

2Death - Is your death going to be a a red tape nightmare?

Last update: To do

Like all other important events, death is something you need to prepare, otherwise you will be very much complicating the life of your family. For French it is already quite complex, for non-fluent French

This does not only concern us pensioners, but also all other younger people -accidents to happen.

Just think a minute:

- What papers could be required?
- Where are they?
- Where can you get them?
- What delays you need to respect?

All this to underline the necessity of a checklist, which is a good exercise to consider such eventualities.

NB. If any link does not work or no longer (may be someone can inform me, so that I can put it right) from the document. But check first if the links work, when you put them in your search machine.

Further since all dispatches should best be done *by registered letters with answers*, put instructions to collect the number of forms from "La Poste" (since these change often, you can no prepare them) to avoid them have to queue each time.

General reference for the following - NB. Other items have been added to complete:

<http://www.afif.asso.fr/francais/conseils/conseil01.html>

Warning: This is a translation of existing internet information, done to the best of my capacity. I cannot be held responsible for any misinterpretation (translation or error of the initial writer).

I will attempt to update the paper, if matters change and I am informed, and will post the new update on the Totalfrance site or update the checklist. Where mentioned Google translations* are very approximate, can possibly be wrong - [i]NB. For an exact translation you may need the help of an expert, to do an exact translation.)[/i]

If no Google translation is posted, then the format does not allow a lonk translation. You can obtain a Google translation in copying the text into following link.

<http://translate.google.fr/?client=firefox-a&rls=org.mozilla:fr:official&hl=fr&tab=wT#>

Primarily you will need a *constat de décès* (Medical death report)

- *It will in the normal case* be established by a doctor (if at home, Tel. N°..... of the " médecin traitant") or the " médecin du Samu" (Tel. N° 15)

In case of cremation, the certificate should mention that the body have **no** pacemaker

- *In the case of suicide or violent death* you will either to advise:

- Commissariat de police (Tel. Nr.....)
- Or Gendarmerie (Tel. Nr.)

- *If the death occurs in a hospital or an old people home*, the director will take care of the declaration within 24 hours. If the location is different to the last address of the deceased, then a copy will be sent by the authority receiving the declaration to his home Mairie. You need not act.

NB. If the place of decease, has a "Chambre Mortuaire" and the body can stay here free of charge for 3 days.

Do you need to undertake any dispositions for the body:

- if you wish the body to be transported (to be done by a funeral parlor only) to a "Chambre Funéraire "

- the transport needs to be done within 24 hours of the death after authorization of the "Mairie" of the place of death or

- within 48 hours, if the body is to be prepared.

Transport and "Chambre Funéraire " are not cheap. Nobody can compel you to have this done. If the "place of death " cannot keep the body, the request must originate from its Director. the transport and the keeping of the body are free for 3 days. *Before signing check that free transport is mentioned.*

If the decease occurs in an old peoples' home, the body can be kept here till the funeral.

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NB. In case of violent death the judge gives the authorization to proceed with the burial after the examination of the « médecin légiste » (medical examiner) and the police investigation.

Then what do you need to do in the next 24 hours? (except week-ends and bank holidays)

1.Declaration of death to authorities:

Certainly read the next lines you will quickly come to the conclusion that you should mandate a funeral parlor which all have the experience with the required red tape.

Notwithstanding here you should read and understanding what you are signing!

- In case of decease at home, then you will have to declare yourself at the Mairie of *the place of death*.

- However if the decease took place in a pensioners' home, a hospital or a clinic, then the declaration is made by the institute free of charge, whereby you may have to supply them further documents (see under)

- To do this you will require following documents:

1.1. The medical certificate proving the death (French: "constat de décès")

1.2. The family record book (French: Livret de Famille)

- Only for French people or proof of identity of the deceased.

-For EC members who have one or for non EC foreigners, the residence permit (French: Carte de Séjour) if you can find it.

1.3. Proof of the identity of the declaring person. (Copy of passport, Driving Licence etc.)

You will receive a death certificate (French: Acte de décès) - For a French person ask for at least 10 originals, for a foreign person, you will certainly require at least 15 or more especially if there are Life Insurances - Best is to work this out.)

- NB. If the declaration is made by a third party (e.g. hospital ..; etc) do not forget to specify the number you require) .

If you have brought a French: " **Livret de Famille**" - it will be updated.

Copies can be demanded at the Mairie (free of charge) by anybody - if the Commune is connected to Internet it can be done by Internet.

Indicate *the link of the Mairie* page right down to the page:.....

