



KAWERAK, INC.

REPRESENTING

Brevig Mission

Sitaisaq

Council

Diomede

Injalik

Elim

Niviarcaurluq

Gambell

Sivuqaaq

Golovin

Chinik

King Island

Ugiuvak

Koyuk

Kuuyuk

Mary's Igloo

Qawiaraq

Nome Eskimo

Sitnasuak Inuit

Savoonga

Sivungaaq

Shaktoolik

Saktuliq

Shishmaref

Qikiqtaq

Solomon

Anuutaq

St. Michael

Taciq

Stebbins

Tapraq

Teller

Tala

Unalakleet

Unalaqfiq

Wales

Kinjigin

White Mountain

Igakuik /

Nutchirviq

What Happens if You Die Without a Will

Who decides what happens to your body after your death?

One of the first questions that might arise if you die without a Will is “who decides what happens to my body?”

There is an Alaska law that outlines who has priority to make such a decision. In order of preference, the following people have priority:

1. The surviving spouse.
2. An adult son or daughter.
3. Either one of your parents.
4. An adult brother or sister.
5. Your guardian at time of death or any other person authorized or under obligation to dispose of your body, or
6. Another person willing to assume legal and fiscal responsibility.

Where does your property go without a Will?

If you die without a Will, your property will be divided according to the laws of intestacy. These laws are intended to reflect what most people would want, keeping the property within the close family.

However, the laws of intestacy can be confusing and don't always provide a plan that people want. If you don't like this plan, you need to prepare a will.

The Surviving Spouse's Share

All your estate if 1) there are no surviving parents, children, or grandchildren, or 2) all your surviving children and grandchildren are also the descendants of your surviving spouse and there are no descendants of the surviving spouse unrelated to you (i.e., stepchildren).

The first \$200,000 plus 3/4 of the rest of your estate if you have no surviving children or grandchildren but you do have a surviving parent.

The first \$150,000 plus 1/2 of the rest of your estate if there are surviving children or grandchildren (all of whom are the children or grandchildren of your surviving spouse) AND your surviving spouse has children or grandchildren unrelated to you.

The first \$100,000 plus 1/2 of the rest of your estate if one or more of your surviving children or grandchildren are from a previous marriage or relationship.

These rules apply after allowances and bills are paid.

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No Surviving Spouse

If you were not married at the time of your death and died without a Will, your property passes in the following order to the individuals designated below who survive you:

1. To your children by representation.
2. If you have no surviving children or grandchildren, to your parents equally if both survive, or to the surviving parent.
3. If you have no surviving children, grandchildren, or parents, then they go to your parents' descendants (i.e., your siblings).
4. If you have no surviving children, grandchildren, no surviving parent, or surviving siblings, your property will be divided equally between the surviving grandparents, or descendants of your grandparents if one or both grandparents are deceased.

If you have no surviving relatives in the above categories, only then will your property go to the State of Alaska. If this distribution pattern is not what you would want to happen with your property, you should prepare a Will. But note that Restricted Native property follows federal law, which is slightly different.

Who administers the estate (the Personal Representative)

If you die without a Will, or if you have a Will but do not name a Personal Representative, the following persons have priority in administering your estate, in this order:

1. Surviving spouse who receives a gift in your Will.
2. Another person who receives a gift in your Will.
3. Surviving spouse (no gift in Will).
4. Other adult survivors.
5. Any creditor, if more than 45 days have passed since your death and no probate has been started.

Now that you've had a chance to see what happens to your property if you die without a Will, you can decide whether you need or want a Will.

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