

Drafting a Will Referring to Spanish Assets and Spanish Estate Planning



A practical guide for drafting a Will that refers to Spanish assets and Spanish estate planning

Why should I draft a Spanish will?

3 MAIN REASONS:

1. It is faster and cheaper if you have a Spanish Will than if you have an English Will referring to your assets in Spain.
2. You can choose your national law (English Law) to be applicable to your succession related to your Spanish assets.
3. You can plan your taxes ahead of time for the future.

SCENARIOS:

- **Couple with children from previous marriages:** If two divorced UK nationals buy a property in Spain and have children from their previous marriages, it is highly advisable to plan in advance the distribution of the shares of the Spanish properties. If they don't do a Will referring to Spanish assets and intestacy law applies, the case can become very complex.
- **A person with no close relatives:** When someone dies with no close relatives it can be very difficult to establish who is going to be the ultimate heir.
- **UK national who can potentially retire in Spain:** They need to do their Spanish Will because of the choice of law. It is highly advisable that a UK national expressly chooses the applicable law to his/her inheritance as being the national law, which is English law. English law, as opposed Spanish law, has no compulsory heirs.

How can I proceed in making a Spanish Will

DO IT IN SPAIN:

1. The Will should be done before a Notary Public in Spain
2. The Will is in Spanish
3. No witnesses are required to sign the Will
4. Once it is signed, a Spanish solicitor such as ProbateInSpain by Temis & Co will register it at the The Central Registry of Wills in Spain

DO IT IN THE UK:

1. The Will should be done before a Notary Public in the UK
2. The language used in the Will should be in Spanish and English
3. Two witnesses are required to sign the Will
4. The Will needs to be apostilled with the Hague Apostille
5. Once signed, the Notary in Spain will register it at The Central Registry of Wills in Spain

The information contained in this guide is meant for information purposes only and you should seek your own legal or professional advice where applicable.

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