

# What Happens if You Die Without a Will?

*SmithAmundsen Estate Planning Alert*  
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A will is a legal document designating the transfer of your property and assets after you die. Although creating a will is not a difficult process, about half of all Americans die without one. If you die without a will, or *intestate*, the court steps in and distributes your property according to the laws of your state, which may or *may not* coincide with your wishes. If you have no apparent heirs and die without a will, it's even possible the state will claim your estate. Remember, wills are not just for the rich; your will ensures that whatever your assets, they will go to family members or other beneficiaries you designate.

*Probate* is a legal term, which means to "prove" a will. During probate, the court determines that your signed will is a genuine statement of how you want your estate to be distributed. In most states, probate is a lengthy procedure, lasting no less than six (6) months and the costs associated with it are significant, and can range in price from a minimum of \$500.00 in expense and fees, to several thousand dollars. These figures exclude attorney's fees. Careful planning can help streamline or avoid the probate process. For example, life insurance does not have to go through probate and can be disbursed directly to your beneficiaries.

Having a will is especially important if you have young children because it gives you the opportunity to designate a guardian for them in the event of your death. Without a will, the court will appoint a guardian.

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