Following link from the Service Public explains the details of "Copie intégrale d'acte de décès"

<http://vosdroits.service-public.fr/particuliers/F1444.xhtml>

If you are employed, consider asking your employer for a holiday.

Body transport: to transport a body outside the limits of your Commune (or Communauté de Commune) you will require an authorization of the Mairie.

You will require to mandate a funeral parlor:

For information: French funeral parlors are not allowed to contact you at home or on the street or make any unsolicited recommendations. So consult the Pages Jaunes (under : " **pompes funèbres** ")

<http://www.pagesjaunes.fr/>

Can someone be buried outside a cemetery? See here the rules and note what could concern you.

<http://vosdroits.service-public.fr/particuliers/F1114.xhtml>

Google translation :*

http://translate.google.fr/translate?js=y&prev=_t&hl=fr&ie=UTF-8&layout=1&eotf=1&u=http%3A%2F%2Fvosdroits.service-public.fr%2FF1114.xhtml&sl=fr&tl=en

In the eventually of a cremation:

- You will need normally an authorization of the local Mairie (if the person died locally)

- and if there was transport from a different place, proof that this was the wish of the deceased or an authorization of somebody who has authority to organize the funeral

- Also you will need a «certificate attesting that the deceased has no pacemaker" (French: "certificat de non port de stimulateur cardiaque".)

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Should there be medico legal problems, then you need an authorization du "Parquet or Ministère Public " – a Court), which can ask for an autopsy before giving the permission.

<http://vosdroits.service-public.fr/vosquestions/F2476.xhtml>

Getting a certificate of heredity (**French: certificat d'hérédité***) which will recognize your position as heir to the succession.

The certificate of heredity :The certificate of heredity is necessary to resolve the banking situation of the deceased .

If you have "Communauté Universelle avec attribution intégrale" marriage status, this will not be necessary to unblock accounts(see hereafter) , here it will suffice that you present your CU deed to the bank. It may simply matters if you talk about this to your bank in advance - some will register this.

For a common account, it can be blocked by the Notaire (in the case without a Communauté Universelle avec attribution intégrale), especially if 2 heirs request this blockage.

Now that would seem to be the exception, but in practice (that will depend on the local bank) they tend to block systematically.

NB. A bank can unblock an account within Euro 3,050 - this sum can be updated - to pay the funeral costs (Instruction Ministère du Budget n° 92-67-K1-A3 dated 9.6.92) relative to transport, to the grave. It is the funeral parlor who will then contact the bank to get the payment of the bill. *See to the necessary coverage.*

Now after the death it is pointless to transfer quickly amounts, because everything will be set back to the date of the death on a 50%/50% - There I suggest avoiding problems, to have basically also a separate account - if it costs nothing, and make the transfers in good time (which does not mean that in the succession the balance cannot be re-established.

NB. In all cases the bank has the obligation to give the Tax Office a complete financial report on his accounts, stocks and shares etc. within 15 days after they have received the information (which also can be by way of Press).

It is required in the following cases:

- For the payment of the sums paid by the deceased on an account (savings, postal or banking account)

- For the payment of a retirement pension.

- On request: It can be established by the town hall of the last residence of the deceased by the Mairie of residence of one of the heirs, by the notary or the magistrates' court.(NB. See hereafter)

- The certificate of heredity cannot be issued by the Mairie if:

- There is a marriage contract unless both spouses died.

- There have been donations, except if both spouses are dead.

- The issue of the document act is free. According to the Mairie this can take up to 8 days.

- *However please note:* No legislative or law text obliges to the Mairie to delivery this certificate. Whenever the town hall does not deliver it, it will be necessary to consult a notary.

- Who can ask it?

- The surviving spouse

- Other Heirs.

- Documents required for this:
- To present an official identity paper with photography
- To present the family record book (**French: Livret de famille**) only for French!
- To present a death certificate.
- Sometimes the presence of two witnesses is required. These 2 witnesses should not be related to the deceased or with his heirs. They will be required to present identity papers copies.

In certain cases, you may require a :

un certificat d'absence d'inscription de dispositions de dernières volontés (confirmation that the deceased has not expressed last wills (in the sense of how he should be buried etc.) can be required: You need to ask this to the "Association pour le développement du service notarial (ADSN), Service aux particuliers," 13107 Venelles cedex (chèque de 15 € à l'ordre de l'ADSN) You will need to send in an original (or certified) 3 Certificat de Décès too;

<http://www.adsn.notaires.fr/fcddvPublic/profileChoice.htm>

What has to be done within 7 days.

