What is “Per Stirpes” in Inheritance?

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Understanding "Per Stirpes" in Inheritance

What does "per stirpes" mean in simple terms?

"Per stirpes" is a legal term that means your inheritance passes down through family branches. If a beneficiary dies before receiving their inheritance, their children automatically step into their shoes and receive their parent's share.

How does per stirpes distribution work?

Think of your family as a tree with branches. Each child represents a main branch. If that branch is broken (the child has passed away), the smaller branches growing from it (grandchildren) still receive what would have gone to that main branch.

Simple Example:

- Mr. Tan leaves his estate to his 3 children per stirpes
- Child A and Child B are alive
- Child C passed away but has 2 children
- Result: Child A gets 1/3, Child B gets 1/3, and Child C's two children split 1/3 (getting 1/6 each)

When does per stirpes apply in Singapore?

Per stirpes distribution happens when:

- The will specifically states "per stirpes" or "to my descendants per stirpes"
- You die without a will (intestate) - Singapore law automatically applies per stirpes rules for non-Muslims

- Certain trust documents specify this distribution method

What's the difference between per stirpes and per capita?

- **Per stirpes**: Inheritance divided by family branch - grandchildren only inherit if their parent has died
- **Per capita**: Everyone at the same generation level gets an equal share

Why might I want per stirpes in my will?

Per stirpes ensures that:

- Your grandchildren aren't left out if their parent (your child) dies before you
- Each family branch receives an equal portion
- Your inheritance follows your bloodline as you intended

What if I don't specify per stirpes in my will?

If your will simply states "to my children in equal shares" without mentioning per stirpes, and one child predeceases you, their share may go to your surviving children instead of to their children (your grandchildren). This depends on how your will is worded.

Do I need to update my will if a beneficiary passes away?

If your will includes per stirpes distribution, you typically don't need to update it when a beneficiary dies - their share automatically passes to their descendants. However, it's always wise to review your will periodically with your lawyer.

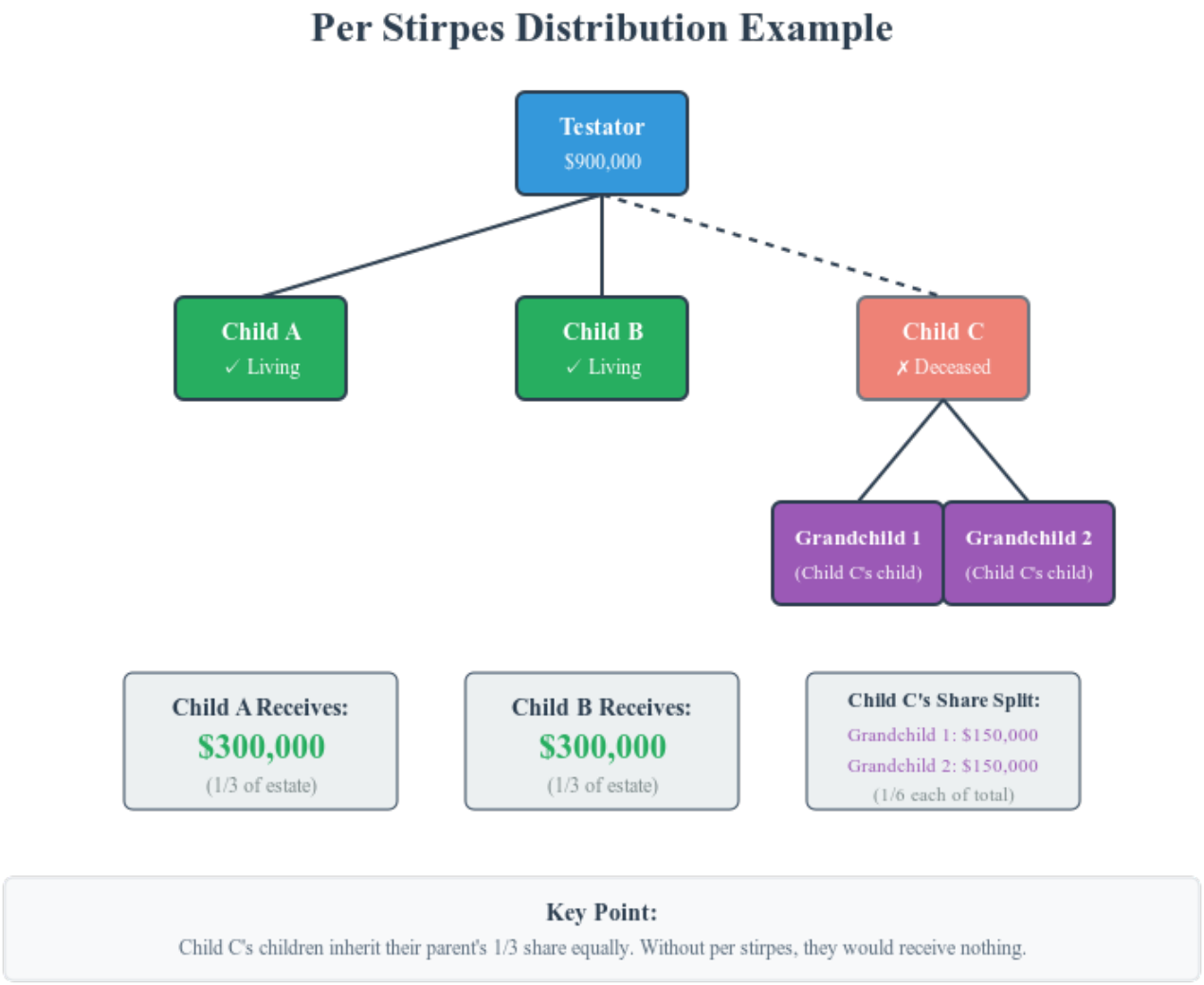
Per Stirpes Distribution Example

We will illustrate with the following example and diagram below:

1. **The Testator** (the person who passed away) with an estate of $900,000
2. **Three children**:
    - Child A and B are living (shown in green)
    - Child C has passed away (shown in red with a dashed line)

3. **Two grandchildren** from Child C (shown in purple)
4. **The distribution**:
    - Each living child receives 1/3 ($300,000)
    - Child C's two children split their parent's 1/3 share, getting 1/6 each ($150,000)

The key takeaway highlighted at the bottom shows that without per stirpes, Child C's children would receive nothing. With per stirpes, they inherit their deceased parent's share, ensuring the family branch isn't cut off from the inheritance.



Related Links

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