



BLACK & MCGHEE

A PROFESSIONAL LAW CORPORATION

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.

1. MARRIED INDIVIDUAL	
a. With spouse, no descendants, parents or siblings	All to Surviving Spouse
b. With one child.	½ to Surviving Spouse ½ to child, or if child deceased, to his or her children
c. With two or more children	1/3 to Surviving Spouse 2/3 divided equally among Children. Children of deceased child will take parent's share
d. With Surviving Parent, but no children	½ to Surviving Spouse ½ divided equally between mother 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,
2. SINGLE INDIVIDUAL	
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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