

# AGE Concern

Marbella - San Pedro

Never feel alone

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## A DEATH IN THE FAMILY



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***Mission statement for Age Concern Marbella-San Pedro:***

*Age Concern Marbella-San Pedro is dedicated to helping everyone make the most of later life. We provide advice, companionship and support for older English speaking people in our area.*

***Age Concern Marbella-San Pedro aims:***

*To increase the range and quality of life-enhancing services and vital support available to people in later life. Together with local partners, we aim to deliver a range of programmes in our local area.*

*We will continue to engage with more local partners in the future to expand our services and support.*

*We are a charity registered with the Junta de Andalucía and our registered number is 13030.*

## **A death in the family**

Death in a hospital

The hospital will deal with everything, unless you tell them not to. Hospitals have arrangements with specific funeral directors.

Do not sign anything, instantly, without negotiating the cost. You have the right to choose your own funeral director, you do not have to accept the one with an arrangement with the hospital.

Your loved one may have taken out a funeral plan or insurance cover to pay for their funeral. This is the most thoughtful solution, for people to make these arrangements themselves to save a grieving family having to make these difficult decisions.

## Death at home

If the deceased has a funeral plan or a chosen funeral director, call them first and they will take care of everything for you.

If the deceased does not have a funeral plan, then:

1. Call 112 and tell them there has been a death. The police and a doctor will come.
2. Ring a funeral director, (see overleaf for a selection of local funeral directors and estimated costs).
3. When the funeral director arrives, specify to the funeral director if you want cremation or burial. Please be aware that if you want to take your loved one to your home country, then cremation is a much better option, both in terms of convenience and costs. The funeral director will take the body to the morgue of your choice.
4. Ring family and friends to inform them of the death and the details of the funeral/cremation.

Important things to bear in mind:

- You can delay a funeral until your family can arrive. There is a small daily cost from the morgue, with whom you can make this arrangement. You do not have to have a funeral within 24 to 48 hours.
- Funerals in Spain typically cost between 2,500 and 4,500 euros
- You will be expected to pay the funeral directors. It can be paid from the deceased bank account, by arrangement, if there are sufficient funds.
- Your funeral director will obtain the death certificate for you. You should receive both Spanish and international certificates. You will need several official certified copies. (These are as originals since they come from the official Registry of Deaths).
- As soon as you inform the bank of a death, the bank will freeze the account and no cash can be withdrawn, or cheques/transfers made. Nonetheless, the bank should be prepared to pay for the funeral costs from the account, assuming there are sufficient funds. This also applies to joint accounts.
- You will need to inform the authorities, so that any pension payments are stopped, and the passport of the deceased must be cancelled with the passport office. They will all need a copy of the death certificate.



## Succession/Probate

In order for beneficiaries to receive a Spanish inheritance, a Deed of Acceptance of Inheritance needs to be obtained in Spain. This is the Spanish equivalent of Probate and confirms the heirs to the Spanish inheritance. Probate in Spain can be achieved by the following 10 step process:

1. Obtain the Death Certificate.

If the deceased person's death was registered outside of Spain, the death certificate will need to have a Hague Apostille stamp and be translated into Spanish. If the death occurred in Spain, a copy of the Spanish death certificate will be required.

2. Ascertain if there is a Spanish will.

It is possible to have more than one will, (and is often advisable if you own assets in more than one country). It is necessary to check whether the deceased had a Spanish will to deal with the inheritance of their Spanish assets.

To do this you should apply for the Certificate of Last Wishes (Certificado de Ultimas Voluntades) from the Spanish Central Wills Registry in Madrid which confirms whether there was (or was not) a Spanish will.

Wills in Spain are made in front of a Spanish notary. The Certificado de Ultimas Voluntades sets which notary is holding the latest will.

A copy of the Spanish will (if there is one) should be obtained from the notary.

3. Obtain Foreign Grant or Certificate

If there is a non-Spanish will only, a Grant of Probate, (or equivalent court certificate from the home country of the deceased person), will need to be obtained.

If there is no will and the deceased was not resident in Spain, a Grant of Letters of Administration, (or equivalent court certificate from the home country of the deceased person), should be obtained.

4. Give Power of Attorney to your Spanish lawyer

It is usually advisable for the heirs, (beneficiaries/executors, as appropriate), to sign a Power of Attorney document allowing the Spanish lawyer appointed to deal with the estate with the authority to sign Spanish inheritance documents on their behalf.

5. Get NIEs

If the beneficiaries do not already have a Spanish fiscal number, they will need to obtain an NIE. The Spanish lawyer can obtain these on behalf of the beneficiaries, if they have the authority to do so, using a Power of Attorney.

