



# Overseas Properties - Wills and Inheritance

**If you invest in property abroad, it is advisable to draw up a separate Will from your UK Will to cover your overseas assets only. This can avoid complications caused by differences in inheritance and succession rules.**

Even if you mention your overseas property in your UK Will, the laws on inheritance tax and succession in other countries often do not work in the same way as they do in the UK. Certain foreign inheritance rules can even contradict and invalidate your intentions expressed in your main Will.

As examples, in France it is the location of the property, not the nationality of the owner, that determines how the property passes. French inheritance law dictates that your children, parents, nephews, nieces and grandparents all have a right to your estate before your spouse unless specified otherwise.

If you are deemed to be a Portuguese resident but only have a Will in the UK then the Portuguese state will intervene. This would mean that at least two thirds of your property would have to be divided between your spouse and children.

These 'forced heirship laws' do not generally recognise trusts either so this should be addressed to avoid taxation problems.



## *Time*

Another issue of not drawing up a separate Will is time.

On average the probate process in the UK can take six months to reach the stage where a property can be sold, even if everything goes smoothly.

If your overseas property is only mentioned in your UK Will, the Will has to be sent abroad to be re-examined with regard to the overseas property once the UK assets have been dealt with. This can cause serious delays and as a consequence can result in emotional and financial hardship for your surviving beneficiaries

## *Invalidation*

The most common problem encountered is due to the fact that the majority of Wills, both in the UK and abroad, contain clauses that revoke all other Wills, including those made in other counties. Unless these clauses are identified and omitted then separate Wills can invalidate each other.

## *About Us*

We have one of the largest and most highly respected Wills & Probate Teams in the Thames Valley with a breadth and depth of resource that enables us to provide a comprehensive and yet cost effective service



## Contact us

If you would like to speak to someone about our services or discuss your situation, please contact

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