

French Legal Services FAQ



French Property Sales and Purchases

Do you deal with lease back ownership purchases and sales?

We are able to deal with such matters, however such transactions tend to be more complex than a standard purchase. It is important to understand such methods of property purchasing in detail.

We can also assist with leaseback sales although again, these tend to be more complex than standard sales.

How long will my matter take?

A conveyance in France can typically take anywhere between three and six months to complete. This is partly to do with how fast the estate agent and *notaire* are able to deal with the matter in France, how quickly the other side deals with matters their end, and also whether the purchase is being financed with a mortgage.

Do you provide cross border tax advice?

We provide cross-border advice on inheritance tax and estate planning matters, and also capital gains tax but we do not usually advise on cross-border income tax. For this you should seek a specialist accountant.

Do you provide a fixed fee? What are your charges?

We can provide you with a fixed fee for your matter and will need to review your documentation in order to provide you with this. The work we carry out is bespoke and there is no "one size fits all". Once we have a clear idea of your matter including exactly what advice you are looking for from us then we will be able to provide you with a quotation.

Do I need to have a *Notaire* involved when buying or selling a property in France?

Yes, the *notaire* draws up the sale contract and final title deed, receives the purchase monies and ensures the correct tax is paid to the state.

How do I prepare for my initial meeting?

Think carefully about the details of your matter. Make a list of the main points you want to make or the questions you want to ask. Get together any paperwork that might be relevant and put it in some order so you can refer to it quickly. This will make it faster and easier for your solicitor to understand your circumstances and give you the appropriate advice.

Why do I need to complete the Questionnaire or submit any documents at the enquiry stage?

This will help us to gain a better understanding of your situation and how we can best assist you with your matter based on the necessary information you have provided to us.

Why do I have to provide I.D?

If we have not acted for you before or a solicitor has not taken instructions from you for some time, new government money laundering regulations mean you must prove who you are. This means you will have to show your solicitor or somebody acting on their behalf some personal identification documents that can include:

- Current signed passport (or certified)
- Photo-card driving license (or certified)
- Identity card
- Recent gas, electricity or other household bill dated within the last 3 months (or certified).

What does a title deed look like?

It will likely have a coloured cardboard cover around it with the notaire's details on the front. It should be about 30 pages long. If you have a document which is only two or three pages long then this is an *attestation*.

Should I get a surveyor?

If you are at all concerned about the structure of the property then as in the UK it is wise to instruct a surveyor. We have a list of bilingual surveyors on our website.

French Estate Planning and Wills

Should I have an English Will, a French Will or both?

This very much depends on where you live, what assets you have and where they are situated. We will analyse your specific situation before advising on what would work better in your circumstances. Generally speaking, for British clients who are resident in the UK and have a holiday home in France, we often advise having an English Will covering your worldwide assets excluding those situated in France, and a French Will covering only assets situated in France. It is important that the two Wills are drafted carefully to ensure that they work alongside one another.

What information do you need from me in order to provide advice?

We will need:

- certified photo ID (passport/driving licence), and evidence of your address for compliance checks
- your completed estate planning questionnaire
- copy of any existing Wills (English/French/other)
- copy of the title deed to your French property.

What does my French title deed look like and what will happen if I cannot find this?

When you bought your French property, the French *notaire* should have given you a copy of the final purchase deed, often entitled the *Acte de vente* or '*Titre de Propriete*'. It may just have the names of the original seller and buyer, the date of the purchase, and the notaires name on the front. The *notaire* will be holding the original. We need to see a copy of the first 6-8 pages of this document to check exactly how you own the property. If you cannot find it then we would need contact details of the French *notaire* who dealt with the purchase so that we can contact him/her for a copy. It can sometimes take a while to obtain the copy deed from the *notaire*.

Can I have English succession law apply to my succession in France instead of French law?

Following the introduction of the EU succession Regulation, it may be possible for you to choose to have English succession law apply to your estate in France. This is something that we will advise on, before we draft any Wills for you.

When should I make a French Will?

If you own assets situated in France then we would advise you to have a valid Will covering who these assets should pass to when you die. If you are in the process of purchasing a French property then we can prepare your French Will in advance of completion.



I already have an existing English Will drafted by my local Solicitor. Do I need to change this or can you draft a French Will to go with this?

We will need to see a copy of any existing Wills that you have in place, before drafting a new French Will for you. If we see that your existing English Will is perfectly valid and does not need updating, then we will advise you that there is no need to change this Will; we can draft your French Will to sit alongside it. If we feel that your English Will needs updating we will let you know; you can decide if you would like your local Solicitor to update it or whether you would like our firm to draft a new English Will for you.

Why do you need information about my UK assets if I am only asking you to draft a French Will for my French estate?

We need to have a rough idea of the value of your UK assets so that we can establish whether your estate is likely to be taxable in the UK. This can affect the advice we give about options relating to your French estate planning. We do not need exact figures and valuations for your UK assets, just estimates.

