

# William R. Wieringa, P.C.

## What if I Don't Have a Will

If you should die with out having executed a valid will, your estate will be probated and your assets distributed by intestate succession. That is your assets will be divided among your heirs according to Michigan's Estates and Protected Individuals Code (EPIC).

"Heir" means a person, including the surviving spouse or the state, that is entitled under the statutes of intestate succession to a decedent's property. Intestate succession proceeds as follows under EPIC upon the death of the decedent.

The dollar amount of the intestate share of the surviving spouse is adjusted annually for inflation beginning January 1, 2001. The following are January 2001 figures. Pursuant to MCL 700.2102, the intestate share of the surviving spouse is as follows:

1. Spouse takes the entire share if there are no surviving descendants or parent.
2. Spouse takes the first \$150,000 plus  $\frac{3}{4}$  of the balance, if there are no surviving descendants, but there is a surviving parent.
3. Spouse takes the first \$150,000, plus  $\frac{1}{2}$  of the balance, if any of the decedent's descendants are also descendants of the spouse.
4. Spouse takes the first \$100,000, plus  $\frac{1}{2}$  of the balance, if none of the decedent's surviving descendants are descendants of the spouse.

Pursuant to MCL 700.2103, any part of the intestate estate that does not pass to the decedent's surviving spouse under MCL 700.2102, or the entire intestate estate if there is no surviving spouse, passes in the following order to the following individuals who survive the decedent:

1. The decedent's descendants by representation.
2. If there is no surviving descendant, the decedent's parents equally if both survive or to the surviving parent.
3. If there is no surviving descendant or parent, the descendants of the decedent's parents or of either of them by representation.
4. If there is no surviving descendant, parent, or descendant of a parent, but the decedent is survived by 1 or more grandparents or descendants of grandparents,  $\frac{1}{2}$  of the estate grandparent or descendant of a grandparent on either the paternal or the maternal side, the entire estate passes to the decedent's relatives on the other side in the same matter as the  $\frac{1}{2}$ .
5. If there is no taker under the above provisions, the intestate estate passes to the state of Michigan.