

## **Delaware Intestacy Laws** Title 12 - Decedents' Estates and Fiduciary Relations

### § 501. Intestate estate.

Any part of the real or personal estate of a decedent not effectively disposed of by will passes to the decedent's heirs as prescribed in the following sections of this chapter.

### § 502. Share of spouse.

The intestate share of the surviving spouse is:

- (1) If there is no surviving issue or parents of the decedent, the entire intestate estate;
- (2) If there is no surviving issue but the decedent is survived by a parent or parents, the first \$50,000 of the intestate personal estate, plus one half of the balance of the intestate personal estate, plus a life estate in the intestate real estate;
- (3) If there are surviving issue all of whom are issue of the surviving spouse also, the first \$50,000 of the intestate personal estate, plus one half of the balance of the intestate personal estate, plus a life estate in the intestate real estate;
- (4) If there are surviving issue, one or more of whom are not issue of the surviving spouse, one half of the intestate personal estate, plus a life estate in the intestate real estate.

### § 503. Share of heirs other than surviving spouse.

The part of the intestate estate not passing to the surviving spouse under § 502 of this title, or the entire intestate estate if there is no surviving spouse, passes as follows:

- (1) To the issue of the decedent, per stirpes;
- (2) If there is no surviving issue, to the decedent's parent or parents equally;
- (3) If there is no surviving issue or parent, to the brothers and sisters and the issue of each deceased brother or sister, per stirpes;
- (4) If there is no surviving issue, parent or issue of a parent, then to the next of kin of the decedent, and to the issue of a deceased next of kin, per stirpes;
- (5) Any property passing under this section to 2 or more persons passes to such persons as tenants in common.

### § 506. Kindred of half blood.

Relatives of the half blood inherit the same share they would inherit if they were of the whole blood.

### § 1101. Escheat of estates.

If any person, being at the time of death seized or possessed of any real or personal estate within this State, dies intestate, without heirs or any known kindred who can inherit and hold the intestate's estate, such estate is escheat to the State, subject to all legal demands on the same.