

Massachusetts Intestate Succession Laws In Lieu of a Valid Will

When you die without a valid will, Massachusetts Intestate Succession Laws determine your heirs. Marital status, children, and living relatives are all important factors. Understanding what the law dictates is essential, as is having an estate plan to select alternative heirs. Below are some of the most common scenarios and resulting heirs.

Single/Unmarried Person

For a single/unmarried person, the first factor is whether there are any living children. If so, children equally inherit everything. Thus, 2 children would each inherit 50% or 4 children would each inherit 25%. If there are no children but one or more parent is living, then they are next in line as heirs. Without living parents, the estate would pass to siblings.

Married Person Without Children

Most people expect that a surviving spouse would inherit everything when the other spouse dies, but this is not necessarily the case. When a married person has no children but does have living parents, both the spouse and parents are heirs. According to MA Intestate Succession Laws, the spouse receives the first \$200k of the estate and then 3/4 of remaining assets. The rest is inherited by the parents.

For example, let's assume an estate is worth \$800k. A surviving spouse would receive \$200k and \$400k (2/3 of \$600k). So, the spouse receives \$600k total; the remaining \$200k goes to the parents. Only if there are no living parents and no direct descendants would a spouse inherit all assets.

Married Person and With Children

When a person is married and has children, the spouse receives the entire inheritance if the children are from the same marriage. If children are from a different marriage, then both the spouse and children receive an inheritance.

Bypassing Massachusetts Intestate Succession Laws

The above examples are actually fairly straight forward. As you can imagine, family relationships can get much more complex. There's also the possibility of previously unknown heirs making claims against an estate. Ultimately, the only way to bypass Massachusetts intestate succession laws is to create a proper will.

It's important to note that merely having a will is not enough. There have been cases where a drafted will was not enforceable or was missing key elements that provided opportunities for unintended heirs. With something as important as your estate, be sure to consult with a Massachusetts estate planning attorney. Your attorney will evaluate your goals, explain your options, and prepare any necessary [estate planning documents](#). [Contact our team](#) to learn more about creating an estate plan to protect your assets and your intended heirs.