To avoid that part of the succession " disappears" , it is possible to have, premises, safes, account " sealed (procédure de scellés) request has to be made to the " **Grefe du Tribunal d'Instance** (Office of the Court) For details (it supposed a inventory)

<http://droit-finances.commentcamarche.net/legifrance/36-code-de-procedure-civile/89422/1-apposition-des-scelles>

French Google*

<http://tinyurl.com/29jcooa>

All these letters (together with a "certificat de décès ") have to be sent to the diverse firms and organizations by recommended letter with answer

7.1 Letter to all banks and other financial institutes holding accounts of the deceased - this applies also to joint accounts. This will block the accounts. Normally the banks will do this on their own initiative if they have reliable information on the death.

Remark: the accounts are blocked to be able to make an exact review of the succession of the deceased. Now in practice, according to the bank. This can cause quite some discomfort for the remaining spouse, since he has no cash asset.

That is why I would advise to run a separate account (at the same bank) in the name of each spouse, with just a token amount (especially as long as accounts are free). In good time, you can then make an internet transfer before the decease to cover running costs.

Should you only have a joint account with the deceased, it would be necessary to ask the bank to change it into a personal account. Now in the worst of cases this could take 6 months until the succession is settled (the Bank can request that authorization from the Notaire) , or even longer if the settlement is contested (that is why I have underline the importance of setting up in good time

individual accounts.

NB. Clearing accounts if possible, should normally be queried by the Notaire treating the succession, who will want explanation for all large debits.

For standard letter* (in French) see:

<http://www.afif.asso.fr/francais/conseils/conseil21e.html>

NB. It is advisable to look at the standard letters and see what they contain, and not in the last minute.

Advice: it is advisable for spouses to also have each an account in their sole name (even if you have power of attorney over it) _ There need not be much on the account. Then you can when things get critical make an internet transfer (best at the same bank as the common account). And even if you are married with the Communauté Universelle - Then you will have no problems to get an available cash after the decease. Notwithstanding large transfers could be taken later into consideration by the Notaire, in the ruling of the succession, according to the marriage contract.

7.2 In case of existing PACS, you will have to write to the magistrates' court (French: Tribunal d'Instance) which exists in each "département". (Here within 36 hours)

Address can be obtained by a search here:

<http://www.justice.gouv.fr/recherche-juridictions/consult.php>

Here there are no details about the text of the letter.

7.3 If the decease is employed then write to the employing firm (within 48 hours) to advise:

- Interruption of the contract of employment
- Request payroll, balance wages including holiday pay , allowances.
- Possibly there is an insurance in case of death
- Possibly there is a funeral help

For standard letter* (in French) see:

<http://www.afif.asso.fr/francais/conseils/conseil21c.html>

Google English:*

<http://tinyurl.com/2bj4dsn>

7.4 If the deceased was unemployed and claimed allowances, advise the ASSEDIC (within the 48 hours)

For standard letter* (in French) see:

<http://www.afif.asso.fr/francais/conseils/conseil21d.html>

Google English*:

<http://tinyurl.com/2e7jamq>

7.5. If the deceased had insurances (either Life Insurances or Funeral Insurances) write - only beneficiaries to the insurance company. Notwithstanding you may find that getting the money will be more complicated, especially if in the records, there are no indications of what documents that are required to present (this should be asked separately before the death, and the answer kept with the contract), some from the Tax Office.

For standard letter* (in French) see - here 2 different letters according the contract):

<http://www.afif.asso.fr/francais/conseils/conseil21.b.html>

Google English*:

<http://tinyurl.com/2dc9q6x>

If you are not sure and wish to search if Life Insurance contracts exist in France, then consult the central register which you can consult as heir at the « Association pour la gestion sur le risque en Assurance » (AGIRA) - Here when you can start the procedure and sample letter.

<http://www.net-iris.fr/veille-juridique/actualite/24580/modele-de-lettre-de-saisine-de-agira-apres-le-deces-un-proche.php>

Google English*:

<http://tinyurl.com/2dlosft>

7.6. Advise the top-up insurance:

For standard letter* (in French) see

<http://www.afif.asso.fr/francais/conseils/conseil26.html>

Google English*:

<http://preview.tinyurl.com/2w96ls2>

There is a funeral cost element in the letter -check in advance if the insurance does offer this cover..

7.7. Write to the (according the case)

- CPAM (Caisse Primaire d'Assurance Médicale) ,
- CRAM (Caisse Régionale d'Assurance Médicale),
- MSA (Mutuelle Sociale Agricole)

You will see there is a claim mention to a widow's allowance.