6. Value the Spanish assets and calculate any Spanish inheritance tax due.

The amount of Spanish inheritance tax due will depend on the value of the assets, where in Spain the assets are located, and how the beneficiaries are related to the deceased. Calculating the amount of tax due at an early stage will allow time for provision of adequate funds to enable the tax payment to be made immediately following the signing of the Spanish Inheritance Deed.

7. Set up a Currency Broker Account

If the inheritance in Spain, (i.e. the balance of the inherited Spanish bank account or the proceeds of the sale of a Spanish Property), is to be later transferred to a beneficiary who will receive it in another currency, i.e. British pounds), the beneficiaries should set up a currency broker account to make sure they maximise the amount of the inheritance received when transferring the money abroad and ensure the funds are not unnecessarily reduced by bank charges.

8. Sign the deed of acceptance of inheritance

The Spanish probate document, the deed of acceptance of inheritance (in Spanish called the escritura de aceptación y adjudicación de herencia) needs to be signed by all of the beneficiaries in front of a Spanish notary. If the beneficiaries are not able to attend, the Spanish lawyer can sign this under the Power of Attorney.

9. Payment of Spanish Notary fees and any inheritance tax.

Payment of Spanish inheritance tax must be made within 6 months of the date of death, otherwise interest and penalties will be added to the amount due. The tax can only be paid once the inheritance deed has been signed, so it is important that the beneficiaries and the Spanish lawyer deal with the Spanish probate process as quickly and efficiently as possible, where tax is due.

10. Transfer the Spanish assets to the beneficiaries.

If a transfer of funds is to be made to the beneficiaries and received in a currency other than euros, this should be paid into the beneficiary's currency broker account, so that the transfer can be made as cost effectively as possible.



## Planning in advance

You must consult a lawyer to make a will and to ensure that all your affairs are in order and have legal status in Spain.

Please make sure that you have an up to date Spanish will because laws and taxes can change every 2 or 3 years. Wills must be registered at the Notary's office.

Please also make sure that details of your will, your lawyer, your bank accounts, investment accounts, passport and residence certificates are stored in an accessible place and your executor and heirs are aware of where these documents are, and of your wishes and funeral arrangements.

Please also consider making a power of attorney, so that someone can administer your affairs, if you become incapable of doing so yourself. This can be a family member or your lawyer, you can choose, but it is wise to choose someone younger than you.

Inheritance tax in Spain can be extremely expensive if you leave your estate to distant relatives or friends. Tax concessions in inheritance tax only apply to close relatives, and the more distant the relationship of the heirs, the higher the tax liability, to the point where they may have to refuse the inheritance because of how much it will cost them.

There is also the option to leave a legacy to a registered charity, which is tax exempt in Spain. At least this way there would be a benefit to a good cause, rather than everything going to the Spanish government by default, if the heirs are unable to pay the inheritance tax due.

Any property left in a will cannot be sold until the inheritance tax has been paid. In Spain it is expected that the estate will be settled within 6 months of the date of death. However, you can request an extension from the Spanish tax authorities of another 6 months for a reasonable fee. This may be necessary, if the estate has assets in UK and you have to obtain probate there, for instance.

What do you do when someone dies? Don't wait until it happens. Do some thinking and planning now before it's too late. That way you're more likely to get what you want and your loved ones will have less to concern themselves with when they are mourning your passing.



## USEFUL CONTACTS

### International Pension Centre

Tel.: +44 191 218 7777

Fax: +44 191 218 7381

Website: <http://www.thepensionservice.gov.uk/ipc/home.asp>

Email: [tvp.internationalqueries@thepensionservice.gsi.gov.uk](mailto:tvp.internationalqueries@thepensionservice.gsi.gov.uk)

Spanish Social Security Institute (Instituto de Seguridad Social (INSS))

Tel: 900 16 65 65 / 901 50 20 50

### Prepaid Funeral plans

Avalon Funeral Plan +34 966 799 070 - Europe's leading provider

[www.avalonfuneralplans.com](http://www.avalonfuneralplans.com)

Golden Leaves International +34 966 493 082 - Spain, Portugal and Cyprus

[www.goldenleavesinternational.com](http://www.goldenleavesinternational.com)

Francisco Camero S.L. English speaking 951 766 725 - Local Spanish company

[www.camero.es](http://www.camero.es)

Costa Funeral Services English speaking 951 315 020

<https://www.costafuneralservices.com/>

### Funeral directors Marbella

Costa Funeral Services: 951 315 020

Francisco Camero S.L. English speaking: 951 766 725

Fuensol Marbella 952 820 202

UK Government List of Funeral Directors in Andalucia

<https://www.gov.uk/government/publications/spain-list-of-funeral-directors>

UK Government Bereavement information Pack

<https://www.gov.uk/government/publications/bereavement-information-for-spain/spain-bereavement-pack>