

Oklahoma Intestacy Chart

Descent and distribution at a glance · 84 O.S. § 213

Who inherits Oklahoma property when a person dies without a will, under 84 O.S. § 213. For deaths on or after July 1, 1985, the surviving spouse's share turns on whether the property was acquired by the joint industry of the husband and wife during the marriage (coverture), so characterize each asset as joint-industry or other property first. Deaths before July 1, 1985 follow an older framework, summarized at the bottom and covered in full in the Oklahoma Intestate Succession guide.

Married person — the surviving spouse's share

Deaths on or after July 1, 1985. Where the split differs by property type, both are shown.

ALL PROPERTY

No children, and no surviving parent, brother, or sister

[84 O.S. § 213\(B\)](#)

All

Surviving spouse

JOINT INDUSTRY

No children; survived by a parent, brother, or sister

[84 O.S. § 213\(B\)](#)

All

Surviving spouse

OTHER PROPERTY

No children; survived by a parent, brother, or sister

[84 O.S. § 213\(B\)](#)

$\frac{1}{3}$

Surviving spouse

$\frac{2}{3}$

Parents, then siblings

The two-thirds not going to the spouse passes under the order in the next section: parents first, then siblings.

ALL PROPERTY

Children, all of whom are also the surviving spouse's

[84 O.S. § 213\(B\)](#)

$\frac{1}{2}$

Surviving spouse

$\frac{1}{2}$

Children, by representation

JOINT INDUSTRY

A surviving child who is not also the surviving spouse's

[84 O.S. § 213\(B\)](#)

$\frac{1}{2}$

Surviving spouse

$\frac{1}{2}$

Children, by representation

OTHER PROPERTY

A surviving child who is not also the surviving spouse's

[84 O.S. § 213\(B\)](#)

Equal

Surviving spouse and each child share alike

Per capita: the surviving spouse takes the same share as one child. With two children the split is thirds, with three it is quarters, and so on.

The rest of the estate, and when there is no surviving spouse

The share that does not pass to a spouse, and the whole estate when there is none, descends in this order (§ 213(B)).

Surviving children or their issue

[84 O.S. § 213\(B\)](#)

All

Children and their issue, by representation

No children; surviving parents

[84 O.S. § 213\(B\)](#)

$\frac{1}{2}$

Father

$\frac{1}{2}$

Mother

If only one parent survives, that parent takes the whole share.

No children or parents; brothers and sisters or their issue

[84 O.S. § 213\(B\)](#)

All

Siblings and their issue, by representation

No children, parents, or siblings; grandparents or their issue

[84 O.S. § 213\(B\)](#)

$\frac{1}{2}$

Paternal kindred

$\frac{1}{2}$

Maternal kindred

No surviving spouse, issue, or kindred

[84 O.S. § 213\(B\)](#)

All

Escheats to the State for the support of the common schools

Deaths before July 1, 1985

An older framework applies. In broad strokes: a surviving spouse and one child take equal shares; a surviving spouse and two or more children give the spouse one-third and the children the balance; and joint-industry property with no issue passes entirely to the surviving spouse, then splits one-half to each spouse's heirs at the survivor's death. Old chains of title turn on the exact date of death. The full pre-1985 tables are in the Oklahoma Intestate Succession guide.

Full statute text: [84 O.S. § 213](#). "Joint industry" means property acquired by the joint effort of the spouses during the marriage; it is a rule of descent, not a property right during the marriage.

This chart is prepared for landmen and title professionals as a working field tool. It is not legal advice and does not substitute for the advice of qualified Oklahoma oil and gas counsel. Distributions turn on facts such as the date of death, whether property was acquired by joint industry during coverture, prior marriages, and predeceased heirs, and Oklahoma has additional rules (half-blood, advancements, and others) not shown here. Complex or disputed heirship should be referred to a licensed Oklahoma attorney. Citations are to 84 O.S. § 213; verify against the current statute.