

Intestate Texas Process: Who Gets What in Texas?

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: |
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| <ul style="list-style-type: none"> • children but no spouse, parents, or siblings | <ul style="list-style-type: none"> • children inherit everything |
| <ul style="list-style-type: none"> • spouse but no children, parents, or siblings | <ul style="list-style-type: none"> • spouse inherits everything |
| <ul style="list-style-type: none"> • parents but no children, spouse, or siblings | <ul style="list-style-type: none"> • parents inherit everything |
| <ul style="list-style-type: none"> • siblings but no children, spouse, or parents | <ul style="list-style-type: none"> • siblings inherit everything |
| <ul style="list-style-type: none"> • a spouse and children who are also the children of your spouse | <ul style="list-style-type: none"> • spouse inherits all of your community property, plus 1/3 of your separate personal property and the right to use your real estate for life • children inherit everything else |
| <ul style="list-style-type: none"> • a spouse and children who are not the children of your spouse | <ul style="list-style-type: none"> • spouse inherits 1/3 of your separate personal property and the right to use your real estate for life • children inherit everything else, including your 1/2 interest in the community property |
| <ul style="list-style-type: none"> • a spouse and parents | <ul style="list-style-type: none"> • spouse inherits all of your community property, all of your separate personal property, and 1/2 of your separate real estate • parents inherit everything else |
| <ul style="list-style-type: none"> • a spouse and siblings, but no parents | <ul style="list-style-type: none"> • spouse inherits all of your community property, all of your separate personal property, and 1/2 of your separate real estate • siblings inherit everything else |

Will the State Get Your Property?

If you die without a will and don't have any family, your property will "escheat" into the state's coffers. However, this very rarely happens because the laws are designed to get your property to anyone who was even remotely related to you. For example, your property won't go to the state if you leave a spouse, children, grandchildren, parents, grandparents, siblings, nieces, nephews, or cousins.

Source: (NOLO) <https://www.nolo.com/legal-encyclopedia/intestate-succession-texas.html>