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A Summary Of State Laws Of Intestate Property Distribution And Succession

Abstract
Property ownership patterns have a significant impact on the distribution of income, resource returns and wealth. Although ownership patterns are commonly altered by sales and purchases of property in the resource markets, the acquisition of property through gifts and inheritances also has an important influence on property ownership and transfer.

Disciplines
Communications Law | Income Distribution | Property Law and Real Estate | Sales and Merchandising

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A SUMMARY OF STATE LAWS OF
INTESTATE PROPERTY DISTRIBUTION AND SUCCESSION

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Iowa State University
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Property ownership patterns have a significant impact on the distribution of income, resource returns and wealth. Although ownership patterns are commonly altered by sales and purchases of property in the resource markets, the acquisition of property through gifts and inheritances also has an important influence on property ownership and transfer.

Various laws and customs impact the transfer of property by gift or inheritance including the state laws of distribution or succession. These rules specify how property will be transferred if the decedent (the one who dies) does not have a valid will at death or dies intestate (without a will). If the decedent has a valid will, it will control the distribution of property. The will or intestate distribution rules apply to property owned at death except that transferred to a named beneficiary, transferred by the rules of joint tenancy ownership, or property in which the decedent had only a life interest—a trust or life estate. Surveys indicate that a large proportion of decedents die without a will, so the state laws of distribution have a significant impact on estate transfers and planning and thus property ownership patterns.

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In general, if the decedent does not have a will, property is distributed according to the laws of distribution in the decedent's state of residence. Thus, the rules of intestate distribution are unique to each state. The following summary of state intestate distribution laws describes what constitutes the intestate estate, the share of the estate transferred to the spouse, the share transferred to other family members, and the source of additional detail concerning the intestate laws of succession (typically the appropriate state code). In most cases the state summaries are current as of 1980-81. These summaries should be useful in developing estate plans as to property distribution as well as in understanding future property ownership patterns.

Although the individual state laws tend to be more unique than similar, some general patterns flow through the fifty states and may be useful in assessing the individual state summaries. The intestate estate usually includes any property not effectively disposed of by will. This means that even where the decedent has left a valid will, any property which the will has not given to a beneficiary passes under the state laws of succession. Typically this situation arises where the will does not include a residuary clause, stating where all property not specifically given should pass.

Most states also require that the spouse be given an adequate share of the estate. This is accomplished in several ways. In the majority of states the spouse is allowed to take an elective share rather than the share given under the will. This elective share is generally equivalent to the spouse's intestate share; in states where it is different, it is noted on the individual summary. Another approach to insuring that the spouse receives an adequate share of the martial property is the community property system. In the eight
states (Arizona, California, Idaho, Louisiana, New Mexico, Nevada, Texas, and Washington) which follow this system the property which is acquired during marriage is treated at death in similar fashion as though held in tenancy in common, with half of such property automatically becoming the separate property of the surviving spouse and half passing through the decedent's estate.

Both community property and the elective share approach work effectively when they are kept separate, but the movement of people between community property and noncommunity property states can produce unintended results. When a couple moves, late in life, from a community property to a noncommunity property state, the surviving spouse may receive a larger than intended share at the spouse's death by acquiring half of the community property in addition to an elective share of the decedent's estate. Conversely, when a couple moves to a community property state late in life the spouse can be effectively disinherited, since there is neither community property nor an elective share for the spouse to rely upon. The later problem is dealt with in California and Idaho by the use of a quasi-community property system. Under this system property which would have been community property if the decedent had been a resident of the state when the property was acquired is treated as community property at death.

When an estate passes intestate, the spouse's share (only Alabama and Georgia still treat the surviving wife differently than the surviving husband) usually is in two parts: exempt property and a share of the remaining estate. The exempt property includes, depending on the state, homestead, family, and exempt property allowances. Typically, the exempt property is a relatively
small amount intended to insure that a home and furnishings, at the least, pass to the surviving spouse. For this reason, exempt property is generally passed free of all claims against the estate. The spouse's share of the remaining estate varies considerably depending upon such factors as whether there are surviving issue or parents of the decedent. The modern trend seems to be toward giving the spouse a larger share of the estate; in line with this trend, many states require that the spouse be given a minimum share before any of the estate passes to other beneficiaries. Some states also differentiate between real and personal property, or give the spouse only a life estate (the right to use the property during life) in his/her share; the modern trend, however, appears to be toward giving the spouse fee simple title to the share, and to ignore the distinction between real and personal property.

Once the spouse's share and the debt have been subtracted from the estate, the children and descendents of the deceased typically inherit the remaining estate (if any) per stirpes. This is to say that each child receives an equal share, while the children of a deceased child take equally from the deceased child's share, continuing down the family tree until all descendents without living ancestors have received a share. A per stirpes distribution is illustrated by Figure 1. A, the deceased, had three children, B, C, D and K, of which only B and D are still living. B had two children, E and F. C, though he died before A, had three children, G, H, and I. H, like C, died before A and had one child, J. The shares are as follows:
B and D each receive 1/3 of the remaining estate. This occurs because there are only three children who are living or who have left living survivors.

C, H, and K receive nothing, having died before A.

E and F receive nothing, because they have a living ancestor, who has already taken "their" share.

G and I receive 1/9 of the remaining estate since there are three children (either living or leaving descendants) dividing C's share equally.

J receives 1/9 of the remaining estate, taking what would have been H's share.

If there are no surviving descendents, the estate remaining after the spouse's share and debts passes to the surviving parent of the deceased, or to the surviving parents equally. Although the states all provide for situations where neither living parents nor descendents exist, these provisions have been omitted from these summaries in the interest of brevity. It is likely that the great majority of all estate transfers fit within the summaries as presented.
Alabama
Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of the estate not effectively disposed of by will.

Spouse's share:
Exemption:
$6,000 of real property in life estate exempt from all claims.

Wife's share:
Real estate:
The widow is entitled to a life estate in the following lands:
1) If there are no lineal descendants and the estate is solvent: 1/2 of husband's lands.
2) If there are no lineal descendants and the estate is insolvent: 1/3 of husband's lands.
3) If there are lineal descendants (regardless of whether the estate is solvent): 1/3 of husband's lands.

