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Intestate Succession

Succession Order

If someone dies in Israel without leaving a Will (Intestate), to collect that person's estate the heirs need a Succession Order (tzav yerusha ירושה צו). This is obtained after lodging relevant papers and proving entitlement before the Family Court. It is a longer and more complicated process than lodging a Will with the Registrar for grant of Probate (tzav kiyum tzavah צו קיום צוואה).

Overview

Governed in Israel by Sections 10 - 17 of the Inheritance Law 1965. Relatives who are spouses, children, parents and grandparents of the deceased can inherit.

The division under law is as follows:

- The surviving spouse is entitled to half of the deceased's estate (including his/her part of the family home), all of the moveable property belonging to the family home at the time of death, as well as the car. The spouse will inherit the entire estate only if the deceased had no children, siblings or parents.
- Where a spouse and children survive the deceased, the spouse will receive half of the estate and the children (or their descendants) will inherit the other half equally.
- Where there is a spouse, no children (or their descendants) but the deceased's parents are alive, the spouse will inherit half of the estate and the parents the other half, equally between them.
- Where there is a spouse but no children (or their descendants) or parents (or their descendants), grandparents, siblings or other relatives will inherit one third of the estate, with two-thirds going to the surviving spouse.

What is Half of the Deceased's Estate?

"Half of the deceased's estate" does not include assets belonging to the surviving spouse through operation of the Spouses (Property Relations) Law 1973 that specifies joint ownership of many of the marital assets.

In general, where spouses owned a property jointly, and one of them dies, only the deceased's part of the property enters the estate for distribution. This means the surviving spouse retains his/her half of the property, plus half of the deceased's part. In effect, the surviving spouse retains 3/4 of the property.

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