How long will it take for you to draft my Will?

Timescales depend on how quickly you provide all of the information and copy documents, how complex your situation is and of course, our workload. Please let us know if you need your Wills drafted urgently and we will do our best to accommodate this. Once we have received all of the relevant information and copy documents from you, we will consider your personal estate planning situation and prepare a detailed report with our advice. We may also send your Will drafts at this point, although if we feel that you should consider different options, we will wait to hear from you with further instructions, before drafting your Wills.

What does a French Will look like?

The most common type of Will in France is known as a holographic Will. To be valid, the Will must be handwritten, signed and dated by the testator (ie. the person making the Will). We will send you a typed version of your Will, which you will then need to write out on an A4 piece of paper. We will send full instructions for completing your Will to you with your Will draft.

Do I need to sign my Will in France before a French notaire?

It is not necessary to have your signature witnessed on a French holographic Will, therefore you can complete your Will



on your own and then post it to us for registration. However, we recommend that you complete your French Will when you are in France, if possible. If you are planning a trip to France in the near future then this would be an opportunity to write your French Will out when you are there. We will explain this further when we report to you.

Does a French Will have to be registered and where will my Will be stored?

It is not compulsory to register your French Will although we register Wills that we prepare for our clients with the French Wills Registry so that it is easier for someone to locate the Will when required. We would store your French Will safely in our firm's strong room. Some clients who live permanently in France may wish to have their Will lodged with their French notaire rather than with our firm; we explain this option to our clients where relevant.

Can I make changes to my French Will?

Once you have made a Will you may decide to make changes to it in the future. It is important to contact us for advice on this, to avoid the risk of invalidating your Will.

Will Brexit affect my estate planning and Wills?

The validity of a Will in France and the UK is governed by local rules and also international treaties which are not connected to the EU. Brexit should not therefore affect the validity of your Will. We will explain the EU Succession Regulation to you when we report to you; Brexit does not impact this regulation.

Will Inheritance Tax be payable on my death?

You may have an inheritance tax liability in both France and the UK when you die. This is something that we will look at and cover in our estate planning advice, before we draft any Wills for you. We will explain how inheritance tax works in France and we will make suggestions for minimising this, if possible.

French Successions - Estate Administration on Death

Who acts as administrator for the Estate in France?

This will depend on the applicable succession law, any Will(s) left by the deceased and who the beneficiaries of the estate are. When you instruct us to advise on a French succession we will set out how the estate will devolve, who will need to sign the French paperwork and how this is done.

“Ashtons Legal has a leading reputation in terms of experience and expertise, and a national and international practice.”

Legal 500

“ I couldn’t recommend these lawyers highly enough: they were integrity personified.”

Chambers & Partners

Do I have to instruct a French *notaire* as well as Ashtons Legal?

Where the deceased leaves French real property (house or land), the succession deeds have to be drafted by a *notaire* in France. We will liaise with the *notaire* to help with the preparation of the deeds and to ensure that the deeds are accurate, ready for signature. We will explain the various deeds to you in English. If the deceased only leaves bank accounts in France then we would normally be able to draft the relevant legal documents for the banks without the need to involve a *notaire*.

What information do you need from me in order to provide advice?

We will need:

- your certified photo ID (passport/driving licence), and evidence of your address for compliance checks
- your completed succession questionnaire and personal details
- an original death certificate
- copy of any Wills (English/French/other) left by the deceased
- copy of the title deed to the French property (we can help obtain this, if necessary)
- a recent valuation (we can help arrange this, if necessary)
- details of French bank accounts and investments, if possible
- details of children of the deceased (including children that have pre-deceased, children from previous relationships and adopted children, even if estranged)
- confirmation of the identity of any surviving spouse.

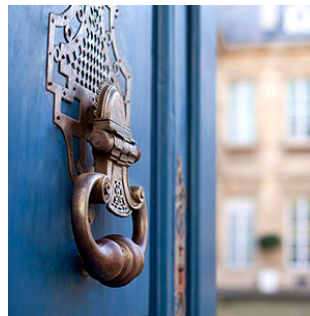
We will let you know what other documents are needed in relation to the heirs/beneficiaries (copy passports, birth certificates and evidence of marriage and divorce if applicable).

Will there be inheritance tax to pay in France?

This will depend on who is inheriting the assets. Once we have a file open for you, we will advise you early on as to the inheritance tax situation and the deadline for the payment of tax.

How long will it take to finalise the administration of the estate in France?

This will depend on several factors, including how quickly you can provide all of the necessary information and documents, the complexity of the succession, how quickly the *notaire* can prepare the draft deeds and which French tax office is involved. You should bear in mind that it generally takes several months to finalise a succession in France, sometimes longer.



What to do next?

For individual advice please contact us

The Long Barn
Fornham Business Court
Bury St Edmunds
Suffolk IP31 1SL

E: enquiry@ashtonslegal.co.uk
T: 0800 915 6037