



LAW OFFICES OF  
**BLACK & MCGHEE**

**INTESTATE SUCCESSION - or  
TO WHOM YOUR PROPERTY WILL PASS IF YOU DON'T HAVE A WILL OR TRUST**

COMMUNITY PROPERTY – All to the Surviving Spouse (no probate required).

JOINT TENANCY PROPERTY - will pass to the surviving joint tenant by operation of law (no probate required).

IN TRUST FOR/PAYABLE ON DEATH - designations on specific accounts – Will pass without probate to the beneficiary named with the financial institution.

BENEFICIARY DESIGNATION - Such as life insurance policies, annuities, IRA's - will pass to the named beneficiary without probate.

SOLE & SEPARATE PROPERTY, TENANCY IN COMMON Property. Probate will be required if this type of property exceeds \$100,000.

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| <b>1. MARRIED INDIVIDUAL</b>                        |  |
| a. With spouse, no descendants, parents or siblings | All to Surviving Spouse  |
| b. With one child.                                  | 1/2 to Surviving Spouse<br>1/2 to child, or if child deceased, to his or her children                              |
| c. With two or more children                        | 1/3 to Surviving Spouse<br>2/3 divided equally among Children. Children of deceased child will take parent's share |
| d. With Surviving Parent, but no children           | 1/2 to Surviving Spouse<br>1/2 divided equally between mother  |

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|   | and father, or if either is deceased, then to the survivor   |
| e. With no surviving children or parents, but with surviving siblings (brothers & sisters)  | ½ to Surviving Spouse, ½ divided equally among brothers and sisters. The share of a deceased sibling will go to his or her children, |
| <b>2. SINGLE INDIVIDUAL</b>   |  |
| a. With surviving children, or issue of deceased children   | Divided equally among the children. The share of a deceased child goes to his or her children  |
| b. With no children (or their descendants) but surviving parent(s)  | Divided equally between Mother and Father, or if either is deceased, then all to the survivor  |
| c. With no children or surviving parents, but has surviving Brothers or Sisters (siblings) or issue of siblings   | Divided equally among the surviving siblings. If a brother or sister is deceased, his or her share will pass to his or her issue.    |
| d. No children, parents, brothers or sisters, nor descendants of brothers or sisters  | All to next of kin. (Possibly - grandparents, aunts, uncles, cousins, etc.)  |
| If a decedent leaves no spouse nor issue, any estate which came from a previously deceased spouse goes to the heirs of such previously deceased spouse (Probate Code 229) |  |
| If no next of kin of the decedent can be found, decedent's property will escheat to the State.  |  |

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