

You may have heard that if you die without a will, or if the court determines that your will is not valid, then your affairs will be settled according to the Texas laws of intestate succession. And unless you've worked with probate before, you may have no idea what that means.

Intestate succession laws govern who will succeed in inheriting property in your estate after you pass away. When someone dies without a will, they are said to be "intestate." But to understand the implications, you need to look into the laws of intestate succession.

Your Wishes Don't Matter

If you have a will, you can leave property in your estate to whoever you want. You can give gifts to those who need extra help or those who supported you during difficult times. You can support favorite causes and cut out family members who have behaved wrongfully.

However, if you die intestate, your preferences don't matter at all. It doesn't matter what you promised to people or wrote down in your notes. If your notes are not part of a legally valid will, then intestacy laws determine who will be in charge of administering your estate and who will receive your property.

If you have a close partner but are not married, your partner will have no rights when it comes to your property. Intestacy laws pass property on the basis of legal relationships.

Who Inherits Under the Laws of Intestate Succession?

Texas laws of intestate succession pass your property to various family members depending on your situation. The division of property can be very confusing. For instance, if you pass away without a spouse, your parents split your estate 50/50. However, if only one parent is left alive, then half goes to your parent and the other half is split among your brothers and sisters and their children. If you do not have any siblings, nieces, nephews, or parents left, then your estate is divided into two “moieties,” with half going to your mother’s side of the family and half going to your father’s side in order of statutory priority.

The succession of property is even more complicated when you leave a spouse and children. Then your spouse receives 1/3 of your personal property and a life estate in 1/3 of your real estate and the remainder passes to children and grandchildren. This is not counting community property which is divided by different rules.

Some Property Passes Outside Your Estate

The laws of intestate succession only affect property that is part of a deceased person’s estate. Some property will pass directly to others and not become part of an estate. For instance, property that is co-owned with a right of survivorship will become the sole property of the other owner.

In addition, any accounts with a beneficiary clause will pass to beneficiaries, and property in a revocable trust will pass to successor beneficiaries. You can set up an estate plan that enables all of your property to pass through means such as this so that

the family does not have to deal with the delays and expense of probate.

The Nordhaus Firm Can Help You Keep Control and Avoid the Problems of Intestate Succession

It is easy to develop an estate plan that allows you to decide who should be in charge of your final affairs and who should receive your property when you pass away. At The Nordhaus Firm, we can create a will, trust, and other documents to allow you to maintain control of your medical decisions and financial matters if you should become incapacitated and to direct the distribution of your property when you pass away. Schedule a free consultation today to learn how we can help you avoid the problems of intestate succession.