

Distribution of Real and Personal Community Property

If the Decedent is survived by:	The recipient of the Decedent's property is:
1 Spouse and Children (and all surviving children are also children of surviving spouse)	<ul style="list-style-type: none"> Surviving spouse
2 Spouse and Children (but not all surviving children are also children of surviving spouse)	<ul style="list-style-type: none"> Surviving children (and the descendants of any deceased child) shall receive the Decedent's share in one-half of the community property. Surviving spouse retains the remaining one-half of the community property he or she owned prior to the other spouse's death. The surviving spouse also has the right to use and occupy the homestead during his or her life and may have the right to use or own certain items of personal property that are exempt from creditor's claims.

Distribution of Real and Personal Separate Property

If the Decedent is survived by:	The recipient of the Decedent's property is:
1 Spouse and Children (or the descendants of any deceased child)	<ul style="list-style-type: none"> Separate personal property passes 1/3 to the surviving spouse and 2/3 to the children (or descendants). Separate real property passes to the children (or descendants) subject to a life estate in 1/3 of the property in favor of the surviving spouse. A life estate gives you the right to live in, use, and enjoy property during your lifetime, but the ownership in a life estate is temporary and ends upon death. Surviving spouse is entitled to 1/3 of the real property during his or her lifetime, and upon his or her death, the children (or descendants) will have full title to any separate real property of the Decedent.
2 Spouse and NO Children	<ul style="list-style-type: none"> All separate personal property passes to the surviving spouse. Separate real property passes 1/2 to the surviving spouse and 1/2 to the Decedent's parents or collateral relatives, such as brothers and sisters or their descendants. If no parents or collateral relatives survives Decedent, then all separate real property passes to the surviving spouse.
3 Children (or their descendants) and, NO Spouse	<ul style="list-style-type: none"> All separate personal and real property passes to the children or their descendants.
4 Parents, and NO spouse and NO children	<ul style="list-style-type: none"> All separate personal and real property passes 1/2 to each parent.
5 Only one Parent and Siblings and NO spouse and NO children	<ul style="list-style-type: none"> All separate personal and real property passes 1/2 to surviving parent and the remaining 1/2 is divided equally among the siblings (or descendants of a deceased sibling). However, if no brother or sisters (or descendants of a deceased sibling) survive, then all separate property passes to the surviving parent.
6 Siblings (or their descendants), and NO spouse, NO children, and NO parents	<ul style="list-style-type: none"> All separate and personal and real property is divided equally among the siblings (or descendants of a deceased sibling).
7 Grandparents and NO spouse, NO children, NO parents, NO siblings or descendants of deceased siblings	<ul style="list-style-type: none"> All separate property passes generally to the Decedent's grandparents. If no grandparents survive, the law provides for distribution of separate property to more distant relatives.