Who Gets What in Massachusetts?

Under intestate succession, who gets what depends on whether or not you have living children, parents, or other close relatives when you die. Here's a quick overview:

If you die with:	here's what happens:
children but no spouse	children inherit everything
spouse but no descendants or parents	spouse inherits everything
spouse and descendants	spouse inherits 1/2 of your intestate property descendants inherit 1/2 of your intestate prop
spouse and parents but no descendants	spouse inherits the first $200,000 or your inte balance parents inherit everything else
parents but no spouse or descendants	parents inherit everything
siblings but no spouse, descendants, or parents	siblings inherit everything

The Spouse's Share in Massachusetts

In Massachusetts, if you are married and you die without a will, what your spouse gets depends on whether or not you have living parents, descendants, or other relatives. If you don't, then your spouse inherits all of your intestate property. If you do, they and your spouse will share your intestate property as follows:

If you die with parents or other relatives, but no descendants. Your surviving spouse inherits the first $200,000 of your intestate property, plus 1/2 of the balance. The rest of your property goes to your parents or other relatives in the order established by Massachusetts law.

Example: Gerry is married to Joe, and her father is still alive. Gerry owns a house in joint tenancy with Joe, and Joe is also the named beneficiary of Gerry's retirement account. When Gerry dies, Joe automatically inherits the house and any remaining retirement funds; those things are not intestate property. Gerry also owns $250,000 worth of property that would have passed under a will if she had made one. Joe inherits $225,000 worth of that property -- that is, $200,000 plus 1/2 of the $50,000 balance. The remaining $25,000 worth of Gerry's intestate property goes to Gerry's father.

If you die with children or other descendants. Your spouse inherits 1/2 of your intestate property, and your descendants inherit the other 1/2.

Example: Bill is married to Karen, and they have two grown children. Bill and Karen own a large bank account in joint tenancy, and Bill took out a life insurance policy naming Karen as the beneficiary. When Bill dies, Karen receives the life insurance policy proceeds and inherits the bank account outright. Bill also owns $300,000 worth of other property that would have passed under a will. Karen inherits $150,000 worth of that property and the two children split the remaining