Except that if the widow has a separate estate, the amount of her life estate (valued as seven years rent of the land) is reduced by the amount of her separate estate. Thus if her separate estate is equal to or larger than the amount of her life estate, she has no interest in her husband's lands.

Personal estate:
The widow is entitled, after the payment of debts and charges against the estate to:
1) If there are no children: all of the personalty.
2) If there are children: to a child's part or 1/5, whichever is larger.

Husband's share:

Real estate:
The widower is entitled to a life estate in all lands held by the wife.

Personal estate:
The widower is entitled to 1/2 of the personalty absolutely.

No surviving kin:
If there are no surviving issue of the decedent or of the decedent's parents the entire intestate estate passes to the spouse absolutely.

Share of other family members:
Real estate:
After payment of debt, expenses, and the spouse's share (if any), the estate descends to the children and their issue, per stirpes.

If there are no children or their issue, to the parents in equal parts.

If a parent is deceased, the share passes to the descendant's siblings or their issue, per stirpes.

Personal estate:
Passes as if real estate.

Source: Alabama Code (1977) beginning at § 43-1-1.
Alaska

Summary — Death Intestate

Intestate estate (what constitutes):
Any part of estate not effectively disposed of by will.

Spouse's share:
Homestead allowance:
$12,000 (or $8,000 if mobile home); exempt from all claims on estate;
in addition to elective share (if any).
Personal property allowance:
$3,500, exempt from all other claims except family allowance;
in addition to elective share (if any).
Family allowance:
"reasonable amount... during administration"; exempt from all other
claims and in addition to elective share (if any).

Spouse's share of remainder:
1) No issue or parents: all of remaining estate.
2) Issue all of spouse: first $50,000 + 1/2 of remainder.
3) At least one parent living: same as (2).
4) Issue not all of spouse: 1/2 of remainder.

Elective share of spouse:
1/3 of augmented estate.

Augmented estate: total property of decedent less Homestead,
Exempt Property, and Family allowances, plus property improperly
transferred.

Miscellaneous:
Until December 18, 1991, the intestate share of spouse in stock in a
corporation organized under the Alaska Native Claims Settlement Act
is 1/2 if the decedent left issue, and all if the decedent left no
issue.

Share of other family members:

Allowances:
If there is no surviving spouse, the minor and dependent children
of the decedent are entitled to share the Homestead and Family
allowances, and all children are entitled to share the personal
property allowance.

Remainder of estate:
All of the estate remaining after the spouse's share (or all the
estate if spouse is deceased) is divided equally among the children
or (if child is deceased) among children's descendents, per stirpes.

If the decedent left no issue, the remainder goes to his or her
parents.

Source: Alaska Statutes (1972) beginning at § 13.11.005
Arizona

Summary — Death Intestate

Intestate estate (what constitutes):
Any part of the estate not effectively disposed of by will.

Spouse's share:

Allowance in lieu of homestead:
$6000 exempt from all claims except administration expenses.

Exempt property:
$3500 exempt from all claims except administration expenses, allowance in lieu of homestead, and family allowance.

Family allowance:
"A reasonable allowance ... [for maintenance] during administration."

Spouse's share of remainder:
1) No surviving issue or surviving issue all of spouse: all of the remaining estate.
2) Surviving issue not all of spouse: 1/2 of the intestate separate property and none of the decedent's share of community property.

Share of other family members:

Allowances:
If there is no surviving spouse, the dependent children of the decedent are entitled to equal shares of the allowance in lieu of homestead, the exempt property, and the family allowance.

Remainder of estate:
All of the estate remaining after the spouse's share (if any) is divided among the children and their issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent or parents, equally.

Source: Arizona Revised Statutes (1975) beginning at § 14-2101.
Arkansas
Summary — Death Intestate

Intestate estate (what constitutes):
Any part of the estate not effectively disposed of by will.

Spouse’s share:

Allowances:
$2000 ($1000 against creditors) and furnishings necessary for a home
and $500 maintenance during administration, unless there are minor
children not of the spouse, in which case half of the $2000 shall go to
the spouse.

Homestead allowance:
$2500 or 1/4 acre, whichever is larger, in life estate with minor
children.

Share of remainder:
1) If there is a surviving child or children: 1/3 of the real
   property in a life estate, subject only to mortgages on the land,
   and 1/3 of the personalty absolutely.
2) If there is no surviving child or children and the marriage has
   been continuous for three or more years: all of the estate (1/3
   of which is secure against all claims except mortgages on the
   land).
3) If there is no surviving child or children and the marriage has
   been for less than three continuous years: half of the estate
   (2/3 of this share is secure against all claims except mortgages
   on the land).

Share of other family members:

Allowances:
If there are minor children not of the spouse or if there is no
living spouse, the minor children share the part of the $2000 allowance
and the $500 for maintenance not used by the spouse.

Share of remainder:
The estate remaining after the spouse's share goes to the decedent's
issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the
decedent's parent, or parents equally.

Most current information: Supplement 1981.
Intestate estate (what constitutes):
"... The property of one who dies without disposing of it by will."

Spouse's share:

Community property:
If the community property is not distributed by will, it goes to the surviving spouse.

Quasi-community property:
All personal property wherever situated and all real property located in California (real property includes leasehold interests in real property) which would have been community property if the decedent had been a resident of California when it was acquired is treated as community property. In addition, personal property wherever situated and real property located in California which was acquired in exchange for property which would have been community property if the decedent had been a resident of California when it was acquired is treated as community property.

Separate property:
1) If there is more than one child living (or deceased child leaving issue): 1/3 of the separate property.
2) If there is only one child living (or deceased child leaving issue): 1/2 of the separate property.
3) If there is a surviving parent or issue of parents: 1/2 of the separate property.
4) If there are neither issue of the decedent nor parents or their issue: all of the separate property.

Share of other family members:
The estate remaining after the spouse's share goes to the decedent's issue, per stirpes.

If there are no surviving issue of the decedent, the remaining estate goes to the parent, or parents equally.

Most current information: Supplement 1981.
Intestate estate (what constitutes):
"Any part of the estate ... not effectively disposed of by ... will or otherwise ..."