For standard letter* (in French) see:

<http://www.afif.asso.fr/francais/conseils/conseil22.html>

Further if the living spouse was "ayant droit" tagged on to the deceased spouse for the health Insurance, you need to reregister in your own name.

You are automatically covered a further year as "ayant droit" after the decease of the main person. Then you will either need an E106, E121 etc. , or you will have had to have your main residence for more than 5 years in France, to be entitled to further Health Insurance coverage, later possibly with a contribution based on your "Revenu fiscal de Référence." (See 1st page of your income tax assessment).

CRAM addresses:

<http://www.afif.asso.fr/francais/conseils/conseil22a.html>

7.8. French pension schemes: fund (CNAV or CRAV), Social security old-age insurance (CNAVTS), cases complementary. Spouse' pension rights (Pension of reversion). Veteran pensions (Ancients combatants)

For standard letters* (in French) see, according to the case

<http://www.afif.asso.fr/francais/conseils/conseil25.html>

Listing with addresses:

<http://www.afif.asso.fr/francais/conseils/conseil25a.html>

7.9. Social assistance for old people of your department. The APA (**Allocation Personnalisée d'Autonomie**) is paid monthly before the 10 of the current month. It is only due up to the date of the death of the person concerned. You are required to stop the payments, to avoid having to repay the sums unduly paid.

7.10 The owner of rented premises (le bailleur): If the deceased rented premises, then the delay for notice is here **reduced to one month**. The ADIL Le (Agences Départementales pour l'Information sur le Logement) - (the departmental Association for housing information can answer any enquiries usefully.

Here you can find the local address:

<http://www.anil.org/fr/votre-adil/index.html>

For standard letter* (in French) see:

<http://www.afif.asso.fr/francais/conseils/conseil21f.html>

English Google*:

<http://tinyurl.com/2w96ls2>

7.11. For those owning rented flats or houses, you need to specify the address and account of the new person who is entitled to cash the rent (they suggest to transfer to the Notaire ?! who handles the succession .)

7.12 The " syndic de copropriété " flat or premises with co-ownership.

7.13. Le Juge des Tutelles du tribunal D'Instance- The judge competent for supervisions of the magistrates' court . This if the deceased is underage or somebody who is legally protected.

7.14. If the death occurs abroad, you will be required to inform also (i.e. Consulate and local authorities) your local Consulate

For French Citizen born outside France contact -

Le Service des Français à l'Etranger du Ministère des Affaires Etrangères - the Service of the French abroad of the Ministry for Foreign Affairs:

01 43 17 66 99.

For French citizens born outside France, ask the Mairie what you have to do. They may have no idea (not many have here any experience , then consult

<https://www.smae.diplomatie.gouv.fr/etatcivil/>

NB. At present the link concerning registration of births and deaths does not work.

The last address available:

Direction des Français à l'Etranger

Service d'Etat Civil

44941 NANTES CEDEX 9

Send a “certificat de décès” and a reference if you have one (you will find it with former requests of birth certificates).

Note the address which concerns you here (for non-French):

8.ITEMS WHICH NEED TO BE DONE WITHIN 30 DAYS OF THE DEATH .

Same procedure as before, with registered letters and answer.

8.1. Within 6 months of the death a succession declaration must be made to the local tax office (NB.

See point) .Fill forms 2705 and 2706. NB. You have to enclose a cheque over the tax payable.

See: <http://www2.finances.gouv.fr/formulaires/dgi/2000/2705/>

Or : <http://vosdroits.service-public.fr/vosquestions/F80.xhtml>

There are limits where you are not required to make a declaration (**read till end of 8.2**)

Conditions: An heir in direct line, or a spouse needs not make any declaration if the “actif successoral brut “ (gross estate concerned, without debts) is less than **Euro 10,000**.

From 1.1.2006 this limit has been increased to **Euro 50,000**, but only on the condition that the heir in direct line or the spouse has not benefitted previously of a registered donation or cash handed out manually (which has not been registered or declared).

Conditions: for other heirs concerned, the limit is Euro 3,000.

and there is **no** property in France!

Notwithstanding if you require a « un certificat de non-exigibilité des droits de succession » (a certificate from the Tax Office which specifies that no succession rights are due). Such a certificate can be required by Life Insurance Companies to pay out the amount of French Capital Life Insurance. (Even if it is under the present limit of Euro 152.500 , the Insurance does not know if there are other Capital Life Insurances.)

The Life Insurance will also to advise the Tax Office of amounts paid in after the age of 70, where contributions made after that date over Euro 30.500 (all contracts added) are income tax free.

