

What happens when there is no will?

A person who dies without a will is known as **'dying intestate'**.

This can make sorting out their estate a bit more complicated. Because there is no will, the law decides who inherits the estate according to certain criteria called **'the rules of intestacy'**.

If there is a relative or friend who is willing and able to sort out the estate, they can apply for a 'grant of letters of administration' - also known as **grant of representation** or **grant of probate**.

This grant makes them the **'administrator'** of the estate - that's basically the same as an executor - and allows them to take care of the estate according to the **rules of intestacy**.

If there are no surviving relatives, the person's estate passes to the Crown. This means that HM Treasury is then responsible for dealing with the estate.

Who decides who the administrator is?

Actually, there are strict rules about who can be an administrator. If there is no valid will, and you are the next-of-kin, you can apply to be an administrator in the following order of priority:

- you are the married partner or civil partner of the deceased
- you are the child of the deceased
- you are the grandchild of the deceased
- you are the parent of the deceased
- you are the brother or sister of the deceased
- you are the nephew or niece of the deceased
- you are another relative of the deceased

An unmarried partner, or same-sex partner who has not registered a civil partnership will **not** usually be able to act as an administrator.

Distributing the estate according to intestacy rules

After you've paid the debts and taxes, you have to distribute the estate according to the **rules of intestacy**.

- The surviving husband, wife or civil partner who was still legally married to the deceased can inherit the estate.
- The deceased's children might also inherit part of the estate if it's worth more than a certain amount.
- Close relatives such as surviving parents or siblings of the deceased could also inherit the estate in certain situations.

If the estate is worth less than £250,000, the spouse will inherit the entire estate. However, if the estate is worth more than £250,000 and there are children:

- The spouse inherits up to £250,000 worth of assets, all the deceased's personal possessions, half of the remainder of the estate.
- The other half is divided equally between the children.
- If any child is under the age of 18 when the person died, his or her share is held in statutory trust.
- He or she will receive their inheritance when they reach the age of 18, or when they marry or enter into a civil partnership, whichever comes first.

Remember – Once you're the administrator, most of what you do is pretty similar to what you would do as an executor in the case of an actual will. Your adviser can offer you more information on that, and a step-by-step guide of what to do next.