Spouse's share:

Exempt property allowance:
$7,500 exempt from all other claims against the estate (except against property the decedent held as trustee).
The allowance is in addition to the elective share (if any).

Family allowance:
"... a reasonable allowance ... [for] maintenance during the period of administration ..."; exempt from all claims except the exempt property allowance and claims for property held by the decedent as a trustee. The allowance is in addition to the elective share (if any).

Spouse's share of the remainder:
1) If there are surviving issue not all of the spouse: 1/2 of the remaining estate.
2) If there are surviving issue all by the spouse: $25,000 and 1/2 of the remainder.
3) If there are no surviving issue: all of the remaining estate.

Elective share of the spouse:
1/2 of the augmented estate.

Augmented estate:
The decedent's estate reduced by funeral and administration expenses, exempt property allowance, family allowance, and enforceable claims, to which is added improperly transferred property (roughly paralleling property included in the federal gross estate).

Share of other family members:

Allowances:
If there is no surviving spouse, then children under 21 and dependent persons share the exempt property and family allowances.

Remainder of estate:
The estate remaining after the spouse's share (if any) goes to the decedent's issue, per stirpes.

If there are no surviving issue, then the remaining estate passes to the decedent's parent, or parents equally.

Connecticut

Summary -- Death Intestate

Intestate estate (what constitutes):
Property not effectively disposed of by the will or codicil of the deceased.

Spouse's share:

1) If there are surviving issue not of spouse: 1/2 of intestate estate absolutely.
2) If there are surviving issue all of spouse: $50,000 and 1/2 of the balance of the estate absolutely.
3) If there are surviving parents but no surviving issue: $50,000 and 3/4 of the balance of estate absolutely.
4) If there are neither surviving issue nor parents: all of the intestate estate absolutely.

Share of other family members:

The estate remaining after the spouse's share (if any) is distributed to the issue of the decedent, per stirpes.

If there are no surviving issue, the remaining estate passes to the parent or parents.

Most current information: Supplement 1981.
Intestate estate (what constitutes):
"Any part of the real or personal estate of a decedent not effectively disposed of by will."

Spouse's share:

Share of estate:
1) If there are surviving issue not of the spouse: 1/2 of the intestate personal property and a life estate in all intestate real property.
2) If there are surviving issue all of the spouse or at least one surviving parent: the first $50,000 of the intestate personal estate, then 1/2 of the balance of the remaining personal estate and a life estate of the intestate real estate.
3) If there are no surviving issue or parents: all of the intestate estate.

Elective share:
$20,000 or 1/3 of the elective estate (whichever is less) less transfers to the spouse (including insurance, pensions, and joint property, to the extent that the spouse did not contribute to their purchase).

Elective estate: The decedent's federal adjusted gross estate less transfers during the decedent's lifetime which were included, but to which the spouse consented or joined in writing.

Share of other family members:
The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Florida

Summary — Death Intestate

Intestate estate (what constitutes):
"Any part of the estate of a decedent not effectively disposed of by will."

Spouse's share:

Homestead:
If there are a surviving spouse and surviving lineal decedents, the
wife takes a life estate in the homestead with the remainder interest
to the lineal decedents (unless the decedent and the spouse owned the
property as tenants by the entirety, in which case it is not homestead
property). If there are not surviving issue the homestead passes as
intestate property.

Exempt property:
The spouse is entitled to automobiles and household furniture,
furnishings, and appliances in the decedent's usual place of abode up
to a net value of $5,000. In addition, the spouse is entitled to
personal effects of the decedent not specifically disposed of by will
up to a net value of $1000. The right to exempt property has priority
over all other claims except perfected security interests in any item
of exempt property. This share is in addition to the elective share
(if any).

Family allowance:
"A reasonable allowance in money out of the estate for ... maintenance
during administration." The allowance is not to exceed $6,000 and is
in addition to the elective share (if any).

Elective share:
30% of the elective estate.
Elective estate:
All property of the decedent, wherever located (except real
property outside Florida), less all valid claims against the
estate.

Spouse's share of remainder:
1) If there are surviving issue not of the spouse: 1/2 the remaining
   estate.
2) If there are surviving issue all of the spouse: $20,000 and 1/2
   of the remainder.
3) If there are no surviving issue: all the remaining estate.

Share of remaining family members:

Allowances:
If there is no surviving spouse the minor children are entitled to
share the exempt property, and the decedent's dependent issue are
entitled to the family allowance. The issue of the decedent may be
entitled to a remainder interest in the homestead if there is a surviving
spouse (see the spouse's section).

Remainder of estate:
The estate remaining after the spouse's share (if any) and the allowances
passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the
decedent's parent, or parents equally.

Georgia

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of estate not disposed of by will.

Spouse's share:

Year's support:
An amount sufficient for support and maintenance for a period of one year and a sufficient amount of the household furniture, not less than a total of $1,600 if the estate is at least that large. The year's support is to be preferred before all other debts.

Husband's share:
The husband shares equally with children (and deceased children leaving issue, such issue inheriting per stirpes).

Wife's share:
The wife shares equally with children (and deceased children leaving issue, such issue inheriting per stirpes).

Share of other family members:

Year's support:
If there is no surviving spouse, the minor children are entitled to the year's support.

Remainder of estate:
The estate remaining after the spouse's share (if any) is passed to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parents and siblings (with sibling's issue taking per stirpes) equally.

Source: Georgia Code Annotated (1979) beginning at § 113-901.
Intestate estate (what constitutes):
Any part of the decedent's estate not effectively disposed of by will.

Spouse's share:

Homestead allowance:
$5,000 in cash or property in addition to the elective share (if any).

Exempt property:
$5,000 in excess of any secured interests in household furniture, automobiles, furnishings, appliances, and personal effects. If there is not $5,000 in value in such assets, no other assets of the estate may be substituted. The exempt property is in addition to the elective share (if any).

Family allowance:
"A reasonable allowance in money ... [for] maintenance during ... administration", in addition to the elective share (if any).

Spouse's share of remainder:

1) If there are surviving issue or parents of the decedent: 1/2 the remaining estate.
2) If there are no surviving issue or parents of the decedent: all the remaining estate.

Elective share:
1/3 of the net estate.

Net estate:
The estate disposed of by the decedent's will or by intestate succession, less all enforceable claims.

