

French Wills & Probate Information Sheet

In France, the **notary** (*notaire*) plays an important role in helping clients to deal with Wills & Probate issues.

A copy of the **death certificate** can be obtained from the town hall (*mairie*) where the deceased was living.

Apply to the Central Registry of Wills (*Fichier Central des Dispositions de Dernières Volontés*) for a **certificate** indicating whether or not the deceased made a will.



Main types of French will:

1. **Holographic will** (*testament olographe*): a handwritten unwitnessed will
2. **Authentic will** (*testament authentique*): a formal will made before a notary
3. **Secret will** (*testament mystique*): a sealed will whose contents remain secret

Key concept: Forced Heirship

Under French law, a testator is required to leave a proportion of their estate to certain specific relatives known as forced heirs (*héritiers réservataires*).

Forced heirs:

1. **Children**
2. **Surviving spouse**



Key concept: Usufruct

The surviving spouse has the right of usufruct (akin to a life interest) over the whole of the deceased's estate.

Example of distribution of a French estate where there are two children:

Reserved portion
(*réserve héréditaire*)
1/3 – Child 1

Reserved portion
(*réserve héréditaire*)
1/3 – Child 2

Freely disposable share
(*quotité disponible*)
1/3

Key concept: Testamentary gifts (*legs*)

The testator can make universal, non-specific and specific gifts of an estate.

Key concept: Intestacy (*succession ab intestat*)

If someone dies without making a will, the rules of intestacy apply. The order of priority of entitlement is as follows (with surviving spouse):

1. **Children** (and grandchildren) and surviving spouse
2. **Parents**
3. **Siblings**
4. **Ascendants**
5. **Collateral blood relatives**

Glossary:

Acceptation	Acceptance
Acte de décès	Death certificate
Acte de notoriété	Inheritance deed
Acte de partage	Deed of distribution
Déclaration de succession	Inheritance tax return
Défunt	Deceased
Donation	Gift
Droits de succession	Inheritance taxes
Héritier réservataire	Forced heir
Indivision	Joint ownership
Legs	Testamentary gift
Quotité disponible	Disposable portion
Renonciation	Repudiation, disclaimer
Réserve héréditaire	Reserved portion
Succession ab intestat	Intestacy
Testament authentique	Authentic will
Testament olographe	Holographic will
Usufruit	Usufruct