

What's the Worst Thing That Can Happen If You Die Without a Will?

Story by Soren Hottenstein • 3mo • 7-23-25

If you die without a will, the state decides what happens to everything you leave behind: your money, your home, and even your personal belongings. That process, called [intestate succession](#), can lead to bitter family disputes, unexpected outcomes, and a [probate](#) process that drags on for months or even years.

Your assets might go to the wrong people. What's more, your loved ones might lose time and money, and their relationships might suffer lasting damage.

Fortunately, a few simple steps can protect your family and your legacy while preventing unnecessary turmoil.

Key Takeaways

- Without a will, state laws decide who gets your assets.
- Family conflict is more likely when your intentions aren't clearly documented.
- Probate can drag on for months or even years and eat away at your estate's value.
- Skipping a will puts generational wealth at risk, especially for women and communities of color.

Your Assets Could Go to the Wrong People

State laws determine who gets their assets when someone dies without a will. These laws follow a fixed [order of inheritance](#) that doesn't account for personal relationships, family dynamics, or long-standing tensions. That can lead to outcomes the deceased never intended, like estranged relatives inheriting property or one child being saddled with an unwanted responsibility.

Planning ahead allows people to distribute assets intentionally and minimize future conflict. For example, if one child is likely to take over the family business, they might be given business-related assets, while others receive different portions of the estate.

"It's still fair, but it might not be identical," said Temi Siyanbade, Esq., an estate planning attorney and the founder of [TOS Legal](#), a Houston-based law firm specializing in business and legacy planning services.

With that clarity, she explained, "You're not creating opportunities for disruption. You're not creating opportunities where people can now use that to go and fight."

It Can Rip Families Apart

Even when families seem close, [inheritance](#) can stir up long-standing tensions. Without context or clarity, loved ones may fill in the blanks with their own assumptions. Some [heirs](#) might feel burdened by inheritances they never wanted—a family business, for example.

Siyanbade's advice: talk it through. Make a will, and make sure it reflects what not only you, but your heirs, actually want.

It Can Be Expensive and Drag Out for Months (or Years)

[Probate](#) is the legal process for settling someone's estate. Without a will, it often takes longer, costs more, and creates more stress for the people left behind. The court has to appoint an administrator to handle everything, from tracking down assets to paying off debts and distributing what remains. And that person might not be who you would have chosen.

In the meantime, your heirs could be stuck waiting for access to money they need or watching assets lose value as legal fees pile up. Without clear instructions in a will, probate can stretch on for months or even years.

Even without a full [estate plan](#), there are simple steps you can take to keep certain assets out of probate. One of the easiest is adding a [Payable on Death \(POD\)](#) or [Transfer on Death \(TOD\)](#) beneficiary to your accounts.

It Can Disrupt Generational Wealth—Especially for Women and People of Color

Estate planning isn't just about distributing assets—it's also about preserving wealth across generations. Without a will or trust in place, families risk losing the progress they've worked hard to build.

"In more traditional households, you might have the man who is the breadwinner," Siyanbade said. "And I've seen it happen in people in my community, where women are not equipped with this information because there hasn't been communication, and the will hasn't been put in place."

This lack of planning can lead to avoidable financial losses, particularly during what experts call the largest generational wealth transfer in U.S. history.

"For communities that have never had access to generational wealth ... now that we have access to it, we have to be so intentional about not losing those portions of our wealth," she said.

Without advanced planning, wealth may be reduced by as much as 40% through estate taxes, Siyanbade said. "You're allowing yourself to ... lose what you've worked for," she said. "Let's actually keep it. Let's make it actually generational."

How to Make a Will

Creating a basic will doesn't have to be expensive or complicated. You can draft one yourself using reputable online services, or work with **an estate planning attorney** for more tailored guidance, especially if you have minor children, own a business, or have a blended family. You can even use a **high-quality online will maker**. No matter the method, the most important step is simply getting started.

And don't want a will? Add a Payable on Death (POD) or Transfer on Death (TOD) beneficiary to your accounts. These override what's in a will.

These designations let you name someone to receive your bank accounts, investment accounts, and—in some states—even vehicles or real estate. Those assets go directly to the person listed without going through probate when you pass away.

The process is typically free and can be done through your bank or brokerage, with no lawyer required.

The Bottom Line

Dying without a will doesn't just create paperwork—it creates real, avoidable problems. When the court decides what happens to your estate, your wishes may not be honored, and your loved ones could be left with confusion, conflict, or costly delays.

Creating a will is one of the simplest ways to protect your family and preserve what you've built. "Let's not rely on someone else to determine what happens with our legacy," Siyanbade said.

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