Share of other family members:

Allowances:
If there is no surviving spouse, the minor and dependent children divide the homestead and family allowances, and all children divide the exempt property allowance.

Share of remainder:
The estate remaining after the spouse's share (if any) and the allowances passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Illinois

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of decedent's estate not effectively disposed of by will.

Spouse's share:

Homestead allowances:
$10,000 exempt from all claims.

Allowance for maintenance:
Not less than $5,000 and $1,000 for each minor child.

Share of remainder:
1) If there are surviving issue: 1/3 of the remaining estate.
2) If there are no surviving issue: all of the remaining estate.

Share of other family members:

Allowances:
Minor child are entitled to the homestead and maintenance allowances if there is no surviving spouse.

Share of remainder:
The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's siblings and parents, with a single surviving parent taking a double share and the sibling's issue inheriting per stirpes.

Source: Illinois Annotated Statutes (1962), beginning at Title 3, § 11.
Idaho

Summary — Death Intestate

**Intestate estate (what constitutes):**
Any part of the decedent's estate not effectively disposed of by will.

**Spouse's share:**

- **Homestead allowance:**
  - $4,000 (or $10,000 if there are dependent issue living with the spouse).
  - The allowance is exempt from all claims against the estate and in addition to the elective share (if any).

- **Exempt property:**
  - $3,500, exempt from all claims except the homestead and family allowances and in addition to the elective share (if any).

- **Family allowance:**
  - "A reasonable allowance in money out of estate"; not to exceed $6,000.

**Share of remainder:**

- **Separate property:**
  1) If there are surviving issue not of the spouse: 1/2 the intestate separate property.
  2) If there are surviving issue all of the spouse, or if there are surviving parents: the first $50,000 and 1/2 of the remaining separate property.
  3) If there are no surviving issue or parents of the decedent: all the intestate separate property.

- **Community property:**
  - All of the intestate community property.

- **Quasi-community property:**
  - The spouse's share is the same as for community property. Quasi-community property is defined as real property in Idaho and personal property wherever situated which would have been community property if the decedent had been a resident of Idaho when it was acquired (or which was acquired in exchange for property which would have been community property if the decedent had been a resident of Idaho when it was acquired).

- **Elective share of the spouse:**
  - 1/2 of the augmented quasi-community property estate.

  **Augmented quasi-community property estate:**
  - All quasi-community property and such quasi-community property improperly transferred by the decedent (including transfers to the spouse), less the allocable portion of expenses and allowances.

**Share of other family members:**

- **Allowances:**
  - If there is no surviving spouse, the minor and dependent children share a $10,000 homestead allowance and the family allowance, and all children share the exempt property allowance.

- **Remainder of estate:**
  - The estate remaining after the spouse's share (if any) and the allowances passes to the decedent's issue, per stirpes.

  - If there are no surviving issue, the remaining estate passes to the decedent's parent, or parent's equally.

**Source:** Idaho Code (1979) beginning at § 15-2-101.
Most current information: Supplement 1981.
Indiana

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of the decedent's estate not disposed of by will.

Spouse's share:

Allowances:
$8,500 not chargeable against any other share.

Share of remaining estate:
1) If there are surviving issue none of whom are of the spouse: a life estate in 1/3 of the deceased's lands, and 1/3 of the personal property absolutely (or 1/2 of the personal property if there is only one child or deceased child leaving issue).
2) If there are surviving issue, at least one of whom is of the spouse: 1/3 of the intestate estate (or 1/2 of the intestate estate if there is only one child or deceased child leaving issue).
3) If there is a surviving parent or parents: 3/4 of the intestate estate.
4) If there are no surviving issue or parents: all of the intestate estate.

Share of other family members:

Allowance:
If there is no surviving spouse the minor children are entitled to the allowance.

Share of remainder:
The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue, but there is a surviving spouse, the remaining estate passes to the decedent's surviving parents.

If there are no surviving issue and no surviving spouse, the estate passes to the decedent's surviving parents and siblings in equal shares, with the condition that each surviving parent's share must not be less than 1/4 of the remainder. Issue of deceased siblings inherit per stirpes.

Iowa

Summary — Death Intestate

Intestate estate (what constitutes):
All property of the decedent not disposed of by will.

Spouse's share:
Exempt property:
Property which would be exempt from execution (chiefly household
goods, tools of trade, and U.S. pensions) passes to the spouse
exempt from all claims.

Insurance proceeds:
Policies not otherwise assigned by contract are distributed to
the surviving spouse and children exempt from all claims.

Family allowance:
An amount the court finds reasonable to support the spouse and
dependents for 12 months after the decedent's death.

Spouse's share of remainder:
1) No surviving issue nor ancestors nor issue of ancestors: all of
the remaining estate.
2) No surviving issue but surviving ancestors or issue of ancestors:
$50,000 and 1/2 of the remaining estate.
3) Surviving issue: $50,000 and 1/3 of the remaining estate.

Share of other family members:
Allowances:
Dependent children not living with the decedent's spouse are
entitled to a reasonable allowance for 12 months after the
decedent's death.

Remainder of estate:
All of the estate remaining after the spouse's share (if any) is
divided among the children and their issue, per stirpes.

Source: Iowa Code Annotated (1964) beginning at § 631. Most current
Intestate estate (what constitutes):
Any part of decedent's estate not disposed of by will.

Spouse's share:
Homestead:
160 acres outside a city, 1 acre in a city, or a trailer home in which
the family lived, exempt from all claims.
Allowance:
Certain household items and $750-$7,500 in money or personal property.
Share of remaining estate:
1) If there are surviving issue: 1/2 of the remaining estate.
2) If there are no surviving issue: all of the remaining estate.

Share of other family members:
Allowances:
If there is no surviving spouse the homestead and the allowance pass
to the decedent's minor children.
Share of remainder:
The estate remaining after the spouse's share (if any) and the allowances
passes to the decedent's issue, per stirpes.
If there are no surviving issue, the remaining estate passes to the
decedent's parent, or parents equally.

Kentucky

Summary -- Death Intestate

**Intestate estate (what constitutes):**
Any part of the decedent's estate not disposed of by will.

**Spouse's share:**

- **Homestead:**
  If the estate is solvent, the spouse and children are entitled to live in the homestead, else they are entitled to at least $1,000 if it is sold.

