AUGE HORIZON NOTAIRES | Notaires de France

GUIDE FOR HEIRS

Understanding the first steps

A word before we begin

Losing someone close to you is difficult. Alongside the emotions, there are often many administrative steps to deal with and questions that are not always easy to answer.

Our role is to support you at every stage of the administration of the estate, to explain the steps that need to be taken and to ensure that everyone's rights are respected.

This guide answers the questions most frequently asked when an estate file is first opened. Every situation is unique, so please never hesitate to ask us if you are unsure about anything.

The role of the *notaire*

The *notaire* is responsible for administering the estate in accordance with the law and with the wishes of the deceased, where those wishes have been expressed.

To carry out this role, the *notaire* gathers the necessary information, identifies the heirs, prepares the essential notarial documents and ensures that the civil and tax aspects of the estate are dealt with.

Some steps are handled directly by the *notaire*. Others must be carried out by the heirs themselves. Where this is the case, we will explain why responsibility is divided in this way and what formalities you need to complete.

Identifying the deceased's assets

To administer an estate, it is essential to establish what assets and liabilities the deceased has left behind.

Bank accounts

The *notaire* can search the French National Register of Bank Accounts (FICOBA), which identifies the financial institutions with which a person holds a bank account.

If you already know which banks held accounts for the deceased, please let us know. This can often help speed up certain steps.

Other assets

Unfortunately, there is no single register that automatically identifies all of a person's assets.

For this reason, any information you can provide about property, financial investments, life insurance policies or any other assets is particularly valuable.

Why do we ask about gifts made during the deceased's lifetime?

Where a person made gifts during their lifetime, those gifts may affect the administration of their estate.

To ensure fairness between the heirs and respect for everyone's rights, it is important to tell us about any gifts of which you are aware, whether or not they were declared to the French tax authorities.

Our role is then to assess their legal consequences.

The *acte de notoriété*

The *acte de notoriété* is the notarial document that officially establishes who the heirs are.

Once this document has been signed, many formalities can be carried out with public authorities, banks and insurance companies.

We will provide you with the certificates and supporting documents you need, depending on your circumstances.

Bank accounts

After a death, what happens to a bank account depends on the type of account concerned.

The consequences differ depending on whether the account is held in the deceased's sole name, is a joint account, or is an account held jointly without survivorship.

We will explain precisely which rules apply to your situation.

The *notaire* does not, however, have direct access to the deceased's bank accounts and cannot operate them on the deceased's behalf. With the heirs' agreement, and once the *acte de notoriété* has been signed, the *notaire* may nevertheless ask the bank to release some or all of the deceased's funds in order to pay the costs of administering the estate or to distribute the funds among the heirs.

Let property

Where a property forms part of the estate and is let to a tenant, the heirs become the new landlords.

The documents we prepare will enable you to provide evidence of your status as landlord to the tenant.

If the deceased was themselves renting their home, the heirs will need to contact the landlord to arrange termination of the tenancy and return of the property.

Bills and expenses

Some expenses naturally continue after a death.

It is important to distinguish debts of the estate from expenses that are the responsibility of the heirs.

In some circumstances, an heir may need to pay certain expenses in advance. If those expenses relate to the estate, they may be taken into account when the estate is finally settled, provided that supporting documents are produced.

Please therefore keep all invoices and receipts for any expenses you pay.

Pensions

If the deceased was receiving a pension, the relevant pension providers should be informed promptly to avoid payments being made that may later have to be repaid.

The surviving spouse may, subject to certain conditions, be entitled to a survivor's pension (*pension de réversion*).

We can direct you to the relevant organisations and explain the steps you need to take.

Income tax return

The deceased's final income tax return will still need to be filed.

This is the responsibility of the heirs or their usual adviser, such as an accountant or tax lawyer.

Any tax remaining due under that return is a debt of the estate and will be taken into account when the estate is administered.

Subscriptions and ongoing contracts

Telephone, internet, television, water, electricity, gas, insurance...

Following a death, each contract should be reviewed to determine whether it needs to be cancelled, transferred or kept in place.

Each provider has its own procedures.

We can tell you which documents are usually required to help make these formalities easier.

Life insurance

Life insurance policies are subject to specific rules.

In most cases, the insurance company pays the proceeds directly to the named beneficiary.

The beneficiary will need to contact the insurer and complete the necessary formalities themselves. We can, of course, explain which documents are usually required and answer any questions.

Where a life insurance policy must be taken into account in the French inheritance tax return, we will deal with the relevant formalities.

An estate is, above all, a family matter

Every estate is different.

Some are straightforward; others require more explanation or more time.

Beyond the legal and administrative formalities, we know that dealing with an estate is often a sensitive time, when families need to be listened to, reassured and supported.

Our commitment is to provide clear, accessible and compassionate support, so that everyone can move forward with confidence.