



Article written by Michael Davies Solicitors/Abogados

## WILLS & ESTATE PLANNING

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Making a Spanish will is easy , quick and not expensive.

Making a will makes things easy for your heirs and can save a lot of tax.

We will discuss your wishes with you and make sure that you sign a will in which your Spanish estate is left to your loved ones in the most tax efficient way.

We will make sure it combines correctly with your English will.

We are experts in this field. The meeting to discuss your wishes will always be with Michael Davies who is an expert in everything surrounding wills and inheritance for foreigners living in Spain.

Your WILL is handed to you in two columns English /Spanish, witnessed by a local Spanish notary and registered at the central register of wills in Madrid.

If you wish we can prepare, sign and register your will all in one morning. This is our express service and has no extra charge. Simply inform the secretary when making the appointment that this is what you need, and she will give you a 10 am appointment. Everything will be finalised and you will have a valid Spanish will by 13 hours.

If you already have a Spanish will, but feel that you wish to change it , or simply feel that you would like a second opinion to make sure there is no better way of organising your last wishes, we will be happy to discuss the will with you , and if you decide to change it we will charge half our normal fee.

We like the challenge of complicated inheritance work when it arrives on our doorstep, but we will never stop insisting that all our clients should make a Spanish will. What follows is an article that I wrote back in 1993, which was published in various English papers and is still valid today.

### **DO I NEED A SPANISH WILL?**

Since setting up office I have been surprised by the amount of people who have come to me to ask whether it is convenient to make a will in Spain concerning their Spanish assets.

The answer to this is most definitely yes. It is not an option, it is essential.

In England if you do not make a will, then the law has rules, which will determine the distribution of your assets. These rules could mean that your assets are distributed in a way very different from what you would have liked.

In Spain the situation is the same, with an additional factor. Your heirs will have to deal with a foreign language and legal system. All the more reasons to leave everything as organised as possible.

Some people include their Spanish assets in their English will. This is legally binding, but to obtain probate in Spain, it will be necessary for the will to be translated and legalised. This is a long and costly procedure.

My advice on the subject is to have two separate wills, one in England for your English assets and one in Spain for your Spanish assets. Drawing up a will in Spain does not take long and is not expensive, and will definitely save your heirs a lot of time, problems and money. Your Lawyer will meet with you to discuss your wishes, he will then draw up the will (in two columns English /Spanish) and finally he will make an appointment at the notary to sign the document. One copy is sent by the notary to the central register in Madrid. He will hold on to the original copy. You will be given a copy that I suggest you inform your heirs and lawyer in England about, and then put it in the bottom draw, with the peace of mind of knowing that everything is taken care of.

A Spanish will can also save you inheritance tax. (seek advice from your solicitor)



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