



ARE BRITISH AND IRISH WILLS VALID IN SPAIN

There is still a consensus amongst the European community that drawing up a British will is sufficient for assets in Spain.

It is both legal and within your rights to do this.

The problems occur when the executor of the will has to go to the expensive and lengthy process of sending the will to probate. You will have to contact a lawyer in Spain who will in turn contact a lawyer in the country where the will was drawn up.

Having a Spanish will allows the relevant authorities to simply adhere to your wishes ensuring that a property or assets can be easily passed down to your inheritors.

It is equally as important to draw up a will in each country where there are asset.

Take note:

Only mention the assets in the relevant country. Adding assets abroad in the Spanish document will only complicate matters.

Ref: 00/0009

Date: 22/01/14

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Remember as a European citizen you have the advantage over your Spanish counterpart where the law dictates who must inherit.

Non-Spanish residents may bequeath their assets according to the law of their country of nationality.

It is fair to point out that a sibling or anyone else, who feels they have an entitlement as an heir, does have the right to contest the will in Spain as in any other country.

A problem may arise if you have disinherited children.

A Spanish court may reach a conclusion favouring progeny.

UPDATE: Some notaries are preempting a EU directive and commencing to add a clause to the effect of: 'This will is drawn up respecting the right of the law of my home country etc.

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10/12/ 13

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