

What if there's simply no Will?

PEOPLE WHO SURVIVE THE DECEASED (IN ORDER OF PRIORITY)	SHARE OF DECEASED'S ESTATE RECEIVED BY SURVIVORS
Spouse/Partner <i>(but no children or parents)</i>	<ul style="list-style-type: none"> Spouse/Partner receives the whole Estate
Spouse/Partner and children	<ul style="list-style-type: none"> Spouse/Partner receives all Chattels, the Prescribed Amount, and one third of the balance. Children receive equal shares in the remaining two thirds.
Spouse/Partner and parents <i>(no children)</i>	<ul style="list-style-type: none"> Spouse/Partner receives all Chattels, the Prescribed Amount, and two thirds of the balance. Parents receive equal shares in the remaining one third
Children <i>(but no Spouse/Partner)</i>	<ul style="list-style-type: none"> Children receive the whole Estate in equal shares
Parents <i>(but no children or Spouse/Partner)</i>	<ul style="list-style-type: none"> Parents receive the whole Estate in equal shares
Siblings <i>(but no children, Spouse/Partner or parents)</i>	<ul style="list-style-type: none"> Siblings receive the whole Estate in equal shares
Grandparents and uncles/aunts <i>(but no one else mentioned above)</i>	<ul style="list-style-type: none"> Half of Estate to the maternal grandparents, but if they are not living then to the maternal uncles/aunts. Half of Estate to the paternal grandparents, but if they are not living then to the paternal uncles/aunts. However, if there no paternal grandparents/uncles/aunts, then all to maternal grandparents/uncles/aunts, and vice versa.
No one mentioned above	<ul style="list-style-type: none"> The Estate passes to the State, and is managed by the Treasury. People who the deceased may reasonably have made provision for may apply to Treasury for a share of the Estate.

* If any children and/or uncles/aunts provided for above have died leaving children, their children will receive their shares, and so on for each generation.

ADMINISTRATION OF ESTATE

In order to distribute the Estate in accordance with the above table, a family member/members (generally the person/people receiving the majority of the Estate under the above table) will need to apply to the Court for Letters of Administration on Intestacy, unless the Estate is made up of assets that can be administered without a grant of administration, eg an amount in a bank account or superannuation/Kiwisaver scheme of less than \$15,000.

This can be a time consuming process for the family and/or the Estate's lawyer, and involves proving to the Court that there is no Will, establishing the deceased's past and present relationship statuses and who the deceased's children are, as well as communicating will all the beneficiaries of the Estate.

DEFINITIONS/INTERPRETATION

- Chattels** means all of the deceased's physical property that can be moved, ie vehicles, furniture and personal items.
- Estate** means all of a deceased's property, including their chattels.
- Prescribed Amounts** means the amount prescribed under 5 of the Administration (Prescribed Amounts) Regulations 2009 from time to time (currently \$155,000), plus interest.
- Spouse/Partner** means the deceased's husband, wife, civil union partner or de facto partner.

THIS IS SIMPLY A SUMMARY

This is a basic guide outlining the application of the Administration Act 1969 in the instance that someone dies without leaving a Will. It is no substitute for the Act itself, or for advice from a specialist estates lawyer.