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## What Happens If You Die Without a Will?

We all know we are supposed to do estate planning, but not all of us get around to it. (If you are among the many who haven't gotten around to it, contact us today at the address above.) So what happens if you don't have a will when you die? Your estate will be distributed according to state laws, which may or may not be the way you want it to be distributed.

Dying without a will is called dying "intestate." Mississippi (and every other state) has laws that determine what will happen to your estate if you don't have a will.

If you are married, state law provides that your estate will be divided equally among your surviving spouse and children. This is so even though your desire may be to give one child more than another, omit a child from inheriting, or leave something to a grandchild. Also, if you are in a second or subsequent marriage, you may wish to leave more to your children from a prior marriage than to your current spouse. This will not occur if the intestate inheritance law applies. If you are single, your estate will go to your children in equal shares, or to other living relatives if you don't have children. If you have absolutely no living relatives, then your estate will go to the state.

Note that any **jointly held assets**, such as bank accounts or houses owned by two or more persons as "joint tenants", will go directly to the surviving co-owner(s) and **not** according to inheritance law or through a will. In addition, any **life insurance** policies or **retirement accounts** will go directly to the beneficiary designated on the account. And if you have a trust, any assets in the trust will go to the beneficiary designated in the trust without a court-supervised probate.

One purpose of a will is to name a guardian for your young children; if you do not have a will, the court will determine who will act as guardian. The court will also appoint the person who will administer your estate and distribute your assets. The guardian or administrator that the court appoints may not be the persons you would choose for those roles. In addition, if you are unmarried but have a partner, your partner will not inherit anything from your estate without a will naming him or her as a beneficiary.

The best way to ensure your estate is distributed the way you want it, is to plan your estate with a will and/or a trust. **To receive an informative handout about estate planning and to get the process started, call Richard Courtney or his staff today at 601.987.3000 or 866-ELDERLAW (353.3752).**