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By real estate

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Because 50%-60% of the population never executes a Will, the majority of us will allow our state legislature to determine who is most deserving of our money, belongings, and real estate when we die. Why do otherwise intelligent people who work and save their whole lives fail to plan for the inevitable? Are we that trusting, that apathetic, that fearful, that cheap? There's an old adage that a person either devises his own plan in life or ends up as part of someone else's.

The excuses given are numerous and all come with their own unique logic and psychology. They are also too numerous to examine for the purposes of this article. So, for the sake of argument, let's assume I decided against a Will because I hated dealing with attorneys. I found them boring, confusing, and generally pretty pricey. Let's also assume that I owned \$200,000 worth of stuff at my death.

So now what happens? Well, my court appointed personal representative will probably need to hire an attorney to peruse Title 20 of the Pennsylvania Consolidated Statutes before he or she can distribute my belongings. This cost of this, of course, is paid for out of my estate. Here are the distribution schemes the legislature has devised for the following circumstances.

Married with no Will at time of death If I was married at the time of my death, my wife gets the whole \$200,000 ONLY if both my mother and father and all of my children (assuming I had any) died before I did. Otherwise she is usually entitled only to the first \$30,000 plus ½ the balance of my estate.

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Thus, if I were married and had no living children but had a living parent or parents, my wife would get \$115,000. My parent or parents would get the remaining \$85,000.

Or, if I were married and died leaving surviving children, all of whom were also the children of my wife, my spouse would again get \$115,000 with the other \$85,000 going directly to my children.

However, if I were married and died leaving surviving children, some or all of whom were from a prior relationship, my wife would only be entitled to ½ my estate or \$100,000. My children would split the remaining \$100,000.

Does anyone see any problems here? While these distributions may not cause problems in all circumstances, some spouses might be a little less teary-eyed at your passing should they suddenly discover they have to split your assets with your parents and/or stepchildren.

Unmarried with no Will at time of death Not having a Will is in many cases even more problematic if you're not married. If you are not married and die without a Will, your belongings are passed along in this order:

1. Children
2. Parents
3. Brothers, sisters, or their issue
4. Grandparents
5. Uncles, aunts, and their children and grandchildren
6. Commonwealth of Pennsylvania

It is statutorily impossible for your significant other to inherit from you. Therefore, if you are not married to the mother or father of your children, you must have a Will in order for them to inherit from you. Likewise, if you are in a non-traditional relationship, your partner cannot inherit from you unless you make a Will.

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