- **Common law property:**
  1/2 of all the intestate estate and a life estate of 1/3 in all real property that the decedent improperly transferred during life.

- **Community property:**
  1/2 of such property as rightful share not subject to decedent's testamentary or intestate distribution; the remainder passes in the usual testate or intestate manner.

**Exception:**
When the decedent dies intestate and without issue, real estate which is the gift of either parent returns to that parent. In addition, if the decedent is under 18, such real estate passes first to the gifting parent and his/her kindred, then to the other parent and his/her kindred.

**Share of other family members:**

The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue then the remaining estate passes to the decedent's parent, or parents equally.

**Source:** Kentucky Revised Statutes Annotated (1971) beginning at § 391.010.
Most current information: Kentucky Acts 1980
Intestate estate (what constitutes):
Any part of the decedent's estate not disposed of by will.

Spouse's share:

Homestead exemption:
The spouse is entitled to the use of the community property homestead until death or remarriage (whichever comes first).

Remainder of estate:
1) If the decedent leaves surviving issue: the spouse is entitled to the use of the decedent's share of intestate community property until death or remarriage (whichever comes first).
2) If the decedent leaves one or more surviving parents: 1/2 of the decedent's share of intestate community property.
3) If the decedent is survived by neither issue nor parents: all the decedent's intestate community property.

Share of other family members:

The estate remaining after the spouse's share and the remainder interests in property (if any) pass to the decedent's issue, per stirpes.

If there are no surviving issue, the estate passes 1/2 to the decedent's parent or parents and 1/2 to the decedent's sibling and their issue, per stirpes.

Source: Louisiana Civil Code Annotated (1952) beginning at Title 1, Article 886. Most current information: Supplement 1981.
Maine

Summary — Death Intestate

Intestate estate (what constitutes):
Any part of the decedent’s estate not effectively disposed of by will.

Spouse’s share:

Homestead allowance:
$5,000 exempt from all other claims and in addition to elective share (if any).

Exempt property:
$3,500 exempt from all other claims except the homestead and family allowances, and in addition to elective share (if any).

Family allowance:
A reasonable sum for maintenance not to exceed $6,000. Exempt from all claims except the homestead allowance.

Spouse’s share of remainder:
1) If there are surviving issue not of the spouse: 1/2 the remaining estate.
2) If there are surviving parents or issue all of the spouse: $50,000 and 1/2 the remaining estate.
3) If there are neither surviving issue nor a surviving parent: all the remaining estate.

Elective share:
1/3 of the augmented estate.

Augmented estate:
Approximately the federal adjusted gross estate.

Share of other family members:

Allowances:
If there is no surviving spouse the minor and dependent children are entitled to divide the homestead and family allowance, and all children are entitled to divide the exempt property allowance.

Remainder of estate:
The estate remaining after the spouse’s share (if any) and the allowances passes to the decedent’s issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent’s parent, or parent’s equally.

Intestate estate (what constitutes):
Any part of the decedent's estate not disposed of by will.

Spouse's share:

Family allowance:
$1,000 and $500 for each unmarried minor child.

Spouse's share of remainder:
1) If there is surviving issue or parent: 1/2 of the remaining estate.
2) If there are no surviving issue or parents: all the remainder.

Share of other family members:

The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the parent, or parents equally.

Massachusetts

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of the decedent's estate not disposed of by will.

Spouse's share:
1) If there are kindred but no issue surviving: $50,000 and 1/2 of the remaining estate.
2) If there are surviving issue: 1/2 of the remaining estate.
3) If there are no issue or kindred surviving: all the remaining estate.

Share of other family members:
The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.
If there are no surviving issue, the remaining estate passes to the decedent's parent, or parent's equally.

Source: Massachusetts General Laws Annotated (1958) beginning at Chapter 190 § 1.
Most current information: Supplement 1981.
Intestate estate (what constitutes):
Any part of the decedent's estate not effectively disposed of by will.

Spouse's share:
1) If there are surviving issue all of the spouse: 1/2 the remaining estate.
2) If there are surviving issue not all of the spouse, or a surviving parent: $60,000 and 1/2 the remaining estate.
3) If there are no surviving issue or parents: all the remaining estate.

Share of other family members:
The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.
If there are no surviving issue, the remaining estate passes to the decedent's parent, or parent's equally.

Intestate estate (what constitutes):

Any part of decedent's estate not disposed of by will.

Spouse's share:

Allowances:

Homestead:

If there are no surviving issue the wife takes the homestead in fee simple, if there are surviving issue, the wife takes a life estate in the homestead. The homestead is exempt from claims against the estate.

Allowances and exempt property:

$3,000 of exempt property and a maximum of $500 per month as support during administration.

Remainder of estate:

1) If there are surviving issue: 1/3 or a child's share of the remaining estate, whichever is larger.

2) If there are no surviving issue: all the remaining estate.

Share of other family members:

Allowances:

The minor children are entitled to the exempt property and support if there is no surviving spouse. If the spouse is living, the decedent's issue are entitled to a remainder interest in the homestead.

Remainder of estate:

The estate remaining after the spouse's share (if any) and the allowances passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Source: Minnesota Statutes Annotated (1975) beginning at § 525.122.
Most current information: Supplement 1981.
Intestate estate (what constitutes):
Any part of decedent's estate not disposed of by will.

Spouse's share:
Homestead and exempt property:
The homestead (not more than $30,000) and exempt property (§ 85-3-11 at seq.) shall pass to the wife in tenancy in common with any children (or children of deceased children per stirpes). If there are no surviving children or grandchildren then the spouse takes all.
Remainder of estate:
1) If there are surviving issue: a child's share of the remainder.
2) If there are no surviving issue: all the remaining estate.

Share of other family members:
Allowances:
Children share exempt property with the wife.
Remainder of estate:
The estate remaining after the spouse's share (if any) and exempt property shall pass to the decedent's issue, per stirpes. If there are no surviving issue, the remaining estate passes to the decedent's parents and siblings equally (with sibling's issue taking per stirpes).

