

FIGURE 6.1 Descent of Real Property in New Jersey

Decedent dies without a will survived by:	Real and personal property pass by intestacy as follows:
1. Spouse* and no surviving issue or parent of decedent.	To spouse.
2. Spouse and surviving issue, all of whom are also issue of surviving spouse, and surviving spouse has no other issue who survive decedent.	To spouse.
3. Spouse and parent(s) of decedent, but no surviving issue.	Spouse receives first 25% of estate (but not less than \$50,000 nor more than \$200,000) plus 3/4 of balance. Remaining 1/4 of balance as in No. 8.
4. Spouse and surviving issue, all of whom are also issue of surviving spouse, and surviving spouse has one or more issue who survive decedent but are not issue of decedent.	Spouse receives first 25% of estate (but not less than \$50,000 nor more than \$200,000) plus 1/2 of balance. Remaining 1/2 of balance as in No. 6 or No. 7.
5. Spouse and surviving issue (one or more of whom are not issue of the surviving spouse).	Spouse receives first 25% of estate (but not less than \$50,000 nor more than \$200,000) plus 1/2 of balance. Remaining 1/2 of balance as in No. 6 or No. 7.
6. One child or the issue of one child.	To such child, if living, otherwise to the child's issue per stirpes.
7. Two or more children and/or issue of deceased children.	In equal shares as tenants in common to such children and per stirpes to the issue of deceased children.
8. Parent(s).	Entire estate to parent or in equal shares as tenants in common to both parents.
9. Brothers or sisters of the whole or half blood or their issue (i.e., issue of decedent's parent or parents).	In equal shares as tenants in common to such brothers and sisters and per stirpes to the issue of deceased brothers and sisters.
10. Paternal and/or maternal grandparents.	One-half of the estate to the paternal grandparents equally if both survive, or entire 1/2 to the surviving paternal grandparent, or if neither survive then to their issue per stirpes. Other half passes similarly to maternal grandparents. If there are no surviving grandparents or issue on one side, entire estate passes to other side as described above.
11. Collateral heirs (other than brothers or sisters of the whole or half-blood or their issue). In determining collateral heirs, no common ancestor beyond a grandparent may be considered.	Per stirpes to the issue of the grandparents.
12. Step-children or their issue	In equal shares to the step-children as tenants in common and per stirpes to the issue of deceased step-children.
13. If none of the above	To the State of New Jersey.

* "Spouse" shall include "domestic partner" throughout this chart