

INTESTACY – WHEN SOMEONE DIES WITHOUT MAKING A WILL

If someone you know has died without making a Will then this means that you may have no control over where their money goes or who is responsible for administering their estate.

If someone dies without a Will they are said to have died "intestate". This means that their estate will be distributed in a set manner which is set out by law.

The intestacy rules can be particularly unfair on:

- partners who are in a long-term relationship who are neither married nor in a civil partnership,
- those who have children from a previous relationship
- those who are in second marriages
- those who have been very close to the person who has died

Currently it is possible for these to be amended within two years of date of death by a deed of variation. However, a deed of variation only works if all the beneficiaries entitled agree to the variation and are all over 18 years of age. If this is not possible, the only option would be to apply to court for a decision.

As there is no Will there are no executors (as these can only be chosen by someone making a will). Accordingly, an 'appropriate person' will need to obtain a grant of letters of administration in order to be able to administer and distribute the estate in accordance with the intestacy rules. The appropriate person is usually the person who is taking the main benefit under the rules which will often be a surviving spouse or civil partner.

Where the intestacy rules mean that minor beneficiaries (i.e. those under the age of 18) take part of the estate, two people are needed to administer the estate. Obviously, this can lead to problems if those administrators disagree with each other on how best to deal with the estate. Similarly, if more than one beneficiary qualifies as an appropriate person (for example where the estate is being divided between two siblings and both qualify) difficulties may arise if they cannot agree on who should act.

How can GL Law help you?

We have specialist lawyers who will take time to get to know you in order to provide you with advice tailored to your specific needs and wishes. Full and transparent information about our fees structure will be provided at the outset, and the basis of our charging agreed before we begin work.

For more information or to speak to a solicitor please contact us by calling 0117 906 9400 or email hello@gl.law

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6 Queen Square Bristol BS1 4JE

0117 906 9400

hello@gl.law