

What happens if you die without making a Will?



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When an individual dies without leaving a valid Will or has not disposed of his entire estate by Will, they are said to die intestate.

A deceased may not have a valid Will because:

- he did not make a Will
- he revoked a Will that he had made, by an action such as:
 - physically destroying the Will with the intention of revoking it
 - marrying or entering into a civil partnership after making a Will (unless it was made in contemplation of marriage with a particular individual)
- he made an invalid Will

What do I do if I can't find a Will?

If it appears that someone who has died did not make a Will, do not assume that he died intestate.

It is important to make a thorough search for a Will, for example, by:

- making a thorough search of the deceased's house
- contacting his solicitor and other local solicitors
- putting a notice in the Law Society Gazette, requesting information about the location of any Will the deceased may have made
- searching the Principal Registry of the Family Division or a local district probate registry where the deceased may have lodged a Will. Also consider making an application to search the registries' computerised national register of Wills
- searching commercial Will registration services

Intestacy rules

When someone dies intestate the intestacy rules apply. These are a set of rules that determine who can benefit from an estate and only apply to assets the deceased could have left by their Will.

The rules do not cover:

- assets the deceased held jointly with another party where the right of survivorship applies so that the assets pass to the survivor (for example, a joint bank account or a house held as joint tenants)
- assets held on trust for the deceased that pass under the terms of the trust on his death
- nominated assets. For example, where a person has deposited money up to certain limits with particular institutions, he may dispose of it by a nomination requiring the institution to pay the money to a specified third party on his death
- life insurance policies taken out for the benefit of named individual. For example, a policy taken out for the benefit of a spouse and/or children
- pension benefits paid by the trustees of the pension fund at their discretion to members of the deceased's family

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Who benefits under the intestacy rules and how much they receive depends on the value of the estate and which members of the intestate's family survive him. The following flowchart sets this out in more detail.

How can Greenwoods GRM help?

Contact +44 (0)1733 887665 and ask to speak to a member of our Private Client Team.

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