When a person dies without a will, their assets are distributed to their **heirs** according to state laws of intestate succession. The order of who inherits varies by state, but it generally follows the same family hierarchy.

Example of family heirs

Let's consider the family of a deceased person, John, who died without a will. His heirs would be determined in the following order:

- **Primary heirs (Immediate family):** John's surviving spouse and children are first in line to inherit. The specific division between the spouse and children varies by state.
- **Next in line (If no spouse or children):** If John had no living spouse or children, his parents would be next in line to inherit his estate.
- **Collateral heirs (If no immediate family):** In the absence of a spouse, children, or parents, the inheritance would pass to John's siblings.
- **Extended family:** If no siblings survive, the court would look to more distant relatives, such as grandparents, aunts, uncles, and cousins.

A specific distribution example

Here is how an inheritance might be split among family heirs in a hypothetical state:

- **John is survived by his wife, Lisa, and their two children, Mia and Kevin.** State law determines the exact split. Lisa might receive a portion (e.g., one-third or one-half) of the estate, and the children would split the rest.
- **John is not married and is survived by his two children, Mia and Kevin.** In this case, Mia and Kevin would equally divide John's entire estate.
- **John is not married and has no children, but is survived by his two parents, Bill and Carol.** Bill and Carol would each inherit half of John's estate.
- **John is not married, has no children, and his parents are deceased. He is survived by his sister, Jessica.** In this scenario, Jessica would be the sole heir to John's estate.

Heirs versus beneficiaries

It's important to know the difference between an heir and a beneficiary, as the terms are not interchangeable in a legal context.

	Heir	Beneficiary
Determination	Legally entitled to inherit property based on state law if a person dies without a will.	Explicitly named in a will, trust, or other legal document (like a retirement account) to receive assets.
Relationship	Must be a relative, such as a spouse, child, or other blood relative. Adopted children have the same inheritance rights as biological children.	Can be anyone or any entity named by the deceased, including friends, charities, or organizations.
Default	If no will exists, state law (intestate succession) dictates who the heirs are.	If no beneficiary is named, the asset may be distributed according to intestate succession laws.