

Guide to Succession and Estates

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SuccessionAccordingingLaw

Succession according to Law In the absence of a will the heirs can be relatives of the deceased. The Succession Law defines the order of legal succession. The deceased's estate passes to the Administrator General in the Ministry of Justice when the deceased has no heirs.

What is succession?

According to the the succession Law if the deceased leaves a will, his property passes to the heir in accordance with the Succession Law. Succession occurs in accordance with the Will. The heirs are the persons, bodies and legal entities appearing in the Will.

Succession under a will - the succession is called Lawful Inheritance by Will. The heir is called the lawful heir under the will, and the estate is distributed as set out in the will. If there are no heirs the estate passes to the Administrator General or to the State. If the estate of the deceased passes by law to the relatives of the deceased according to the estate of the deceased. If he had no lawful relatives to succeed him to whom his estate will be distributed. according to local jurisdiction, an application may be submitted to the Succession Cases Registrar at the Ministry of Justice for a Succession Order or to the Rabbinical Courts.

Provident Funds and Life Insurance: These are not considered for distribution from the estate of the deceased, and the beneficiary appearing in the records will automatically inherit them. Any other case must be expressly stated in the body of the will.

[The Succession Law -1965The General guardian](#)

The Succession Cases Registrar

Who can inherit?

The system of succession in Israel is based on blood relationships between parents and children, and according to which the heirs of the deceased are his closest relatives - spouses (the nearest relative that is not a blood relative) parents, offspring or other relatives according to the order of succession. Unborn relatives are also included in the possible heirs of a deceased if their date of birth occurs within 300 days of the date of the deceased's death.

If the deceased has no heirs in the ranking referred to in the Law - his estate passes to the State, which is represented by the Administrator General in the Ministry of Justice.

Order of heirs

In the absence of a will, the first right of inheritance is divided equally between the spouse of the deceased and his children. The spouse receives one-half of the inheritance and the children divide the remaining half between them in equal shares. In addition to one-half of all the property the spouse is entitled also to inherit the goods and chattels and motorcar of the deceased, should there be any such items. A widow is also entitled to receive from the estate, Marriage Contract (Ketubah) payment and increment and in certain circumstances she can also demand maintenance from the estate.

Common Law spouses: Under Section 55 of the Succession Law, in the absence of a will, the right of succession of a common law husband or wife of the deceased is equal to that of a married couple but only if the common law husband or wife are not married to other parties, and when the surviving partner proves that he/she and the deceased were common law husband or wife, and maintained a joint household.

The estate of a deceased who left a spouse but did not leave children is divided equally between the spouse and the parents of the deceased or his brothers and sisters. The spouse receives 2/3 and the siblings receive 1/3 between them.

The spouse only inherits the whole of the estate if the deceased did not leave children, siblings or parents.

Parents of the deceased, his brothers and sisters share the whole of the estate only where the deceased did not leave a spouse and had no children.

The estate of a deceased who left children but did not leave a spouse is divided equally between his children. Even if his children are not alive, the estate is divided between the grandchildren of the deceased. If any of the children of the deceased has died before him that deceased child's share

passes to the grandchildren of the deceased in equal shares. If any of the heirs of the deceased has died after him - his share passes to his heirs under a Succession Order/Will Probate Order.

The estate of a deceased who had no children and did not leave a spouse, parents or siblings, is divided equally between the grandparents of the deceased and their offspring.

The estate of a deceased who has no heirs passes to be administered by the Administrator General and is kept for several years in order to enable heirs that are subsequently discovered to claim their inheritance. After the time prescribed by Law has elapsed, the estate passes to the State.

What is a Succession Order?

A Succession Order is a legal order issued by the Succession Cases Registrar, which governs division of the estate of the deceased who did not make a will. A Succession Order does not specify in detail the manner in which the items of property are to be distributed, but determines the issue of the rights of succession and the heirs of the deceased. In order to obtain a Succession Order you must submit an application for a Succession Order to one of the offices of the Succession Cases Registrar, or to one of the Rabbinical Courts.

Four sets of the following documents (one original and three copies) must be attached to the application:

Two payment vouchers in respect of payment made in the Postal Bank or [through the internet](#) - in accordance with the fee tariffs prescribed in the Regulations. A spouse, parent or child of a person who has died as a result of warlike or hostile action or has died during military service, are exempt from payment of the fee.

A form of application for a Succession Order signed by the applicant, who has an interest in the estate either as an heir, Estate Administrator, creditor of one of the heirs, who makes a declaration to that effect which is authenticated by a lawyer, a notary, a judge, a religious court judge or the Head of the Local Authority.

[Original death certificate](#) or a true copy of the original.

Notifications to all the heirs of submission of the application, with the approval and signature of all the heirs or with the inclusion of a certificate of having sent the notification by registered mail.

An original Power of Attorney or a true copy of the original must also be enclosed with an application that is submitted by a lawyer on behalf of the applicants.

Further information about the application for a Succession Order can be found on the website of the Succession Cases Registrar:

[Application for a Succession Order in the Religious Courts](#)

[Applicant for a Succession Order to the Succession Cases Registrar](#)

[Information page for a person submitting an application for a Succession Order](#)

[Offices of the Succession Cases Registrar.](#)

Forms

[Application for a Succession Order in the Religious Courts](#)

[Application for a Succession Order to the Succession Cases Registrar](#)

Payments

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[Notice of opening of Succession Case File in a Rabbinical Court](#)

[Fees in the Shariya Courts under the Succession Regulations](#)

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