Source: Mississippi Code Annotated (1973) beginning at § 91-1-1.
Missouri

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of the decedent's estate not disposed of by will.

Spouse's share:

Homestead allowance:
$7,500 not to exceed 50% of the estate, exempt from all claims, but counted against spouse's share.

Exempt property:
The items mentioned in Missouri Annotated Statutes § 474.250 (household appliances and clothing) pass without regard to value.

Family allowance:
A reasonable allowance for support during administration.

Share of remainder:
1) If there are surviving issue not all of the spouse: 1/2 of the remaining estate.
2) If there are surviving issue all of the spouse, or a surviving parent: $20,000 and 1/2 of the remainder.
3) If there are no surviving issue or parents: all of the remaining estate.

Share of other family members:

Allowances:
The unmarried minor children of the decedent are entitled to the allowances for homestead, exempt property, and family if there is no surviving spouse.

Remainder of estate:
The estate remaining after the spouse's share (if any) and the allowances passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parents and siblings in equal parts (with siblings' issue taking per stirpes).

Source: Missouri Annotated Statutes (1956) beginning at § 474.010.
Most current information: Supplement 1981.
Montana

Summary — Death Intestate

Intestate estate (what constitutes):
Any part of the decedent's estate not disposed of by will.

Spouse's share:

Homestead allowance:
$20,000, exempt from all other claims and in addition to elective share (if any).

Exempt property:
$3,500 exempt from all claims except homestead and family allowances and in addition to elective share (if any).

Family allowance:
Reasonable allowance for maintenance during administration not to exceed $6,000. Exempt from all claims except homestead allowance and in addition to elective share (if any).

Share of remainder:
1) If there are surviving issue not of the spouses: 1/3 or a child's share of the remainder, whichever is larger.
2) If there are no surviving issue, or if all surviving issue are of the spouse: all of the remaining estate.

Elective share:
1/3 of the augmented estate.

Augmented estate:
Approximately the adjusted gross estate for federal estate tax purposes.

Share of other family members:

Allowances:
If there is no surviving spouse, the minor and dependent children share the homestead and family allowances, and all children share the exempt property allowance.

Remainder of estate:
The estate remaining after the spouse's share (if any) and the allowances passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Most current information: 1979 Code.
Nebraska

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of decedent's estate not disposed of by will.

Spouse's share:

Homestead allowance:
$5,000, exempt from all claims except expenses of administration and in addition to elective share (if any).

Exempt property:
$3,500, exempt from claims except expenses of administration, homestead and family allowances, and in addition to elective share (if any).

Family allowance:
A reasonable amount for maintenance during administration, not to exceed $6,000. Exempt from claims except costs of administration and the homestead allowance and in addition to the elective share (if any).

Share of remainder:
1) If there are surviving issue not of the spouse: 1/2 of the remaining estate.
2) If there are surviving issue all of the spouse, or a surviving parent: $50,000 and 1/2 of the remainder.
3) If there are no surviving issue or parents: all of the remaining estate.

Elective share:
1/2 of the augmented estate.

Augmented estate:
Approximately the federal adjusted gross estate.

Share of other family members:

Allowances:
If there is no surviving spouse, the minor and dependent children share the homestead and family allowances, and all children share the exempt property.

Remaining estate:
The estate remaining after the spouse's share (if any) and the allowances passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Source: Nebraska Revised Statutes (1975) beginning at § 30-2302.
Nevada

Summary -- Death Intestate

Intestate share (what constitutes):
Any part of decedent's estate not disposed of by will.

Spouse's share:

Community property:
The decedent's 1/2 of community property passes to the surviving spouse.

Separate property:
1) If there are surviving issue: 1/3 or a child's share of the separate property, whichever is larger.
2) If there are no surviving issue but surviving parents or siblings: 1/2 of the personal property.
3) If there are no issue, parents, or siblings surviving: all of the separate property.

Share of other family members:

The separate property remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Source: Nevada Revised Statutes (1973) beginning at § 134.010.
New Hampshire

Summary — Death Intestate

**Intestate estate** (what constitutes):
Any part of the decedent's estate not disposed of by will.

**Spouse's share:**

Homestead right:
$2,500, exempt from claims and in addition to all other shares.

Share of remainder:
1) If there are surviving issue not of the spouse: 1/2 of the remaining estate.
2) If there are surviving issue all of the spouse, or surviving parents: $50,000 and 1/2 of the remainder.
3) If there are neither issue nor parents surviving: all the remaining estate.

**Share of other family members:**
The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

**Source:** New Hampshire Revised Statutes Annotated (1955) beginning at § 560:1.
New Jersey

Summary -- Death Intestate

Intestate estate (what constitutes):

Any part of estate not disposed of by will.

Spouse's share:

1) If there are surviving issue not of the spouse: 1/2 of the remaining estate.
2) If there are surviving issue all of the spouse, or surviving parents: $50,000 and 1/2 of the remainder.
3) If there are neither issue nor parents surviving: all of the remaining estate.

Share of other family members:

The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Summary — Death Intestate

Intestate estate (what constitutes):
Any part of the decedent's estate not effectively disposed of by will.

Spouse's share:

Family allowance:
$10,000, exempt from all claims.

Personal property allowance:
$3,500, exempt from all claims except the family allowance.

Share of remainder:
Community property:
All the community property.

Separate property:
1) If there are surviving issue: 1/4 of the separate property.
2) If there are no surviving issue: all the separate property.

Share of other family members:

Allowances:
If there is no surviving spouse, the minor and dependent children of
the decedent are entitled to the family and personal property allow-
ances.

Remainder of estate:
The estate remaining after the spouse's share (if any) passes to the
decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the
decedent's parent, or parents equally.

New York

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of the estate not disposed of by will.

Spouse's share:

Family exemption:
$6,150, exempt from all other claims, and $1,000 in addition if the estate is solvent.

Share of remaining estate:
1) If there are surviving children: $2,000 and 1/3, or a child's share of the remainder, whichever is larger.
2) If there are no surviving issue but a surviving parent or parents: $25,000 and 1/2 of the remaining estate.
3) If there are neither issue nor parents surviving: all the remaining estate.

Elective share of spouse:
1/3 of the net estate.

Net estate:
Roughly approximates the federal adjusted gross estate.