<http://www.afif.asso.fr/francais/conseils/conseil21g.html>

For a Life insurance see here this " **déclaration partielle** "

http://www.impot.gouv.fr/portal/deploiement/p1/fichedescriptiveformulaire_5382/fichedescriptiveformulaire_5382.pdf

English Google:*

Here you need to copy the document into the following box, to be sure it is readable (NB. 2 pages)

<http://translate.google.fr/?client=firefox-a&rls=org.mozilla:fr:official&hl=fr&tab=wT#fr|en|>

8.2 Name a notary to organize the succession.

It is compulsory if:

- If the deceased was owner of a real estate in France,
- If he had made a donation “ au dernier vivant “ (to the surviving spouse),and in the event of a will.
- If a will exists, it should be registered within the three months (there are penalties for not doing so) .(see hereunder)

For naming a Notaire to take care of the succession:

For standard letter* (in French) see:

<http://www.afif.asso.fr/francais/conseils/conseil21.a.html>

English Google:*

<http://tinyurl.com/262r6pw>

To consult if there is a testament (if the Notaire does not do this) consult:

www.adsn.notaires.fr

English Google:*

<http://translate.google.fr/translate?js=y&prev=t&hl=fr&ie=UTF-8&layout=1&eotf=1&u=http%3A%2F%2Fwww.adsn.notaires.fr%2FfcdvPublic%2FprofileChoice.htm&sl=fr&tl=en>

The consultation costs at present € 15.

8.3 Advise the CPAM (Caisse Primaire d'Assurance Médicale) - Health Insurance body which applies to the deceased (there are others possible)

And if the remaining spouse was only « ayant droit » (i.e. was only tagged on to the health insurance of the person deceased , and was not insured in her own right) , you will be required to ask for a personal registration at the CPAM (**Caisse Primaire d'Assurance Médicale**) - this means that the CPAM (**Caisse Primaire d'Assurance Médicale**) coverage will be valid an extra year. Afterwards then if the person was not insured in her own right, she would then be subject to the means tested contribution.

To clear if there is a widow's pension pr one for an invalid widow.

- Getting the "death benefit" due (conditions)
- if the person was either an employee and had been working and paid (since less than 3 months before the death),
- - or benefited of the “ Allocation Chomage “unemployment allowance,
- Or the allowance given for a “période de conversion “ (training for a new job)
- a French handicapped pension,
- A French incapacity pension (resulting from a work accident) with an incapacity qualification of 2/3 etc.

Address list of the CPAM:

<http://www.afif.asso.fr/francais/conseils/Aide/cpam.html>

- It is important to telephone at this Health Insurance concerned to obtain the complete list of the conditions for the payment of the death benefit as well as the sending of the form Cerfa n° 10431*01.

http://www.ameli.fr/fileadmin/user_upload/formulaires/S3180.pdf

If the deceased benefited of the "Allocation Chômage " (N° Cerfa : 60-3597)

http://www.ameli.fr/fileadmin/user_upload/formulaires/S1119.pdf

- The minimum amount is : € 301,94 , the maximum amount is :€ 7 548 (2005)

For somebody who is completely depend of the insured person the declaration delay is: between 1 month from the date of death, and latest in the 2 years hereafter.

The sum paid is not dependant on any “plafond de ressources”(not means tested) . It is not subject to income tax, and does not enter into the succession.

If the death was due to a fatal accident, or to an occupational disease, the funeral expenses are paid by the CPAM (Caisse Primaire d'Assurance Médicale) up to the limit: not more than a maximum fixed at the 1/24ème of the ceiling of the social security contribution level . (NB. The present 3/2007 limit is € 2682 per month. On what 1/24 is based on I have not been able to find out yet.)

Standard letter for the CPAM

<http://www.afif.asso.fr/francais/conseils/conseil52.html>

*English Google**

<http://tinyurl.com/3y13e5l>

8.3 If the decease benefited of Aids given by the CAF (Caisse d'Allocation Familiale) such as:

- **Allocation de Parent Isolé** - API – (Allowance for single parents)
- Allowance of family support.” **Complément of resources**” and minimum income guaranteed during one year for a single relative or a pregnant woman.

For standard letter* (in French) see:

<http://www.afif.asso.fr/francais/conseils/conseil21h.html>

*English Google**

<http://tinyurl.com/348dv9w>

To advise providers & organizations("debtors") to whom payments have to made such as: Insurance companies .Lodgings, car...

For standard letter*

- *for banks and similar* (in French) see:

<http://www.afif.asso.fr/francais/conseils/conseil24.html>

*English Google**

<http://tinyurl.com/276ypp2>

- *For Credit loan societies.* To claim the life insurances of the credit contracts
- *For Suppliers :* water, gas, electricity, telephone, portable. To stop the audio-visual royalty and the contracts of subscriptions (television, press, Internet...)

