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Winding-up of a Spanish estate

Our Services

In order to wind up a non-contentious Spanish estate (*testamentaria*), a deed of inheritance (*escritura de manifestación de herencia*) - if testate - needs to be granted by the beneficiaries willing to inherit their share in the estate. To that end, it is required to legalise and sworn translate the deceased's death certificate, grant of probate and Will so that can be used in Spain. We would also require to obtain a last Wills' certificate from the Spanish Last Will's registry, which will show whether the deceased left any Will in Spain.

Once the deed of inheritance is granted by the beneficiaries, it is submitted to the tax authorities and if any, death duties are paid before submitting all paperwork to the land registry for the registrar to register any real estate in favour of the beneficiaries or to the bank or other institutions which may be holding the deceased's chattels, at which point the winding-up of the Spanish estate will come to an end.

If the estate is intestate (the deceased granted no Will) then, in addition to the above process, it would be required to grant a further deed of declaration of beneficiaries (*escritura de declaración de herederos*).

Costs

Our fees

Our fees in regard to the above described works will amount to a minimum of £1,500 plus VAT.

The disbursements likely to incur:

Notary Public's fees	£350 plus VAT (approximately)
Land Registry fees	£550 approx.
Local agent's fees	£350 plus VAT
Translation	£250 approx.
Legalisation fees	£36 per document x 3: 2 death certificates and 1 Deed of Inheritance.

SCORNIK GERSTEIN LLP

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Inheritance tax	TBC (depending on the value of the portion to be inherited and the location of the assets)
Plusvalia Tax (local CGT)	TBC (when real estate is to be wound-up, depending on the value of the asset registered at the Town Hall's books, the amount of years elapsed since the last transaction)
PoA (optional)	£550 plus VAT

Hourly rates and qualifications of the solicitors likely to be involved:

Partner, Solicitor & Spanish Abogado	£350
Associate Spanish Abogado	£250
Paralegal / Trainee solicitor Spanish Abogado	£150

NIE certificates & attending Spain on your behalf

Please note that non-Spanish residents require to produce a NIE certificate which is obtained at any local police station or at the Spanish consulate corresponding to your domicile. We can apply for your NIE certificate at a cost of £810 per NIE. This will include the cost of drafting a PoA which will allow us to act on your behalf and attend to the Spanish Consulate in order to obtain your NIE. The PoA can also avoid you the need to attend to the notary public's office to grant the Deed of Inheritance and Deed of sale. If you need us to travel to Spain, our fees for that is charged separately at the amount of £800 plus VAT.

Time Estimate

We would normally conclude matters within 3 to 6 months providing we are promptly supplied with all required documentation without delay and we do not encounter unforeseeable difficulties.

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