Share of other family members:

Allowances:
If there is no surviving qualified spouse, the minor children share the family exemption.

Remainder of estate:
The estate remaining after the spouse's share (if any) and the family exemption passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

North Carolina

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of the estate not disposed of by will.

Spouse's share:

Allowance:
Spouse is entitled to support during administration and $600 each for all minor and dependent children living with her.

Share of remainder:
1) If there are surviving issue: $15,000 and 1/3 or a child's portion of the remainder, whichever is larger.
2) If there are no surviving issue but a surviving parent: $25,000 and 1/2 the remainder.
3) If there are neither issue nor parents surviving: all the remaining estate.

Share of other family members:

Allowance:
Minor and dependent children are entitled to $600 each if there is no spouse.

Remainder of estate:
The estate remaining after the spouse's share (if any) and the allowances passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

North Dakota

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of the decedent's estate not effectively disposed of by will.

Spouse's share:
Homestead exemption:
$8,000 exempt from all claims.
Exempt property:
$5,000 exempt from all claims except the family allowance and in addition to the elective share (if any).
Family allowance:
Reasonable maintenance during administration not to exceed $6,000, exempt from claims except the homestead exemption and family allowance.
Share of remainder:
1) If there are surviving issue not of the spouse: 1/2 of the remainder.
2) If there are surviving issue all of the spouse, or surviving parents: $50,000 and 1/2 of the remainder.
3) If there are neither issue nor parents surviving: all of the remaining estate.
Elective share:
1/3 of the augmented estate:
Augmented estate:
Approximately the federal adjusted gross estate.

Share of other family members:
Allowances:
Minor and dependent children share the homestead exemption and family allowance, and all children share the exempt property allowance.
Remainder of estate:
The estate remaining after the spouse's share (if any) and the allowances passes to the decedent's issue, per stirpes.

If there are no surviving issue, the estate passes to the decedent's parent, or parents equally.

Source: North Dakota Centennial Code (1976) beginning at § 30.1-04-01
Intestate estate (what constitutes):
Any part of the decedent's estate not disposed of by will.

Spouse's share:

1) If there are surviving issue, none of whom are of or adopted by the spouse: $10,000 and either 1/3 or a child's share of the remainder, whichever is greater.
2) If there are surviving issue at least one of or adopted by the surviving spouse: $30,000 and either 1/3 or a child's share of the remainder, whichever is greater.
3) If there are no surviving issue: all of the remaining estate.

Share of other family members:

The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Source: Ohio Revised Code Annotated (1976) beginning at § 2105.01
Oklahoma

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of estate not disposed of by will.

Spouse's share:

Homestead and furnishings:
The homestead and furnishings pass as though not estate assets and are exempt from all claims. The right to the homestead is a life estate.

Exempt property:
Exempt property passes subject to claims against the estate.

Additional allowance:
If the above allowances are not sufficient to maintain the spouse and minor children during administration, an additional allowance may be petitioned for.

Share of remainder:
1) If there are surviving issue: 1/3 or a child's share of the remainder, whichever is larger (except that a second or subsequent spouse shares property not earned during coverture equally with the issue).
2) If there are no surviving issue but surviving parents or siblings: 1/2 of the remainder (except that property earned during coverture by joint industry of the husband and wife all goes to the survivor).

Share of other family members:

Allowances:
Minor children are entitled to share the allowances if there is no surviving spouse.

Remainder of estate:
The estate remaining after the spouse's share (if any) and the allowances passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Source: Oklahoma Statutes Annotated (1965) beginning at Title 58, § 211
Oregon

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of the decedent's estate not effectively disposed of by will.

Spouse's share:

Common law property:
1) If there are surviving issue: 1/2 of the common law property.
2) If there are no surviving issue: all of the common law property.

Community property:
The 1/2 subject to decedent's disposition passes as though common law property.

Share of other family members:
The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parents.

Source: Oregon Revised Statutes (1977) beginning at § 112.015.
Most current information: Special Session 1980.
Pennsylvania

Summary -- Death Intestate

Intestate estate (what constitutes):

Any part of decedent's estate not effectively disposed of by will.

Spouse's share:

Share of remainder:

1) If there are issue not of spouse: 1/2 of the remainder.
2) If there are issue all of spouse, or surviving parents: $20,000 and 1/2 of the remainder.
3) If there are neither issue nor parents surviving: all of the remaining estate.

Elective share:

1/2 of the elective estate:

Elective estate:

Approximately the federal adjusted gross estate.

Share of other family members:

The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Source: Pennsylvania Statutes Annotated (Supplement 1979) beginning at Title 20, § 2101.

Rhode Island

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of the decedent's estate not passed by will.

Spouse's share:

Real estate:
1) If there are surviving issue: 1/3 of the real property in life estate.
2) If there are no surviving issue: all of the real property in life estate (with the right to petition for $25,000 worth of it absolutely).

Personal property:
1) If there are surviving issue: 1/2 of the remaining personal property absolutely.
2) If there are no surviving issue: $50,000 and 1/2 of the remaining personal property absolutely (if no kindred whatsoever survive, the whole to the spouse).

Share of other family members:

The estate remaining after the spouse's share if any, and the remainder interests pass to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Intestate estate (what constitutes):
   Any part of the estate not disposed of by will.

Spouse's share:
1) If there are surviving issue: 1/3 or a child's share of the remainder, whichever is greater.
2) If there are parents, siblings (or their children), or linear ancestors surviving: 1/2 of the remaining estate.
3) If none of the above survive: all the remaining estate.

Share of other family members:
The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.
   If there are no surviving issue, to the decedent's parents and siblings of the whole blood in equal parts.

Source: South Carolina Code (1977) beginning at § 21-3-10.
South Dakota

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of the decedent's estate not disposed of by will.

Spouse's share:

Exempt property:
All household goods and clothing are totally exempt from claims and
pass to spouse or children without being called estate assets.

Addition allowance of personal property:
$1,500, or $2,500 if the estate is all personal property, subject to
administration expenses.

Family allowance:
Additional amount, if necessary, to support the spouse and children.

