

## FRENCH PROPERTY NEWS

**LEGALESE:  
FRENCH WILLS**

*with our resident lawyer  
and notary Michael Bula*

**CAN I MAKE A FRENCH WILL IN AUSTRALIA JUST FOR MY FRENCH PROPERTY?**

In answering this question, it must be presumed that the will maker or testator is domiciled in Australia and has Australian assets. The response also excludes any consular notarial will made at the French Consulate General in Sydney by a French or dual national. A French will can certainly be executed in Australia by an Australian national following a specific procedure and only affect French-based real property and/or personal property and specifically exclude assets in Australia and other country jurisdictions.

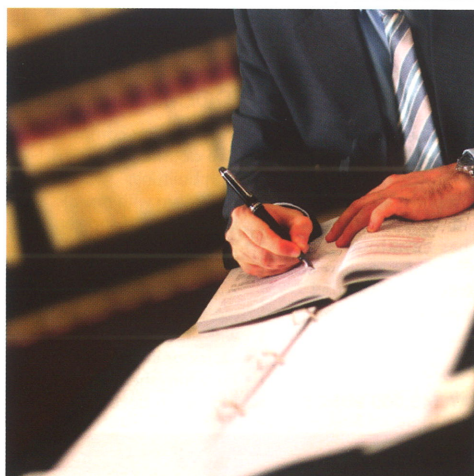
**WHAT IS THE SPECIFIC PROCEDURE TO MAKE SUCH A FRENCH WILL IN AUSTRALIA?**

The best methodology is to draft the text of a holograph or purely handwritten will in the French language, which must be physically written out by the testator and not typed in any part, then dated and including the place of execution and signature. I recommend involvement of a French *notaire* to vet the final text. I often supervise execution of these wills, which, after completion, should be forwarded as originals to a nominated French *notaire* for registration. As for Australian wills, such a will may be revoked and a new will executed at any time with the onus on the testator to ensure it is always up-to-date in terms of his/her life circumstances.

**WHAT ARE THE CIRCUMSTANCES IN WHICH A SEPARATE FRENCH WILL IS RECOMMENDED?**

This all depends on the testator's personal, tax, family [divorce, previous marriage, children etc.] and business situation and subject to any international treaty or notion of 'international' will. A French will has the advantage of immediate recognition in France without the complications and sometimes obstacles of any Australia-France conflict of laws or recognition/exequatur issues in deceased estates and devolution to beneficiaries. If the methodology above is adopted, the advantage is that an Australian international lawyer and a French *notaire* have jointly drafted an instrument, which will have validity and operation in France solely concerning French assets. It should also achieve separate international legal treatment for those very assets, as applicable within the French legal framework of course.

Michael Bula is the principal of Michael Bula Solicitors, International Lawyers and Notaries. Need more info? [www.mbsols.com.au](http://www.mbsols.com.au)



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