

Precedence for Inheritance

Ref: *Sefer Mishpatim, Hilchot Nachalot, Chapter 1*

(When a will is made which differs to below, one must make sure that it is structured according to *halachah*.)

When a person dies his children inherit his estate.

The sons receive priority over the daughters.

If a person does not have children, his father inherits the estate.



A mother does not inherit her son's estate – *Mosheh Misinai*.

Order of priority regarding inheritance.


- Son
- Son's descendants (male or female)
- Daughter
- Descendants of daughter (male or female)
- Father
- Brother
- Descendants of brother
- Sister
- Descendant of sister
- Paternal grandfather
- Uncles or aunts (Males receive precedence over females.)
- Paternal great grandfather etc until *Reuven* son of *Yaakov* (no tribe will never be totally wiped out and therefore it is never necessary to go further back than this.)

Reminder

Pack on Lineage



	Precedence
Daughter or daughter of a son	Daughter of son
Brothers daughter or sister	Brothers daughter
Father family or mothers	Fathers
Mother has no husband and then dies	Her children inherit her estate
Relatives conceived by forbidden relations or relatives conceived by permitted relations	Equal rights
Maidservants son	No inheritance right (he is a servant)
Son of Gentile woman	No inheritance rights
A wife receives her husband's estate?	No

A husband inherits his wife's property (even if she is forbidden to him)	 Yes (he takes precedence over all others)
Where the <i>get</i> 's validity is questionable and husband might no longer be married to his wife. Similarly, in cases where the <i>Rabanim</i> did not recognise the marriage e.g. where one of the partners was mentally unstable	Husband does not inherit
If husband has died before wife dies	Does not inherit her estate to pass on to his heirs (Rather, if she does not have children it goes to the heirs of her father's family)