

# Fact Sheet

## How is an Estate distributed if there is no valid Will?



### A person who passes away:

1. without a Will;
2. without a valid Will; or
3. left a Will but they did not deal with all their assets in the Will

is referred to as having died intestate.

### What is Intestacy?

If a person passes away intestate, their estate is distributed in accordance with the laws of Intestacy. Each state in Australia has their own intestacy laws.

### How is an estate distributed according to the laws of Intestacy in Victoria?

Changes were made to Victoria's intestacy laws which came to effect from 1 November 2017.

In Victoria, if a person passes away leaving a:

Partner & No children	The partner receives the entire estate
Partner & Children of the Relationship	The partner receives the entire estate
Partner & Children of a previous Relationship	<p>The partner receives:</p> <ol style="list-style-type: none"><li>1. personal chattels; plus</li><li>2. the first \$486,870 (statutory legacy), plus interest on the statutory legacy from the date of death to payment; plus</li><li>3. ½ of the balance of the estate</li></ol> <p>and the children receive:</p> <ol style="list-style-type: none"><li>1. ½ of the balance of the estate in equal shares</li></ol> <p><b>Note:</b> If the estate is worth less than the statutory legacy the partner will receive the entire estate * The statutory legacy is indexed each year.</p>

No partner and no children	<p>The estate is distributed:</p> <ol style="list-style-type: none"> <li>to the deceased's parents equally.</li> <li>If there are no surviving parents then it is distributed to the deceased's siblings equally.</li> <li>if there are no surviving siblings (or their children) the estate is distributed to the deceased's grandparents equally.</li> <li>If there are no surviving siblings (or their children) the estate is distributed to the deceased's aunts and uncles equally.</li> </ol>
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### Someone has died intestate, what do I do?

If there is no Will or an invalid Will the deceased's next of kin can apply for a Grant of Letters of Administration. This will give the person (who is referred to as the Administrator) authority to handle and manage distribution of the deceased's estate.

To find out more information refer to our *Letters of Administration Guide*.

### How can Hunt & Hunt help?

Losing a loved one is difficult and the process of distributing their estate where there is no Will can be confusing and complex.

Our experienced Wills & Estate lawyers can assist you through this challenging time. Our lawyers are here to support you through the process whilst providing you with professional legal advice.

### Contact Us today

With over 40 years' experience, our team offer new clients a complimentary consultation of up to 30 minutes to get to know and understand you and your needs, to allow us to provide you with the best advice regarding your circumstances.

Contact us at [willsandestates@huntvic.com.au](mailto:willsandestates@huntvic.com.au) or on (03) 8602 9202.


## Book your free 30 minute consultation

We are expert at finding options for you throughout the estate administration process



» Get my free consultation

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