How to Collect a Will



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A will is a legal mechanism endorsed by a notary public that expresses the will of a person regarding the destination of their assets and rights at the time of death.

In Mexico, the minimum age to do this process varies in each state of the Republic. In some entities it can be done from the age of 14 (Chihuahua, Coahuila, Puebla, Quintana Roo, Sinaloa, Tabasco and Tlaxcala). In others, the minimum age is 16 years (Aguascalientes, Baja California, Baja California Sur, Campeche, Chiapas, Colima, CDMX, Durango, Guanajuato, Guerrero, Hidalgo, State of Mexico, Morelos, Nayarit, Nuevo León, Oaxaca, Querétaro , San Luis Potosí, Sonora, Tamaulipas,

Veracruz, Yucatán and Zacatecas). While in Jalisco and Michoacán the applicant is required to be of legal age.

“The will is a subject that can be difficult to understand and address, but it is necessary to know it when we need it. Lacking basic information can lead not only to irreparable personal conflicts, but also to the loss of inherited assets, ”warns Sebastián Medrano, director of Coru.com .

In our country, wills in civil matters are classified into two: **ordinary** and **special** ; while wills in agrarian matters are known as the list of successors or agrarian wills, according to the regulations of the **Ministry of the Interior.**

The financial services platform Coru.com provides the following guidelines on the general steps that must be followed to enforce compliance with a testamentary inheritance in Mexico.

“The procedure for collecting an inheritance can be long, but if the instructions are followed to the letter, it should not represent a major problem,” adds Medrano.

How to collect or demand the fulfillment of an inheritance?

In the case of testamentary hereditary successions. That is, those where the deceased person left a will drawn up and disposed of their assets, can be processed through the courts or notaries.

If it is done by judicial means:

1. A document must be submitted to the Office of Parties of the Superior Court of Justice of the City where the death is accredited by means of a death certificate. At the same time, the interested party (or promoter) must prove the legal interest in collecting the will. This can be done according to each case: with the birth

certificate in the case of children of the deceased, with the marriage certificate in the case of spouse, etc.
2. Before a hereditary succession by judicial means, it is necessary to present a list of the assets and debts in question.
3. Subsequently, everything related to the administration of the estate of the succession and the accounts is presented.
4. Finally, the process ends with the partition of assets. The judge will determine whether or not to award them to the heirs according to the agreement they have reached, if the deceased left several people as universal heirs. In the event that the deceased has provided specific assets to someone in particular, the judge must award those assets to those individuals.

Finally, the deed is carried out in which a notary public officially awards the properties to the heirs. In this case, the corresponding taxes must be paid and the goods must be registered in the Public Property Registry, in which the change of owner is reported.

Important: through the legal process it will be necessary to hire a lawyer specialized in inheritance and it will always be the longest and most expensive process.

In the testamentary hereditary succession through notarial channels

It is important that the procedure is not requested by minors or adults with a disability of their mental faculties, it is also requested that there is no conflict between the heirs, otherwise the procedure proceeds through the courts.

1. If everything is in order, the interested parties go before a notary public.
2. The notary confirms that indeed the deceased person left

a will, then the deed of acceptance of inheritance and the position of executor is granted so that the notary can make two publications in the city newspaper.

3. Subsequently, a second deed is made that contains the inventory and appraisal information. The adjudication of the goods is also carried out and finally the payment of the corresponding taxes and the registration in the Public Property Registry.

This process can take up to two months, if no additional problem arises. Although the process to collect a will is not exactly fast, the ideal is to do it correctly and through an agreement between the heirs.

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