For standard letter* (in French) see:

<http://www.afif.asso.fr/francais/conseils/conseil23.html>

*English Google**

<http://tinyurl.com/23ozv5h>

- *For Employment and formation.* Priority access to the training courses with possibility of monthly remuneration if the training course is approved. The public office are open, no age , with the surviving spouse who is obliged to work. See " [Pôle Emploi](#)"

See Address List:

<http://www.adresse-des-pole-emploi.info/>

8.4. Advise all firms which contracts have been made:

Make a list in advance with all references.

8.4.1 Insurance companies

- Home related contracts
- Car related contracts

For standard letter* (in French) see(NB. You need to choose the right letter proposed according to your case):

<http://www.afif.asso.fr/francais/conseils/conseil21.html>

*English Google**

<http://tinyurl.com/34nuna7>

8.4.2. Firms which have given loans.

Note that most French credit contracts involve a “life insurance”- These have to be triggered.

For standard letter* (in French) see:

<http://www.afif.asso.fr/francais/conseils/conseil24.html>

*English Google**

<http://tinyurl.com/276ypp2>

8.4.3. Providers of Water, gas, electricity, telephone, portable, internet.

For standard letter* (in French) see (you will see, there are different letters suggested for maintaining the contract, or for cancelling the contract.:

<http://www.afif.asso.fr/francais/conseils/conseil23.html>

*English Google**

<http://tinyurl.com/23ozv5h>

8.4.4. Interrupt, when required:

-TV fee (Redevance Audiovisuelle) only if the TV set has been removed from the premises. NB. This done best if necessary with the necessary income tax declaration, **if** it is done before the next 1st January. Tick the box on form 2042 page one concerning " No TV "

Otherwise do this with the change of address to the Tax Office - not the "Trésorie " (no ,possible for the TV fee if you do it on internet) for the "Taxe d'Habitation" address. (I suggest you do not use the letter proposed, or at least add the " Taxe d'Habitation " number if known) Indicate the N° in advance on the provisions you make.!

-Newspaper subscriptions (TV, Internet, Press etc.

For standard letter* (in French):

<http://www.afif.asso.fr/francais/conseils/conseil23a.html>

English Google:*

<http://tinyurl.com/2vwjbt8>

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8.4.5: For people who are employed or have a formation contract

There are special measures which give the remaining spouse a priority to professional formation

courses (for those which have official agreement).

State Employment (**Fonction Publique**) exams are open with age limit to the remaining spouse, who has to work.

9. Other items which have absolutely to be made within 6 months of the date of the death.

Here again it is advised to make all dispatches with registered letter with answer.

9.1 You need to make an Income Tax return latest 6 months after the death of the person concerned, at the date of the death.

For the Income tax, it will mean doing an income tax declaration for the current year, till the date of death for the family. _ For a married couple, it then means that the surviving spouse on the next Tax term (31.5.), only declares his/her income since the death of her/his spouse till the end of the year.

You can download the forms here (probably 2042/2047/3916):

<http://www.impots.gouv.fr/portal/dgi/public;jsessionid=WZGOBUPYUQALJQFIEMQSFFOAVARXAIV1?>

[paf_dm=full&pageId=rch_formu&paf_gm=content&paf_gear_id=100006&sfid=05&action=criterialmprime&DARGS=/portal/paf_dgi/html/home/homepage.jsp_A&DAV](http://www.impots.gouv.fr/portal/dgi/public;jsessionid=WZGOBUPYUQALJQFIEMQSFFOAVARXAIV1?paf_dm=full&pageId=rch_formu&paf_gm=content&paf_gear_id=100006&sfid=05&action=criterialmprime&DARGS=/portal/paf_dgi/html/home/homepage.jsp_A&DAV)

English Google:*

Forms that you will require: 2042/2047 possibly 3916

NB. Add to the list those that specifically concern you

9.2. The succession declaration has also to be made within 6 months.

If you have involved a Notaire, he will do this, and will enclose the necessary death duty cheque (otherwise it is your responsibility). NB. This is compulsory when estate is involved, there is a marriage contract, there are persons protected (including children)

The heirs, those who have made a donation, or who have made legacies have the obligation to be determined to avoid confusion and double costs.

NB. In the case of the **Communauté Universelle**, if there is housing you require that a Notaire establishes the death, - this is done with a specific deed by him, and he will also update the property registration.

