters of Administration.

On receipt of the grant, the applicant will become the 'administrator' of the deceased's estate and the Grant of Administration is then produced to banks or other organisations to allow the administrator deal with the deceased's estate.

Who will inherit the deceased's estate where there is no will made?

The rules for division of property in such instance is as follows:

If the deceased is survived by

- spouse but no children - spouse gets entire estate.
- spouse and children - spouse gets two-thirds, one-third is divided equally between children (if a child has already died his/her children take a share).
- parents, no spouse or children - divided equally or entirely to one parent if only one survives.
- children, no spouse - divided equally between children (as above).