

## **Absence of last will**

### **Question:**

I am a Russian citizen. I was married to a citizen of Cyprus for seven years, I did not receive citizenship. My husband died, he did not make last will. There is a house, which belonged to him. Now other heirs have appeared (distant relatives). For what can I claim in this case?

### **Answer:**

Your query is governed and construed by the “Wills and Succession” Law, Chapter 195 of the Laws. According to the provisions of this Law, the nationality or the citizenship does not constitute any bar to the succession in inheritance, so the status of your citizenship is not of legal importance in this case (para.16 of Cap. 195). In addition, the succession to inheritance, may be either by Will, or by the operation of Law, or by Will and also by operation of Law, so the fact that your husband did not make any Will, does not prevent you from claiming your legal inheritance, i.e. the house. Moreover, the said Law, expressly provides, that in the case where a person dies and leaves a wife or a husband, such wife or husband shall, after the debts and liabilities of the estate have been discharged, be entitled to a share in the statutory portion and in the indisposed portion (i.e. which was not disposed via Will), that is to say, if the deceased has left besides you (i.e. his wife) any child or descendant thereof, your portion to the estate, will be equal to each of his children. If your husband did not had any children or descendant thereof, but any ancestor or descendant thereof within the third degree of kindred to the deceased, then such share shall be the one half of the statutory portion and of the un-disposed portion. If your husband had no children nor descendant thereof, nor any ancestor or descendant thereof, within the fourth degree of kindred to the deceased, such portion shall be the whole statutory portion and the whole undisputed portion. The degree of kindred is ascertained as follows: when the two persons are in the direct line of descent the one from the other, by reckoning the number of generations from either of them to the other, each generation constituting a degree. For example, first class are the legitimate children of the deceased living at his death (equal shares) and descendants living at the death of the deceased (equal shares per stripes). Second class, father, mother of the deceased living at his death (or if not living at his death, the nearest ancestor living at his death and brothers and sisters of the full and half blood, living at his death (all in equal shares except that brothers and sisters of the half - blood take half the share of a brother or sister of the full blood, and so on up to the fourth class.

In any case, the above provisions regulate the succession of any prospective heirs, including you. An administrator (e.g. a registered Lawyer) for the inheritance (i.e. the house) may be appointed. It is proper for you to consult a lawyer, who will consult you based on the facts of your case (e.g. regarding the kindred) and who will assist you to acquire your legitimate and fair portion of the house.

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