

What To Do if You Don't Have a Will and Live in the "DMV"

If you do not have a will when you die, the intestacy statutes of the state in which you reside will come into play. A state court will appoint a personal representative to settle your affairs. Each state varies greatly in how it goes about dividing an estate. Listed below are some highlights to show how each state differs in dividing up your estate in the "DMV" which includes the District of Columbia, Maryland, and Virginia:

District of Columbia: Your spouse gets two-thirds of your estate and your children get one-third. If you have no descendants, your spouse would get three-fourths of your estate and your parents if living would get one-fourth. If you have no living parents or descendants, your spouse gets your entire estate. If you have children from a different relationship then your spouse, the surviving spouse gets half of your estate and the children get the half. If you have no spouse, your descendants share equally. Finally, if you have no spouse or descendants, your parents get your entire estate.

Maryland: If you are married and have minor children, then half of your estate goes to your spouse and half goes to your children. If you have no children under the age of 18, then your spouse gets the first \$15,000 of your estate plus half and your older children get the remaining half. If you have no children, but living parents, your spouse gets \$15,000 plus half of the estate and your parents get the remaining half. If you have no spouse or living parents, the estate passes to up to your parents descendants and then grandparents and their descendants.

Virginia: Your spouse would receive all of your estate if you have no children from another relationship, or you had no children. If you have children from another relationship, your spouse receives one-third of your estate and your children receive two-thirds. If you are not survived by a spouse, your entire estate goes to any descendants equally. If you have no spouse or descendants, the entire estate goes to your parents, if they are living. If your parents are deceased, your estate then goes to their descendants.