In spite of the costs, we would recommend to involve a Notaire (even the French have problems with all the formalities required, especially the practical ones concerning accounts.)

This concerns the forms 2705 and 2706 which can be downloaded at the last link here above.

If you want more details (in French) on the succession and the declaration, please see following link:

<http://larecherche.service-public.fr/df/oxide?criteriaContent=succession&page=resultssprubs&action=launchsearch&DynRubrique=&DynCorpus=&DynDomain=SP&Rechercher.x=0&Rechercher.y=0>

English Google:*

Here a declaration is not compulsory under following conditions:

- With reference to the persons concerned. Who?

The heirs, those who have made a donation, or who have made legacies have the obligation to subscribe a “ declaration de succession “ (usually this is done by the **Notaire**)

- With reference to the sums involved. (see also the next condition)

An heir in direct line (descendant) or the surviving spouse do not have to make a declaration if the gross positive amounts concerned (i.e.; without counting the debts) “ **actif successoral brut** “ is *less than Euro 10,000*. (Limit valid for deaths after 1.1.2004)

Further this limit has been increased (1.1.2006) *to Euro 50,000* under the further condition that the heirs in direct line (descendants) have not benefited from the deceased of any donation, or of any hand to hand donation, which was no registered.

- For the other heirs, not mentioned here above the limit *is € 3,000* (NB. Total, not single).

NB. These amounts can be updated at a later date, so check, accord to the text edition date.

Important: None the less a declaration has to made if the sums are lower than those mentioned
When a confirmation certificate is that no death duties have to be paid (done by the Tax Office) –
“**certificat de non-exigibilité des droits de succession** «.

Such a certificate will probably be required by insurance companies before they pay yhe sums of a Capital Life Insurance (even if under the limit - they cannot know if you do not have several insurance contracts)

For those who wish to make the succession declaration themselves and as general information of what indications have to be given to the Notaire:

Part of the funerary costs can be deducted from the succession:

You can deduct Euro 1500 maximum from the succession, and (only) a sum up to the total of the succession, if it is smaller. (Article 14 de la loi n° 2002-1575 du 30/12/2002.)

Further please note (a « penalty clause »):

Bulletin officiel des impôts D.G.I. 7 G-2-03 n°82 du 6 mai 2003 (valid since 1.1.2003)

Any sum spent over and above the limit of *€ 1500* ("**en représentation des frais funéraires pour déduction de l'assiette des droits successoraux**") will have to be added to the active of the succession and be declared according to « l'article 806-1 du Code Général des Impôts (Instruction n° 92-67-K1-A3 du 9/06/1992 et loi de finance 2003).

If there is nothing to be transmitted, the children can then deduct the costs made as « **pension alimentaire** « from their next income tax declaration (Article 156-II- 2ème alinéa du Code General des Impôts).

NB. This generally implies, that funeral costs (if these cannot be paid by the succession) are at the cost of the heirs, - this implies also that the last hospital costs are to be paid by them, as “ **pension alimentaire** “. The split is done according to the theoretical split of the succession of the direct heirs.

NB. This applies also for those who have refused a succession (also when there is an actif).

Transformer un compte joint en compte personnel.

9.3 You will be required to update the other Taxes data (Taxe Foncière, la Taxe d'Habitation.)

For standard letter* (in French) for Taxe Foncière and Taxe d'Habitation:

<http://www.afif.asso.fr/francais/conseils/conseil21i.html>

English Google*:

Other items to be considered.

1. To avoid problems, I have suggested on Total France that you consider the registration of cars in joint name.

If the "new owner" is the spouse of the deceased, there is no delay involved in the change of registration (**carte grise/certificat d'immatriculation**). This will be done without charge.

In other cases there is a 15 day delay. However that would require an agreement with the Notaire to the attribution of the vehicle to an heir (as part of his succession) _ this is subject to **charges**. (Circulaire du Ministère des Transports 84-84 du 24.12.1984, article 22 C)

This change has to be made at the **Sous-Prefecture** or at the **Préfecture** or the **Mairie** if they offer that service.

2. If the deceased participates to a SCI (**Société Civile Immobilière**) or was an " **administrateur** ", then the other members must be advised, and in the case of the deceased of the " **administrateur** ", a new one to be named, when the succession is finalized.

See also here concerning graves, and how things work with concessions.

<http://totalfrance.com/france/forum/viewtopic.php?p=272325#272325>

Further here a list of documents or points you may be asked for or may have to consider:

<http://www.afif.asso.fr/francais/conseils/conseil27.html>

I. Acte de notoriété (sort of proof of identity)

It is a certificate which proves your status as heir (or gives your power of attorney) for banks:

You can get it:

1.1. At a Notaire (costs)

1.2. Or (**no longer possible**) from the " Tribunal d'Instance " were the person was deceased **if there is no marriage** contract, no testament, or donation act.

