

# Heir Hunter, Daniel Curran explains what happens when someone dies in Scotland and does not leave behind a valid will

Research shows that about three in five UK adults have not written a will, which equates to around 31 million people, whose property and assets could be left to someone they wouldn't have chosen when they die.



When a person dies in Scotland without leaving a will, the division of their inheritance is determined under Scottish intestacy rules. The Succession (Scotland) Act 1964 outlines the intestacy provisions in Scotland.

Daniel Curran, the founder and CEO of Finders International, a company that searches for next-of-kin when people die intestate says: "Specific relatives, known as 'heirs,' based on their blood ties to the deceased are prioritised by intestacy rules, which can be complicated and will differ based on the circumstances of the deceased's death."

# Danny Curran on Intestacy rules in Scotland

But who gets what and in what order?

In Scotland, the intestacy rules are as follows:

1. 1) If the deceased is survived by a husband or civil partner, that person inherits the entirety of the estate, while children, parents and siblings may also inherit depending on the value of the estate.
2. 2) If the deceased has no spouse or civil partner but is survived by children (or their grandchildren, great-grandchildren, and so on), they inherit the entire estate.
3. 3) If the deceased did not have a spouse or children, the order of succession is: parents, siblings (or their issue), aunts and uncles (or their issue), great aunts and uncles, and so on. Only the closest class of relatives where there is at least one live beneficiary inherits.

## Legal advice

Intestacy rules can be complicated, and additional restrictions apply in specific instances, so if you are confused about who will inherit a person's inheritance, it is best to obtain legal advice.

Danny Curran added: "There are currently more than 600 unclaimed estates in Scotland, worth an estimated £6 million. These estates belong to people who died without leaving a will and have no known next of kin. However, professional probate genealogists, or heir hunters as we are sometimes called, can quickly and easily find next of kin through researching family trees to find the closest living relatives."

Unclaimed estates are published on the Ultimus Haeres [Ultimate Heir] list of the KLTR (King's & Lord Treasurer's Remembrancer) in the hope that an heir or heirs may come forward. If no one steps forward within ten years, the estate passes to the Crown.

If you believe you are the heir to an unclaimed estate in Scotland, England, or Wales, you can look it up on the Unclaimed Estates lists.

## **Proof of relationship**

Danny Curran continued: "To prove that you are the rightful heir to an unclaimed estate in Scotland, you must produce proof (birth, marriage or death certificates) of your relationship to the deceased person. You will also need to present identification, such as a passport or driving licence. Because it is so complicated, a lawyer can help you gather the relevant proof and file the claim on your behalf.

"The Law Society of Scotland website has a list of solicitors who specialise in probate law, and they will be able to guide you through the procedure and answer any questions you may have.

"While not everyone who finds themselves the unexpected heir to an estate will receive a large sum of money, they may find themselves with enough to pay for a once-in-a-lifetime holiday, home redecoration, or contribute to a child's college/university fund."

You can read more about Scottish intestacy rules [here](#).

Finders International runs a specialised Scottish office (0131 278 0552) staffed by professionals who have detailed understanding of Scotland's Law of Succession and who, in addition to tracing beneficiaries to intestacies, provide a heir tracing service for the legal profession.