

Spanish Wills & Probate Information Sheet

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

A copy of the **death certificate** can be obtained from the notary or from the Civil Registry Office (*Registro Civil*).

Apply to the General Registry of Last Wills (*Registro General de Actos de Última Voluntad*) for a **certificate** indicating whether or not the deceased made a will.



Main types of Spanish will:

1. **Open will** (*testamento abierto*): a will made in the presence of a notary
2. **Closed will** (*testamento cerrado*): a sealed will written by the testator privately
3. **Holographic will** (*testamento ológrafo*): a handwritten unwitnessed will

Key concept: Forced Heirship (*sucesión forzosa*)

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

Forced heirs:

1. **Children and descendants** (grandchildren)
2. **Parents and ascendants** (grandparents)
3. **Surviving spouse**



Key concept: Usufruct

The surviving spouse has the right of usufruct over part of the estate, whereby they can remain in the family home until death.

Example of distribution of a Spanish estate where there are children:

Reserved portion (<i>legítima</i>) 1/3	Additional discretionary share (<i>mejora</i>) 1/3	Freely disposable share (<i>tercio de libre disposición</i>) 1/3
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Key concept: Intestacy (*sucesión intestada*)

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

1. **Children** (and grandchildren)
2. **Parents** (and grandparents)
3. **Surviving spouse**
4. **Siblings/nephews and nieces**
5. **State**

Beneficiaries of a Spanish estate may **accept** or **reject** the inheritance.

Glossary:

Aceptación	Acceptance
Adjudicación	Distribution
Albacea	Executor
Bienes	Property, asset, estate
Herederos forzosos	Forced heirs
Herencia	Inheritance, estate
Legado	Legacy
Legítima	Reserved share/portion
Mejora	Additional discret. share
Partición	Distribution, division
Repudiación	Rejection, disclaimer
Sucesión	Succession, inheritance
Testador	Testator
Testamento	Will, last will & testament
Usufructo	Usufruct, life interest