

The questions and information below are provided to assist people resident in France with end-of-life planning so as to simplify as far as possible the task for the person who must manage your estate on death. Please note that information here is provided in good faith but it is not intended to be legal advice. If in doubt, contact a professional.

**Key questions**

Do you have a will?

If married, do you have the right marriage contract to protect the surviving partner?

If married, does the surviving partner have immediate and automatic access to all assets?

Have you added beneficiaries to all possible accounts?

Have you designated a “personne de confiance” (prime and contingent)?

If you are incapacitated, does that person know your living will wishes (directives anticipées)?

Have you given that person all you information about relatives, accounts, property, passwords (even a supposedly simple item such as the password access to your smartphone), notaires, keys... ?

Does that person know where all your documentation is held (birth certificate, passport, marriage certificate...)

Does that person know your funeral arrangements?

See the Connexion guide on inheritance, primarily for UK residents in France

<https://shop.connexionfrance.com/products/inheritance-law-and-wills-in-france-copy>

**Will (English and French)**

- Hand written will (holograph, olographe)
  - o Notaire not essential but recommended for correct terminology and registration
  - o State clearly your wishes for inheritance within French law
  - o Valid in FR and must be signed ONLY by the writer
  - o Not valid in UK/US so best to have a UK/US will with 2 witnesses that cross-references French will
  - o If there are several pages number each page and put your initials at the bottom of each page
- An alternative French will with witnesses is termed a testament authentique and drawn up by notaire
- State clearly your wishes for disposition of the body (volonté funéraire) or include in Living will (directives anticipées)
- Ensure the location of the original will is known and accessible by your “personne de confiance” (see below)
- Register each will with a notaire or lawyer
- On death, it is usually easier and cheaper to handle UK/US side in the UK/US and French side in France
- Grant of Probate in UK is required for any UK assets as well as having a notaire in France for the Acte de Notoriété etc.
- Executor not needed in France, this is the role of the notaire, and not normally needed in UK (cf Connexion guide) but could be helpful in US to simplify probate

**Beneficiaries**

- Do you have beneficiaries on all possible accounts?
- In the US, ensure beneficiaries (primary and contingent) are added to IRA, 401K, investment accounts and POD designations for regular bank accounts

### **Living will (directives anticipées)**

- Covers your wishes in case of severe disability or hospitalization
- Also covers disposition of the body
- Can add personne(s) de confiance
- File online in "monespacesanté.fr and copy held by "personne de confiance"

### **Marriage contract**

- Type (séparation de biens, communauté réduite aux acquêts, communauté universelle).
- Note that a marriage in the UK or US (normally without a pre-nup) by default is regarded as "separation de biens" for those subsequently residing in France
- Under séparation de biens all property owned at the time of the marriage and bought during it remains owned by the person who paid for it or was given or bequeathed it.
- Under communauté universelle all assets acquired after marriage are owned in common.
- The default arrangement in a French marriage (communauté réduite aux acquêts) is equivalent to communauté universelle for purchases made during the marriage and for most forms of income, however each spouse remains sole owner of property they brought into the marriage and of gifts and inheritances received during it. This benefit does not however come into play automatically; the default rule is that only half of the property goes to the survivor. For property to go to the survivor in full you need to include a specific clause in the contract specifying this, which may relate to specified property or all of it.

### **Power of Attorney**

- Mandat de protection future (medical and financial)

### **Assurance-vie**

- Useful to exclude from French estate tax
- Ensure there is a named beneficiary(s), primary and contingent
- Account number and address
- Do NOT identify in will nor in estate valuation
- Not a good investment vehicle since not recognized in US and so tax dur on notional gains annually

### **Account info**

- UK account number and address (joint if applicable?)
- US account number and address (joint if applicable?)
- FR account number and address (joint if applicable?)
- Other investment accounts (UK, US mutual funds or ETFs, FR – livre A etc) (joint if applicable?)

### **Real property**

- Country location
- Address
- Purchase document and associated marriage contract (joint if applicable?)

### **Copies**

- Passport(s)
- Birth cert
- Carte vitale, Soc sec US, UK

- Carte de séjour
- Tax filing FR, UK, US
- Marriage cert(s)
- Inventory list
- Wills
- Where are originals held?

#### **Passwords etc**

- access to smartphone, tablet, smartwatch
- access to PC (and location of any backup)
- Subscriptions (Internet/phone/tv service, magazines, EdF, GdF, mutuelle, car and house insurance Netflix, Apple, Microsoft, Connexion, email, Facebook, Amazon...) ?

#### **Income in retirement**

- US and/or UK and/or FR state pensions
- US and/or UK and/or FR private pensions contact info
- Annuities and/or US RMDs

#### **Funeral arrangements**

- Acte de décès (= death certificate) from the mairie (after the initial certificate de décès)
- Can ask the Mairie for copies of an international Death Certificate to send to UK/US organisations
- GP (medecin traitant)
- Is there an insurance policy for funeral expenses?
- Mutuelle might include a lump sum payment for funeral expenses
- Funeral contract and contact info (if applicable)

#### **Inheritance arrangements**

- Your home address and phone numbers
- Keys to apartment and building
- Apartment owner contact info (if applicable)
- Family contact information
- Notaire name and contact
- FR Acte de notoriété (like English probate)
- Estate inventory and valuation
  - o Any valuables (jewelry, pictures etc)?
  - o déclaration de succession