

<u>VIRGINIA INTESTATE SUCCESSION</u>				
<u>COURSE OF DESCENTS</u>	<u>DOWER AND CURTESY</u>	<u>ADOPTEDS</u>	<u>NON-MARITAL CHILDREN</u>	<u>COLLATERALS OF THE HALF-BLOOD</u>
<p><u>January 1, 1787 to June 29, 1922 -</u> First - To children or their descendants. Second - To father. Third - To mother, then brothers and sisters or their descendants. Fourth - One moiety to paternal kindred and other moiety to maternal kindred. Fifth - To grandfather. Sixth - To grandmother, then uncles and aunts on the same side or their descendants. Seventh - To the great grandfathers. Eighth - To great grandmothers, then the brothers and sisters of the grandfathers and grandmothers or their descendants. Ninth - Passing to the nearest lineal male ancestors, or if lacking, to nearest lineal female ancestors, in the same degree or their descendants. Tenth - If no children, father, mother, brother or sister of the intestate, nor any paternal kindred, the whole to the maternal kindred; if no maternal kindred, the whole to the paternal kindred; if neither maternal nor paternal kindred, to the surviving spouse of the intestate, or, if no spouse surviving, to the deceased's spouses kindred in like course.</p>	<p><u>July 1, 1785 to June 30, 1922 -</u> Widow entitled to life estate in one-third of deceased husband's real estate. At common law, widower entitled to life estate in all of deceased wife's real estate.</p>	<p><u>July 1, 1892 to June 30, 1942 -</u> Adopted child considered heir-at-law of adoptive parents, but loses inheritance from biological parents. But, if adoptive parents died, followed by death of adopted child with no descendants, parents' undisposed-of property descended to parents' next of kin, not child's. Also, adopted child an heir of adoptive parents only, not an heir of the adoptive parents' relatives. <u>July 1, 1942 to present</u> - Adopted child enjoys the same status as biological child.</p>	<p><u>1785 to June 30, 1978 -</u> Such children and their descendants inherit only through mother. Subsequent marriage of father and mother enabled inheritance through father. Dissolved or void marriage had no effect on inheritance by child of such union. <u>July 1, 1978 to Present</u> - Such children inherit through father (in addition to mother) if parents participate in marriage ceremony (valid or not) before or after birth, or if paternity is established by clear and convincing evidence.</p>	<p><u>January 1, 1787 to June 30, 1986 -</u> First - Collaterals of the half blood take half as much as those of whole blood. Second - Where all collaterals are of the half blood, ascending kindred, if any, take double portions. <u>July 1, 1986 to present</u> - Collaterals of half blood take half as much of as those of whole blood, with no double portions for ascending kindred.</p>
<p><u>June 30, 1922 to March 28, 1923 -</u> First - To children or their descendants. Second - To father and mother, or survivor. Third - To brothers and sisters, or their descendants. Fourth - To surviving spouse. Fifth - Paternal and maternal moieties pass as follows: Sixth - To grandfather and grandmother. Seventh - To great grandfathers and great grandmothers. Eighth - To brothers and sisters of grandfathers and grandmothers or their descendants. Ninth - And so on, passing to nearest lineal ancestors and their descendants. Tenth - If no maternal or paternal kindred, to kindred of surviving spouse, in like course.</p>	<p><u>July 1, 1922 to March 19, 1924 -</u> Surviving spouse entitled to life estate in all of deceased spouse's real estate if deceased spouse died without descendants. (Curtesy rights codified, mirror dower rights from 1922 on.)</p>	<p><u>MINORS -</u> <u>July 1, 1792 to June 30, 1970 -</u> If minor died without own children with real estate derived from one parent, real estate passed to kindred of parent from whom derived. If no such kindred, then to other parent's kindred. <u>July 1, 1970 to Present</u> - Minor's real estate descends under standard course of descent regardless of from whom derived.</p>	<p><u>AFTERBORNS</u> <u>July 1, 1849 to June 30, 1978 -</u> Child born within 10 months after decedent's death takes as if it were in being at time of decedent's death. <u>July 1, 1978 to Present</u> - Child conceived prior to decedent's death but born after inherits as if born during the decedent's lifetime.</p>	<p><u>ALIENS</u> <u>July 1, 1785 to Present</u> - A non-enemy alien may inherit and own real estate. Presence of alien in course of descent not a bar to inheritance.</p>

<p><u>March 29, 1923 to June 30, 1956 -</u> First through Fifth - Unchanged from previous version. Sixth - To the grandfather and grandmother or survivor. Seventh - If none, to uncles and aunts, or their descendents. Eighth through Tenth - Same as Seventh through Ninth of previous version. Eleventh - If no paternal kindred, to the maternal kindred, and vice versa. If neither maternal nor paternal kindred, to kindred of surviving spouse in like manner. July 1, 1956 to June 30, 1982 - First - To children or their descendents. Second - If none, to surviving spouse. Third - If none, to father and mother or survivor. Fourth - If none, to brothers and sisters or their descendents. Fifth through Eleventh - Same as previous.</p>	<p><u>March 20, 1924 to June 30, 1968 -</u> Same as previous version except real estate subject to the rights of deceased spouse's creditors. Also, if deceased spouse died partially intestate and without children, surviving spouse took realty undisposed of by will subject to deceased spouse's creditors.</p>		<p>Important Note: The laws governing intestate succession are complex and are not easily reduced to simple rules. While every effort has been made to ensure accuracy, we disclaim responsibility for errors and omissions. This document is intended as a general guide only, and should not be viewed as providing legal advice.</p>	
<p><u>July 1, 1982 to June 30, 1985 -</u> First - To surviving spouse, unless decedent is survived by children or their descendents, one or more of whom are not children or their descendents of the surviving spouse, then to children subject to survivor's dower or curtesy. Second - If no surviving spouse, to children or their descendents. Third through Eleven - Unchanged from previous version.</p>	<p><u>July 1, 1968 to June 30, 1977 -</u> Surviving spouse entitled to life estate in one-third of deceased spouse's real estate.</p>			
<p><u>July 1, 1985 to December 31, 1990 -</u> First - Unchanged from previous version. Second - If no surviving spouse then the whole to the decedent's children or their descendents. Third through Eleventh - Unchanged from previous version.</p>	<p><u>July 1, 1977 to December 30, 1990 -</u> Surviving spouse entitled to one-third in fee of deceased spouse's real estate.</p>			
<p><u>January 1, 1991 to Present -</u> First - To surviving spouse, unless decedent is survived by children or their descendents one or more of whom are not children or their descendents of the surviving spouse, then two-thirds to all children or their descendents, with one-third to surviving spouse. Second through Eleventh - Unchanged from previous version.</p>	<p><u>January 1, 1991 to Present</u> - Dower and curtesy abolished. Note that rights vested prior to January 1, 1991 unaffected.</p>			