

INTESTATE (no Will)

Colorado Law (deceased died a resident of Colorado)

(dated material - August 10, 2008)

The following is an explanation of how assets will go if there is no Will, AND if the assets do not go automatically to a survivor as through joint tenancy or a beneficiary designation (such as "Pay on Death" account, life insurance or retirement funds that name the person who is to automatically receive the assets on the owner's death. A Will has no control over automatically transferred assets.)

A. IF NO SPOUSE:

- 1) to children in equal shares;
- 2) if child is deceased, share goes to that child's children.
- 3) if no children and no grandchildren, then to parent of deceased, if living, otherwise to siblings (family tree).

B. IF THERE IS A SURVIVING SPOUSE:

NO CHILDREN:

- 1) if no parent of deceased, then all goes to surviving spouse;
- 2) if there is a surviving parent of deceased, then surviving spouse gets first \$200,000 and 3/4 of balance - parent gets the other 1/4;

CHILDREN (non-blended families):

- 1) if deceased spouse's children are all of marriage to surviving spouse, and surviving spouse does not have children from a prior marriage, then all goes to spouse;

CHILDREN (blended families):

- 1) If husband and wife have their own children together, deceased does not have a child from a prior marriage, but surviving spouse has a child from a prior marriage (not adopted by the deceased spouse), then surviving spouse gets \$150,000 plus 1/2 of balance, and children of deceased get the other 1/2 of the balance;
- 2) If deceased spouse has children from a prior marriage (not adopted by the surviving spouse), and they DO NOT have any children together:

- a) if deceased spouse's children are adults (18 or older), then surviving spouse gets \$150,000 plus 1/2 of balance, and children of deceased get the other 1/2 of the balance;
 - b) if any children of the deceased are minors (under 18), then surviving spouse get 1/2, and children of deceased get other 1/2;
- 3) If deceased spouse has children from a prior marriage (not adopted by the surviving spouse), and they DO have children together:
- a) if deceased spouse's children are adults (18 or older), then surviving spouse gets \$150,000 plus 1/2 of balance, and children of deceased get the other 1/2 of the balance;
 - b) if any children of deceased are minors (under 18), then surviving spouse get 1/2, and children of deceased get other 1/2;
- 4) If deceased spouse has no children (either from a prior marriage or with surviving spouse), but surviving spouse has children from a prior marriage (not adopted by deceased spouse):
- a) if deceased has a surviving parent, then surviving spouse gets first \$200,000 plus 3/4 of balance, and parent gets other 1/4;
 - b) if deceased does not have a surviving parent, then surviving spouse gets it all.

[Reference: Colorado Revised Statutes, Section 15-11-101 et seq.]

MESSAGE: This Information Sheet is intended to provide general information only. It is not intended to cover all of the legal issues that arise in each situation. It is suggested that none of the documents described above should be signed without first talking to an attorney who is knowledgeable about such matters. This material is dated and the enclosed information may change because of new laws, regulations, or other impacts.

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