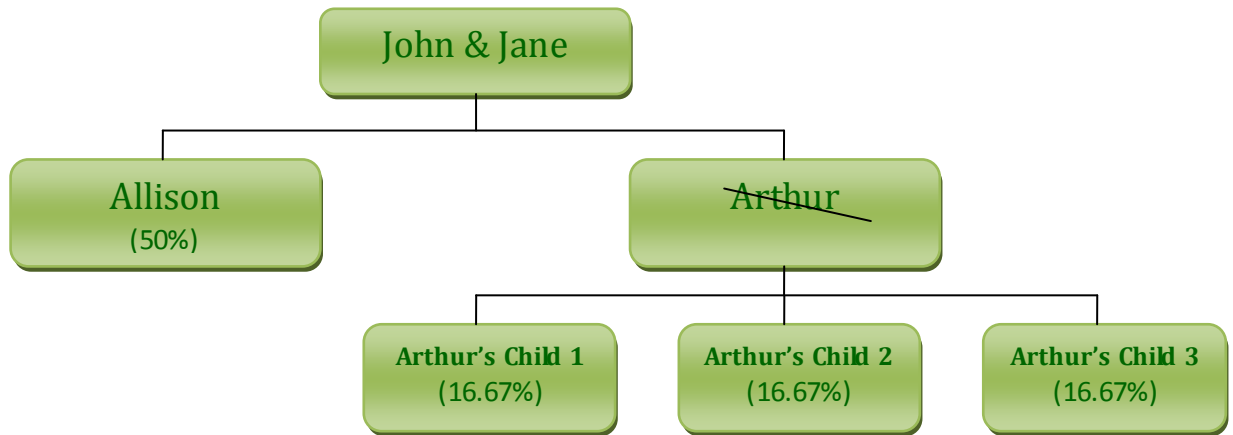


BY REPRESENTATION or PER STIRPES?

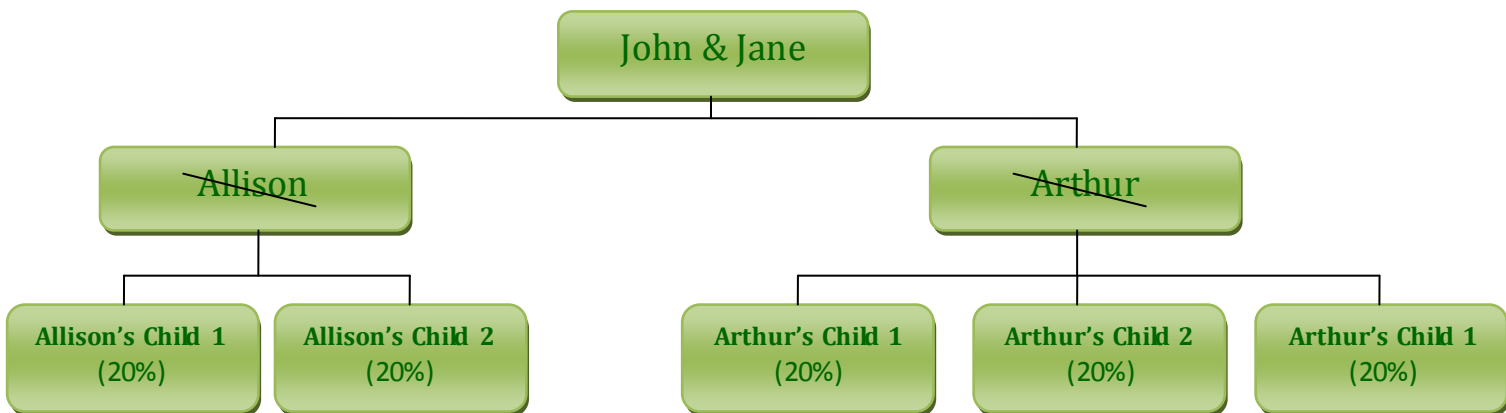
A New York resident dying intestate (with no testamentary document directing the disposition of their assets) relies on New York Estates Powers and Trust Law § 4-1.1, which directs that the decedent's heirs inherit "by representation." Alternatively, the decedent could have died testate (prepared a Last Will and Testament) and left his Estate to his heirs "per stirpes." Planning is important so that your wishes are met in the event one or more of your descendants should predecease you. The following hypotheticals reflect the difference between **By Representation** and **Per Stirpes**.

John and Jane have two children, namely Arthur and Allison. Arthur has three children and Allison has two children. John and Jane want their combined Estates to be distributed equally to their children. However, what happens if one or both of their children should predecease John and Jane?

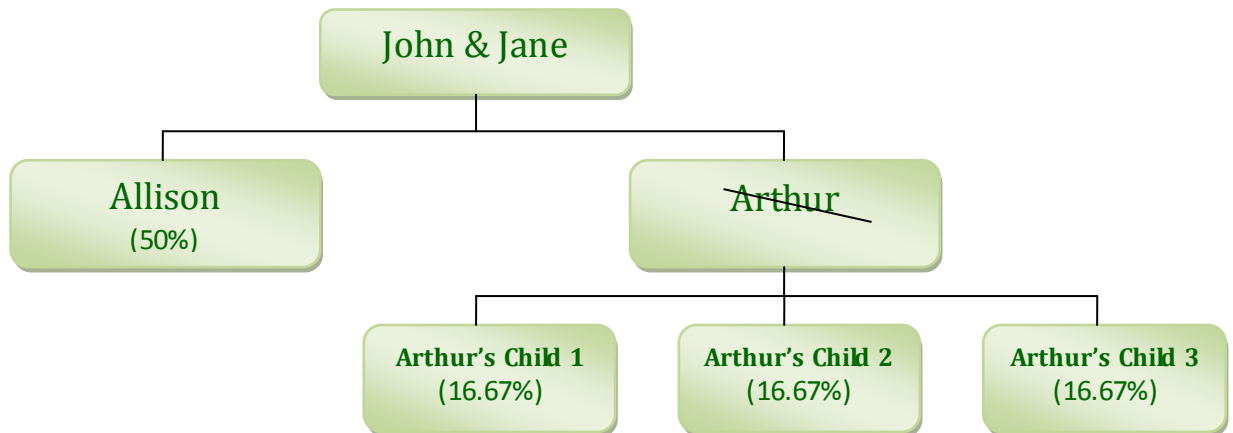
By Representation: John and Jane died leaving no Will (or provided in their Wills for the equal distribution to their children, by representation). In the event Arthur predeceases his parents, Allison would inherit 50% and Arthur's children (John and Jane's grandchildren) would each take one-third of Arthur's 50% share.



In the event **both Allison and Arthur predecease** their parents, then each of the children of Allison and Arthur (John and Jane's grandchildren) would receive equal shares.



Per Stirpes. John and Jane died leaving a Last Will & Testament providing for an equal, per stirpetal distribution to their children, but only Allison survives. The distribution would be identical to the “by representation” distribution set forth above.



But if both Allison and Arthur predecease the testator, both children’s shares would be split equally among their respective families (i.e., Allison’s children splitting her share, and Arthur’s children splitting his share):

