

## CHAPTER 134 - SUCCESSION

### GENERAL PROVISIONS

[SECTION 134.005](#)      **Applicability of chapter as between spouses with premarital agreement.**  
[SECTION 134.010](#)      **Vesting upon death of spouse; applicability of chapter only to separate property.**

### SEPARATE PROPERTY

[SECTION 134.030](#)      **Descent and distribution.**  
[SECTION 134.040](#)      **Surviving spouse and issue.**  
[SECTION 134.050](#)      **Surviving spouse and no issue; no surviving spouse or issue but parent.**  
[SECTION 134.060](#)      **No issue, surviving spouse or parent but sibling.**  
[SECTION 134.070](#)      **No issue, surviving spouse or immediate family.**  
[SECTION 134.080](#)      **Unmarried minor decedent without issue or sibling but issue of sibling.**  
[SECTION 134.085](#)      **Unmarried minor decedent without issue but sibling or issue of sibling.**  
[SECTION 134.090](#)      **No surviving spouse but issue.**  
[SECTION 134.100](#)      **No surviving spouse but issue and children of issue.**  
[SECTION 134.110](#)      **No surviving spouse or issue but children of issue.**  
[SECTION 134.120](#)      **Escheat.**  
[SECTION 134.150](#)      **Degree of kindred.**  
[SECTION 134.160](#)      **Kindred of half blood.**  
[SECTION 134.190](#)      **Adopted child.**  
[SECTION 134.210](#)      **Vesting of estate if both spouses die intestate.**

---

### GENERAL PROVISIONS

**SECTION 134.005 Applicability of chapter as between spouses with premarital agreement.** The provisions of this chapter do not apply to the extent that they are inconsistent with the provisions of a premarital agreement which was executed by the decedent and the surviving spouse of the decedent and which is enforceable pursuant to [chapter 123A](#) of SECTION.

**SECTION 134.010 Vesting upon death of spouse; applicability of chapter only to separate property.** If a decedent leaves a surviving spouse:

1. Community property with right of survivorship vests in accordance with the right of survivorship;
2. All other community property vests as provided in [SECTION 123.250](#); and
3. The provisions of this chapter apply only to the separate property of the decedent.

### SEPARATE PROPERTY

**SECTION 134.030 Descent and distribution.** If a decedent dies intestate and has title to any estate which is the separate property of the decedent and which is not otherwise limited by contract, the estate descends and must be distributed, subject to the payment of the debts of the decedent, in the manner provided in [SECTION 134.040](#) to [134.120](#), inclusive.

**SECTION 134.040 Surviving spouse and issue.**

1. If the decedent leaves a surviving spouse and only one child, or the lawful issue of one child, the estate goes one-half to the surviving spouse and one-half to the child or the issue of the child.

2. If the decedent leaves a surviving spouse and more than one child living, or a child and the lawful issue of one or more deceased children, the estate goes one-third to the surviving spouse and the remainder in equal shares to the children and the lawful issue of any deceased child by right of representation.

**SECTION 134.050 Surviving spouse and no issue; no surviving spouse or issue but parent.**

1. If the decedent leaves no issue, the estate goes one-half to the surviving spouse, one-fourth to the father of the decedent and one-fourth to the mother of the decedent, if both are living. If both parents are not living, one-half to either the father or the mother then living.

2. If the decedent leaves no issue, or father or mother, one-half of the separate property of the decedent goes to the surviving spouse and the other one-half goes in equal shares to the brothers and sisters of the decedent.

3. If the decedent leaves no issue or surviving spouse, the estate goes one-half to the father of the decedent and one-half to the mother of the decedent, if both are living. If both parents are not living, the whole estate goes to either the father or the mother then living.

4. If the decedent leaves no issue, father, mother, brother or sister, or children of any issue, all of the separate property of the decedent goes to the surviving spouse.

**SECTION 134.060 No issue, surviving spouse or parent but sibling.** If there is no issue, surviving spouse, or father or mother, then the estate goes in equal shares to the brothers and sisters of the decedent and to the children of any deceased brother or sister by right of representation.

**SECTION 134.070 No issue, surviving spouse or immediate family.** If the decedent leaves no issue, surviving spouse, or father or mother, and no brother or sister living at the time of death, the estate goes to the next of kin in equal degree, except that if there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestors are preferred to those who claim through ancestors more remote.

**SECTION 134.080 Unmarried minor decedent without issue or sibling but issue of sibling.** At the death of a child who is under age, who is without issue and who has not been married, all the other children of the parent being also dead, if any of the other children left issue, the estate that came to the child by inheritance from the parent descends to all the issue of the other children of the same parent, and if all the issue are in the same degree of kindred to the child, they are entitled to share the estate equally; otherwise, they are entitled to take according to the right of representation.

**SECTION 134.085 Unmarried minor decedent without issue but sibling or issue of sibling.** If any person dies leaving several children, or leaving a child and issue of one or more children, and any such surviving child dies under age, without issue and not having been married, all the estate that came to the deceased child by inheritance from the deceased parent descends in equal shares to the other children of the same parent, and to the issue of any other children of the same parent who may have died, by right of representation.

**SECTION 134.090 No surviving spouse but issue.** If the decedent leaves no surviving spouse, but there is a child or children, the estate, if there is only one child, all goes to that child. If there is more than one child, the estate goes to all the children of the decedent, to share and share alike.

**SECTION 134.100 No surviving spouse but issue and children of issue.** If the decedent leaves no surviving spouse, but there is a child or children and the lawful issue of a child or children, the estate goes to the child or children and lawful issue of the child or children by right of representation as follows: To the child or children, each a share and to the lawful issue of each deceased child, by right of representation, the same share that the parent would have received if the parent had been living at the time of the death of the decedent.

**SECTION 134.110 No surviving spouse or issue but children of issue.** If the decedent leaves no surviving spouse, or child or children, but there is the lawful issue of a child or children, all the estate descends and must be distributed to the lawful issue of the child or children by right of representation, and this rule applies to the lawful issue of all such children, and to the lawful issue ad infinitum.

**SECTION 134.120 Escheat.** If the decedent leaves no surviving spouse or kindred, the estate escheats to the Reservation for educational purposes.

**SECTION 134.150 Degree of kindred.** The degrees of kindred shall be computed according to the rules of the civil law.

**SECTION 134.160 Kindred of half blood.** Kindred of the half blood inherit equally with those of the whole blood in the same degree, unless the inheritance comes to the decedent by descent or devise from an ancestor, in which case all those who are not of the blood of the ancestor are excluded from the inheritance.

**SECTION 134.190 Adopted child.** An adopted child and his adoptive parents or their relatives shall inherit as provided in [SECTION 127.160](#).

**SECTION 134.210 Vesting of estate if both spouses die intestate.** Whenever one spouse dies intestate, leaving heirs, if the other spouse dies intestate after the first spouse, without heirs, leaving property, the estate of the second spouse to die vests in the heirs of the first spouse to die, subject to expenses of administration and payment of legal debts against the estate.