

# 4

## Dying Without a Will in Montana

### *Married – No Living Child(ren); Have Living Grandchildren*

Deceased's situation:	#1 ↓	#2 ↓	#3 ↓	#4 ↓	#5 ↓	#6 ↓
Living Children	no	no	no	no	no	no
Living Grandchildren	no	no	yes	yes	yes	yes
Living Grandchildren from present marriage	N/A	N/A	yes	yes	no	no
Living Grandchildren from previous marriage	N/A	N/A	no	yes	yes	no
Parents living	no	yes	N/A	N/A	N/A	N/A
Property Distribution	Spouse receives all 72-2-112(1)(a)	Spouse \$200,000 + $\frac{3}{4}$ balance, Parents $\frac{1}{4}$ remaining balance 72-2-112 (2)*	Spouse receives all 72-2-112(1)(a)**	Spouse \$100,000 + $\frac{1}{2}$ balance, Children $\frac{1}{2}$ 72-2-112 (4)	Spouse \$100,000 + $\frac{1}{2}$ balance, Children $\frac{1}{2}$ 72-2-112 (4)	Mistake

\* Only if both parents survive is the division split  $\frac{1}{4}$  between each parent. If only one parent survives, that parent receives the full parental share of  $\frac{1}{4}$ .

\*\* Only if grandchildren are all from this marriage.