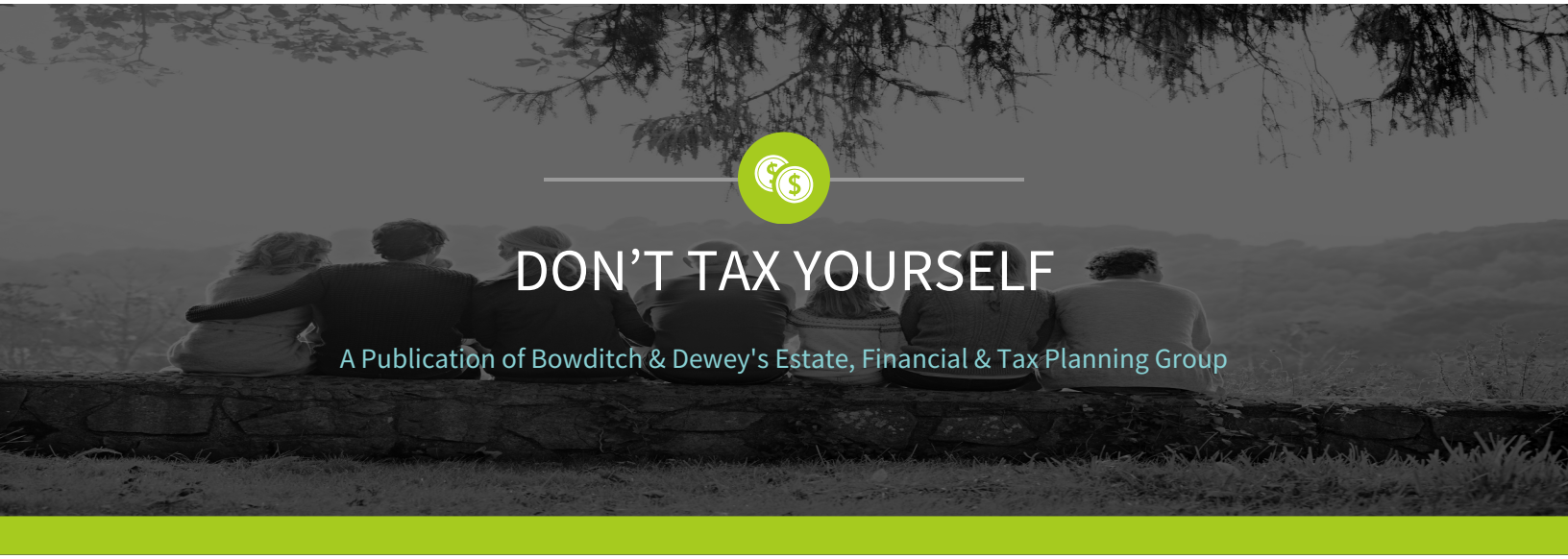


DON'T TAX YOURSELF

A Publication of Bowditch & Dewey's Estate, Financial & Tax Planning Group

What Happens if I Die Without a Valid Will in Massachusetts?

BY ANTHONY J. DRAGGA • NOVEMBER 15, 2023

As estate planning attorneys, a question that often arises with new and prospective clients is, "What happens if I die without a will?" The short answer is this: if you die without a valid will in Massachusetts, state law will create one for you. When a person dies without a will, they are said to have died "intestate."

Massachusetts General Laws Chapter 190B, Article II, Section 2-102 outlines who among your family will inherit your probate property if you die intestate. A handy reference chart, summarizing the statute, can be found below.

Surviving Family Members	Who Gets What
Parents, but no surviving spouse or descendants	100% to your parents
No surviving spouse, but surviving children	100% equally split among your children
Spouse but no surviving descendants or parents	100% to your spouse
Surviving descendants and surviving spouse where all surviving descendants are also descendants of the surviving spouse	100% to your spouse
Spouse and parents, but no descendants	Spouse inherits first $200,000, plus ¾ of the balance, the remainder goes to your parents
Descendants who are all surviving spouse's descendants, but said spouse has one or more surviving descendants who are not your descendants OR one or more of your descendants are not descendants of surviving spouse	Spouse inherits first $100,000, plus ½ of balance, remainder split equally among your children

If you die intestate, you effectively give up the right to decide what happens to your estate assets. You also give up the right to decide who oversees the probate as Personal Representative (formerly known as Executor) of your estate. If these decisions matter to you, the only way to ensure that you get to make them is to make sure you do not die intestate.

Don't have a will? Contact us today to get your estate planning process underway.

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