

DEALING WITH THE DEATH OF A PARTNER IN MEXICO

A. ADVANCE PLANNING

There are many things that can, and should, be done as soon as you decide to live in Mexico that will make things easier later. You can still do these things years after you become a resident, but you should make these changes, if they are necessary, as soon as possible. In Mexico, documents will automatically be put in the man's name unless you request otherwise, and there are no guarantees which partner will die first.

1. Put both names on all official documents, including house deeds, rental agreements, and insurance contracts. Placing the title to your property in a Bank Trust, including the names of your children or other beneficiaries, can make life very much simpler in the event of the death of one or both partners.
2. Car ownership papers should be in both names, unless you own 2 cars. If your car is imported on the deceased partner's FM3/2 only, this will become illegal with his or her death, and will have to be re-imported in your name.
3. Put both names on all utility bills etc. These are used as proof of residence for many things, so need to be kept current.
4. Make sure that a wife is approved for residency papers (FM3/2) as an independent individual, not as a dependant spouse. As a dependant, her papers become invalid if her husband dies and she only has one month to be re-approved.
5. Make sure that all bank and investment accounts are in joint names, in both Mexico and abroad, with equal privileges. Adding the names of your children or beneficiary in a secondary position is a good precaution, and is recommended by Lloyd. In many cases, an account may be frozen, if it is only in the name of the deceased, until probate has been completed. Obviously, this could cause great hardship to the survivor.
6. Have a will valid in each country where you own major assets. If you have this made in Mexico, it should be bi-lingual and a copy should be left with your solicitor in the other country (countries). Probate should be done in the country where you own most assets, not necessarily where you are resident.
7. Leave copies of all important papers with your solicitor, a close friend or family member, and let other people know that you have done this.

LAKE CHAPALA SOCIETY

Fill out, and have registered, the Post Life Planning documents the Society provides. This includes details of your wishes regarding burial, cremation etc., and how to contact your next of kin. It also notes the location of spare keys to your home, the names and addresses of servants, and directions regarding the temporary care of pets. This information is kept confidential, of course, in a sealed envelope and it is vital that it is

kept up-to-date. If this includes a contract with a funeral home, the Funeral Home will keep the original in their files, which can be activated at short notice, and saves a lot of worry when it is suddenly needed. You should also have a copy at home.

B. ON THE DEATH OF A PARTNER

FIRST STEPS

- Notify your family doctor and lawyer.
- Retrieve your Post Life Planning package from the Lake Chapala Society.
- Make arrangements for burial or cremation etc.
- Order at least 10 original death certificates & 6 official English translations.
- Notify close relatives and friends.
- Follow the dictates of the will regarding a funeral or memorial service etc.
- Make sure that someone is living in your house, if you are not there. This is an important precaution as it is common in Mexico for people to invade the home of someone who has died and remove all the possessions.

LEGAL

- Contact your lawyer for guidance regarding the will, probate etc.
- You have 30 days to notify the Mexican Immigration Dept. of the death of a foreign resident, and to re-qualify if you are a dependant spouse. After that there is a penalty.
- Notify your consul or embassy and cancel your partner's passport etc.
- Check property deeds and rental contracts. These may have to be transferred to the survivor's name.

BANKS & INVESTMENT COMPANIES

- **Do not notify your banks**, either in Mexico or abroad, until you have transferred most of the funds in joint accounts to new accounts in your own name, to avoid having these accounts frozen. This is very important. Leave the original accounts open, with a small amount of money, for a few months to cover outstanding checks etc.

OTHER OFFICIALS TO NOTIFY

- Insurance Agencies - Life, house, car etc.
- Ex-employers regarding pension changes
- Health & Social Insurances
- Income Tax authorities
- Cancel deceased's driver's license (in case it is stolen).
- Utilities (if in your partner's name). You need these as proof of residence.
- Professional Institutions and clubs etc.

Kindly prepared by Libby Colterjohn, Ajijic

Updated: October 2008