You will need to add following documents (I have listed the French documents required _ how they react to British documents which are by nature different, I have no direct experience) to your correspondence :

- « **le livret de famille** » of the deceased person (only for French people, or married to French)

- The full copy of the birth certificate (à la française, which has in fact the same information as the "**livret de famille**" of the deceased person it records all change of situation : birth, marriage, children, divorce etc. etc.)

- « **L'acte de décès** » (decease certificate)

- List of the heirs

- The request of the firms or administration requesting the « acte de notoriété »

You will be summoned and will need 3 witnesses who can justify your identity.

2. "Attestation de propriété"

This certification is made by a Notaire and certifies the transmission of property!

3 ".Réserve d'acceptation pour une succession"

According to: Article 775 du Code Civil : "no one is obliged to accept a succession due to one".

One has a delay of **3 months** from the date of the opening of the succession (date of death) to do a list of the estate of the deceased with the evaluation.

From that date onwards, you have 40 extra days delay to make your decision.

It is in fact possible to accept the « active » and to refuse the « passive « 5 debts)

If you have doubt about acceptance a heritage without any restrictions, you can make the reserve:

"**Acceptation sous bénéfice d'inventaire-tutelle**". This would have the effect of limiting your responsibility to the value of the "active"

1. Then the Notaires separates the inventory of the estate and the debts of the deceased person.

2. The "**tuteur**" (tutor) declares this at the "**Grefe du Tribunal**" (court office)

This procedure will limit the debts which the heir can accept to:

- The total estate (house and other possessions) will be necessarily sold by auction .
- This makes the matter final: there is no possibility afterwards to change your opinion.

During the Inventory made by the Notaire:

- The heir cannot dispose of any items of the succession without the risk of having purely and simply accepted the succession.
- The claims made by the creditors are suspended.

3. "**Acceptation pure et simple d'une succession**" (Acceptation of a succession without reserves)

It is quite evident that a succession which has a positive balance can be accepted without limitation -this can be made in writing or by tacit acceptance.

"**Acceptation tacite**" (tacit acceptance) : if you make a act which supposes that you are owner etc. that can be assimilated as a tacit acceptance . (example: you sell a property, you rent it, you use the vehicle of the deceased).

Express Acceptation: if it specified by the Notary.

4. "**Renoncer à une succession**" (If you decline a succession)

To decline a succession has the effect that you lose all your rights to the active, but it also has the effect of avoiding to have to pay the debts.

Then you have the obligation to make a declaration at the "**Tribunal D'Instance**" competent for the domicile of the deceased where the succession has been opened (article 784 du Code Civil).

You have the possibility to cancel such a decision, but only as long as one or several heirs have not accepted the succession. The cancelation and the new acceptance is made with the condition of inventory.

NB. Be aware even if you decline a succession you will have to participate to the eventual costs of last illness and the funeral costs. This is not a debt of the succession but an "**obligation alimentaire**"

6. "**Recourir ou non à un notaire**" (Employing a Notary or Not).

You are not compelled to employ a Notaire, even if there is a flat or house in the succession - succession.

NB. It is difficult enough for French, and because of the language matter, I would recommend making that investment.

If you want to see the conditions and limits, where **no** declaration have to be made, see here:

<http://vosdroits.service-public.fr/particuliers/F80.xhtml>

For a more important or complex succession, it is recommended to involve a Notaire. The choice of the Notaire is free:

- If a testament has been deposited at a given Notaire, you can keep this one, or you can choose a different one..

- You can employ one Notaire and defend the rights of all the heirs, or you can employ one to defend your own rights.

Conclusion: if anybody has constructive suggestions, please let me know and I can include it.

For Succession matters, and how French property (résidence principale or résidence secondaire) are treated, this is a different topic - I may be able to give you specific information here.

"**Veuvage**" - Being a widow of a somebody who has worked and paid French pension contributions.

Here is a state brochure (30 pages), concerning widows;

https://www.retraite.cnnav.fr/portal/page/portal/Y_GP_NAT_CONT/Y_P_NAT_CONT_STATIQUE/Y_P_NAT_CONT_PDF/1203_Web.pdf

If you need a translation - not necessarily exact - (too long for a link translation) put the text into the following box:

<http://translate.google.fr/?client=firefox-a&rls=org.mozilla:fr:official&hl=fr&tab=wT#>