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Dying Without a Will in Montana

Single – No Living Children, No Living Grandchildren, No Living Great-Grandchildren

Deceased's situation:	#1 ↓	#2 ↓	#3 ↓	#4 ↓	#5 ↓	#6 ↓
Living Children	No	No	No	No	No	No
Living Grandchildren from Child who has passed away	No	No	No	No	No	No
Living Great-grandchildren	No	No	No	No	No	No
Living Parents or Parent	Yes	No	No	No	No	No
Living Siblings	N/A	Yes	Yes	No	No	No
Deceased Siblings with living Children	N/A	Yes	No	Yes	No	No
Living Grandparents	N/A	N/A	N/A	N/A	Yes	No
Property Distribution	Equally to Parents or the survivor of them (72-2-113) (i) (b)	Brothers and Sisters. Or, if a brother of sister fails to survive, that sibling's share passes to that sibling's descendants by representation (72-2-113) (1) (c)	Equally Brothers and Sisters (72-2-113) (1) (c)	Per Capita Nieces and Nephews. This is true if no predeceased nieces and nephews. If a predeceased niece or nephew then by right of representation to their descendants (72-2-113) (1) (c)	Equally to Grandparents. If <u>all</u> grandparents do not survive, then this statement is not true (72-2-113) (1) (d) See *	Descendants of grandparents. ½ passes to the paternal grandparent's side by representation. ½ passes to maternal descendant's side by representation See *

* initially estate divided (72 - 2 - 113) (i) (A) (I) (II) (III); then by (72-2-113) (i) (b) (II) ½ to paternal grandparents, if only one survives to the surviving paternal grandparent, if no grandparent on paternal side survives, the ½ goes by right of representation to their descendants ½ to maternal grandparents...etc. same as paternal. If no descendants on either the paternal (or maternal side) only then does ½ pass to the other side.