Assignment: Inheritance Laws in China

It has only been in the recent past that China has begun to address the issue of modern inheritance and estate planning. In 1985, China adopted a law that gave clarity to the succession of private property known as, *Law of Succession of the People’s Republic of China.* While China’s law of succession has some similarities to the laws of intestacy in New York; the one thing clearly missing from all 37 articles of the law is the testamentary age of a testator.

There is no requirement that a testator have an attorney to make a will, a notary handles most of the administrative duties of inherited property. However, there is no shortage of Law Firms that will assist in helping people draft a will. One of many such law firms is Yingke Law Firm, [www.attorneytianjin.com](http://www.attorneytianjin.com), located in Tianjin, China. This law firm, like many others in China, conspicuously notes that it handles inheritance issue for foreigners. This is a big issue since more and more foreigners are acquiring property in China.

There is no probate or surrogate's court, so inheritance disputes are usually resolved in the court that has jurisdiction over the disputed property or the court that has jurisdiction over the place where the decedent lived at the time of death. In accordance with the intestate Succession Law of China, the decedent's spouse, children and parents inherit equal shares of the decedent's property. If none of these individuals survive the decedent, the decedent's brothers, sisters and grandparents will inherit the decedent's property.

Sources:

<http://www.lawinfochina.com/display.aspx?lib=law&id=56&CGid>=

<http://www.phillipsnizer.com/publications/articles/ModernInheritChina2-07_art.cfm>