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What is intestacy?



The estates of persons who die without a will are said to be “intestate,” and their estates are distributed according to state law. The default rules of distribution under state law represent an attempt to be fair, but may not be consistent with any person’s specific goals and desires. For example, in Illinois, the laws of intestate succession provide for the division of a married parent’s property one-half to the surviving spouse and one-half among descendants (i.e., children or the children of a deceased child).

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