

**ARIZONA’S INTESTATE SUCCESSION AND WILLS**

The main reason people should have a Will is to insure their assets will go to the people they desire. If a person died intestate (without a will), the state will divide their assets and distribute them to the closest relatives. The State of Arizona has two types of properties: community property and separate property. Separate property acquired by single spouse before the marriage and community property acquired by both partners in a marriage.

If there is a surviving spouse:

***Ariz. Rev. Stat. Ann. § 14-2102*** Statute sets forth that both separate property and the one-half of community property that belongs to the decedent, passes to the surviving spouse.

If there is no surviving issue or if there are surviving issue all of whom are issue of the surviving spouse also, the entire intestate estate.

If there are surviving issue all of whom are not issue of the surviving spouse, ½ of the separate property and no interest in the ½ of the community property that belonged to the decedent.

If there is no surviving spouse:

***Ariz. Rev. Stat. Ann. § 14-2103*** Statute sets forth that any asset or property not passing to the decedents spouse under previous statute 14-2102, passes to the other family relative who survive the decedent.

Issue of the decedent gets everything by representation.

If there is no surviving issue, to the decedent’s parents.

In The State of New York the laws are quite differ: ***N.Y. Est. Powers and Trust Law § 4-1.1*** If the decedent is survived by spouse and issue: the spouse receives the first Fifty Thousand Dollars ($50,000.00) and one-half of the remainder of the decedent’s estate. The issue collects the rest by representation. If a decedent doesn’t not have a spouse or issue, decedent surviving parents receive his assets.

***Ariz. Rev. Stat. Ann. § 14-2503***

Holographic Wills- whether witnessed or not must be in testators handwriting.

Nuncupative Wills-are not permitted in Arizona at all.

In New York pursuant to ***N.Y. Est. Powers and Trust Law section 3-2.2*** holographic and nuncupative wills permits three groups of people to validly make these types of wills. Members of the armed forces, on active military duty during a war or other armed conflict, civilians who accompanying the armed forces during a war and mariners.

(Explanation of what these wills mean: Holographic Wills-entirely handwritten by the testator but is not properly signed and witnessed. Nuncupative Wills-is an oral will, with at least 2 witnesses who hear the testator speak his will.)

***Ariz. Rev. Stat. Ann. § 14-2505*** any competent person may be a witness to a will. The signing ceremony by an interested person doesn’t automatically invalidate the will. The will requires two witnesses.

In New York State ***N.Y. Est. Powers and Trust Law section 3-2.1,*** at least two witnesses are required. Although lawyers prefer three.

The second most populated city in Arizona is Tucson with a population approximately of 524,295 according to U.S. Census Quick Facts website (<http://quickfacts.census.gov/qfd/states/04/0477000.html>)

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