

What Happens When Someone Passes Away Without a Will

North Carolina Intestate Succession

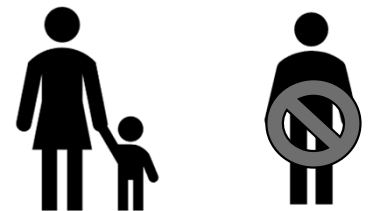
Kaye Hare, ACP, NCCP

Walker Lambe, PLLC Durham, NC

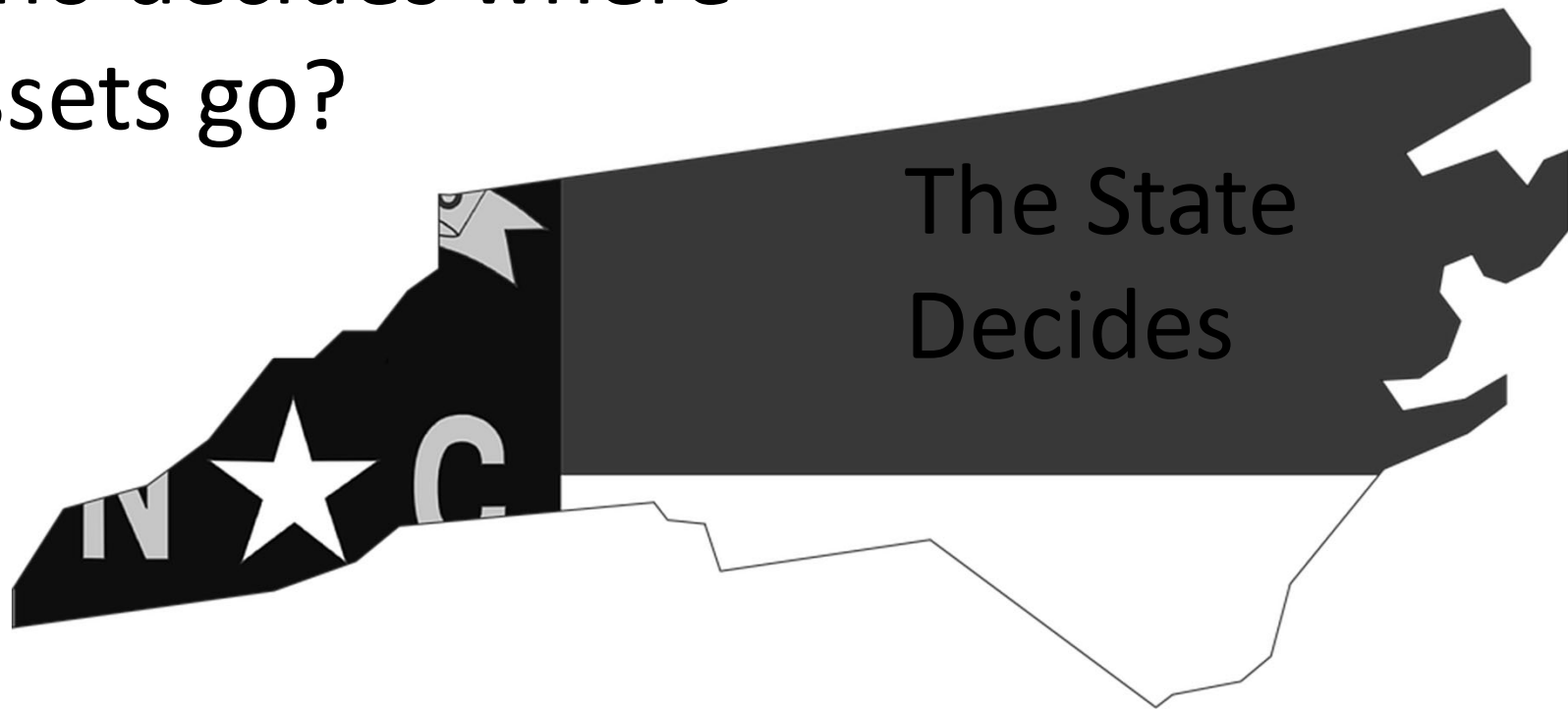
What are your
chances of Dying?

100%

7 out of 10 people pass away without an estate plan in North Carolina; nationally, that statistic is pretty consistent



Pass away with out a
Will: who decides where
your assets go?



NCGS §28A – Administration of Decedent's Estate

NCGS §28A-4-1: Order of Persons Qualified to Serve

**NCGS §28A-4-2: Persons Disqualified to Serve as
Personal Representative**

NCGS Chapter 29 – Intestate Succession

Chapter 29, Article 2 – Shares of Persons Who Take Upon Intestacy

§29-13 – Descent and distribution upon intestacy; 120-hour survivorship requirement

§29-14 – Share of surviving spouse

§29-15 – Shares of others than surviving spouse

§29-16 – Distribution among classes

The image is a composite of three elements:

- Left:** A black and white photograph of an elderly man with glasses, looking thoughtful and pointing towards the whiteboard.
- Center:** A whiteboard filled with handwritten mathematical notes and equations. Visible text includes:
 - $x \frac{(x)}{x!} = \sum_{i=0}^{\infty} \frac{(x)^i}{i!} = e^x$
 - $(x)^n = (x + 1)^n$
 - $x! = x \cdot (x-1)!$
 - $\frac{d}{dx} e^x = e^x$
 - $\frac{d}{dx} x^x = x^x (1 + \ln x)$
 - $\frac{d}{dx} \frac{1}{x} = -\frac{1}{x^2}$
 - $\frac{d}{dx} \ln x = \frac{1}{x}$
 - $\frac{d}{dx} e^{-x} = -e^{-x}$
- Right:** A family tree diagram showing four generations: Kids, Parents, Grandparents, and Great-grandparents. Each generation is represented by a row of human icons connected by lines to show family relationships.

NCGS Chapter 29 – Intestate Succession

Article 4 – Adopted Children

Article 5 – Legitimated Children

Article 6 – Children Born Out of Wedlock



NCGS Chapter 31A – Acts Barring Property Rights

§31A-1 Acts barring rights of spouse

§31A-4 Slayer barred from testate or intestate succession and other rights

The Administration Process

- Application Requirements
- Bond Requirements
- Issuance of Letters
- Inventory and accountings
- Dealing with real property in other states
- Limited personal representative