Share of remainder:
1) If there are surviving children: 1/3 or a child's share of the
remainder, whichever is greater.
2) If there are no surviving issue but surviving parents or siblings:
$100,000 and 1/2 of the remaining estate.
3) If no issue, parents, or siblings survive: all the remaining estate.

Elective share:
1/3 of the augmented estate.

Augmented estate:
Approximately the federal adjusted gross estate.

Share of other family members:

Allowances:
The minor and dependent children are entitled to the family and home-
stead allowances and all children are entitled the exempt property
allowances.

Remainder of estate:
The estate remaining after the spouse's share (if any) and the allow-
ances passes to the decedent's issue, per stirpes.

If there are no issue, the remaining estate passes to the decedent's
parent, or parents equally.

Source: South Dakota Compiled Laws Annotated (1977) beginning at § 29-1-1.
Tennessee

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of the decedent's estate not disposed of by will.

Spouse's share:

Homestead:
Life estate in the homestead free from all claims.
Share of remainder:
1) If there are surviving issue: 1/3 or a child's share of the remainder, whichever is larger.
2) If there are no surviving issue: all the remaining estate.

Share of other family members:

Allowances:
The minor children are entitled to the use of the homestead until of age if there is no surviving spouse.

Remainder of estate:
The estate remaining after the spouse's share (if any) and the homestead passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Intestate estate (what constitutes):
Any part of the decedent's estate not disposed of by will.

Spouse's share:

Common law property:
1) If there are surviving children: 1/3 of the personalty absolutely and 1/3 of the realty in life estate.
2) If there are no surviving children, but surviving parents or their issue: all the personalty and 1/2 the realty absolutely.
3) If there are no issue or parents or their issue surviving: all the remaining estate.

Community property:
1) If there are surviving children: none of the decedent's portion.
2) If there are no surviving children: all the community property.

Share of other family members:
The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Intestate estate (what constitutes):
Any part of the estate not effectively disposed of by will.

Spouse's share:

Homestead allowance:
$4,000 and $600 for each minor and dependent child exempt from all claims except funeral expenses.

Exempt property:
$3,500 exempt from all claims except funeral expenses, homestead and family allowances and in addition to the elective share (if any).

Family allowance:
Reasonable allowance for support during administration not to exceed $6,000.

Share of remainder:
1) If there are surviving issue not of the spouse: 1/2 of the remaining estate.
2) If there are surviving issue all of the spouse: $50,000 and 1/2 of the remainder.
3) If there are only surviving parents: $100,000 and 1/2 of the remainder.
4) If there are neither issue nor parents surviving: all the remaining estate.

Elective share:
1/3 of the augmented estate.

Augmented estate:
Approximately the federal adjusted gross estate.

Share of other family members:

Allowances:
The minor and dependent children are entitled to share the homestead and family allowances, and all children share the exempt property.

Remainder of estate:
The estate remaining after the spouse's share (if any) and the allowances pass to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Vermont

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of the decedent's estate not disposed of by will.

Spouse's share:
1) If there are surviving issues: 1/3 of the intestate estate.
2) If there are no surviving issue but surviving kindred: $25,000 and 1/2 of the remainder.
3) If there are no surviving kindred: all the remaining estate.

Share of other family members:
The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

Source: Vermont Statutes Annotated (1974) beginning at Title 14, § 401.
Virginia

Summary — Death Intestate

Intestate estate (what constitutes):
   Any part of decedent's estate not disposed of by will.

Spouse's share:
   Homestead:
      $5,000 exempt from all claims.
   Other items:
      Other specified property is exempt from execution.
   Share of remainder:
      1) If there are surviving issue: 1/3 of the remainder.
      2) If there are no surviving issue: all the remaining estate.

Share of other family members:
   The estate remaining after the spouse's share (if any) passes to the
decedent's issue, per stirpes.

   If there are no surviving issue, the remaining estate passes to the
decedent's parent, or parents equally.

Most current information: Supplement 1981.
## Washington

**Summary -- Death Intestate**

### Intestate estate (what constitutes):
Any part of estate not disposed of by will.

### Spouse's share:
- Homestead and other allowances:
  - $20,000 maximum and any reasonable further amount, the latter for support during administration, exempt from all claims except administration.
- Community property:
  - All of the community property.
- Separate property:
  1. If there are surviving issue: 1/2 of the separate property.
  2. If there are surviving parents or issue of parents: 3/4 of the separate property.
  3. If there are neither issue nor parents of their issue surviving: all the separate property.

### Share of other family members:
- Allowances:
  - If there is no surviving spouse the minor children are entitled to the Homestead and other allowances.
- Share of remainder:
  - The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.
  - If there are no surviving issue, the remaining estate passes to the decedent's parent, or parents equally.

**Source:** Washington Revised Code Annotated (1967) beginning at § 11.04.015

*Most current information: Supplement 1981.*
West Virginia

Summary - Death Intestate

Intestate estate (what constitutes):
Any part of estate not disposed of by will.

Spouse's share:
1) If there are surviving issue: 1/3 of the intestate property.
2) If there are no surviving issue: all of the intestate property.

Share of other family members:
The estate remaining after the spouse's share (if any) passes to the
decedent's issue, per stirpes.

If there are no surviving issue, the estate passes to the decedent's
parent, or parents equally.

Wisconsin

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of the decedent's estate not disposed of by will.

Spouse's share:
1) If there are surviving issue not of the spouse: 1/2 the intestate property.
2) If there are issue all of the spouse: $25,000 and 1/2 the remainder.
3) If there are no surviving issue: all the intestate estate.

Share of other family members:
The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parents.

Source: Wisconsin Statutes Annotated (1971) beginning at § 852.01
Wyoming

Summary -- Death Intestate

Intestate estate (what constitutes):
Any part of decedent's estate not disposed of by will.

Spouse's share:
1) If there are surviving issue: 1/2 of the intestate estate.
2) If there are surviving parents or their issue: $20,000 and 3/4 of the remainder.
3) If there are neither issue nor surviving parents or their issue: all the intestate estate.

Share of other family members:
The estate remaining after the spouse's share (if any) passes to the decedent's issue, per stirpes.

If there are no surviving issue, the remaining estate passes to the decedent's parents and siblings (with siblings' issue taking per stirpes)

Most current information: Supplement 1981.