

Notaires as family advisors

Notaires also pay a particular attention in providing legal advices and help families regarding: asset management, joint ownership, pre-nuptial agreement, wills, gifts, divorce settlements, family partnerships (“sociétés civiles familiales”), etc.

They are confidants and witnesses of changes affecting family structures (decrease of married couples, increase of divorces and of non married couples) and their assets (due to mobility, professional and personal changes, or indebtedness).

Consequently, they provide clients a personal legal and tax advice in order to take in consideration new needs occurring from by such changes (accommodation, additional pension, etc.).

Notaires can also advise on the consequences of a divorce, death, or accidental disability. They can be consulted at all times of life, especially for estate planning or transfers of ownership inside and outside the scope of the family.

The notaire's main areas of work

French notaires give legal force to the deeds they draft and seal in a very wide range of activities:

- ❑ **Family matters**, like pre-nuptial agreements, wills, gifts, divorce settlements, and Probate, are notaires' traditional fields of expertise and represent 26 % of their global activity.
- ❑ **Real estate** is a major part of notaires' practice, and do not only cover conveyancing, but also negotiation, draft of pre-sale agreements and of deeds of sale.
- ❑ **Business matters**, a less known expertise of French notaires who have a comprehensive vision of corporate matters, which also covers directors personal queries (like tax advice and estate planning applying to both personal and professional assets).
- ❑ **Rural matters and environment:** notaires also provide appropriate solutions in order to promote agriculture
 - they have created a national agricultural data base for the estimation of farms values,
 - they have imagined a specific type of lease in order to better protect the farmer in such circumstances,
 - they can seal a "hand-over credit plan" under which, if certain legal conditions are fulfilled, it is possible to sell a farm and benefit from tax advantages.
- ❑ **Local authorities:** notaires are also implied in advising such bodies, in providing them
 - Legal and specific advice concerning urban or regional planning, environmental issues, etc.
 - Deeds with the related responsibility.

www.notaires.fr

What is a notaire ?



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The notaire is a legal professional with a public authority mission. He prepares contracts in authentic form for his clients. The notaire works as an independent professional.

The notaire is a public officer

The notaire is a public officer whose duties cover all fields of law as: **family, real estate, inheritance, business, rural matters, local authorities, etc.**

Acting on behalf of the State and appointed by the Minister of Justice, the notaire guarantees the validity and enforceability of the deeds he drafts. Consequently, certain deeds, as property transfers or donations, due to their importance, must exclusively be signed before a notaire.

The notaire is a deed-authentication professional

When signing and sealing a deed, the notaire officially confirms the wishes of the parties and is personally responsible for the content, the validity, and the accuracy of the date of the deed. Moreover, such a deed has the same legal force than a judgement, and is thus enforceable as such, in non-contentious matters, without any prior court hearing. Above all, the notaire also safeguards the fairness of the contract, even though he acts for one party.

The notaire is an independent professional

While the notaire acts as a public officer, appointed by the Lord Chancellor, he performs his duties as an independent professional, under his own responsibility. Therefore, he is not paid by the Government, but by his clients according to a price schedule set by the Government according to the different services he provides.

“The notaire guarantees the validity and enforceability of the deeds he drafts”

There are notaires throughout France

Notaires offices are located throughout France, according to a spread established by the Minister of Justice, in order to meet the needs of the population to be provided the same legal public service all over the French territory. The spread of notaires offices aims at:

- maintaining a legal public service at a local level,
- keeping up with geographic and demographic changes.

Notaire fees

When buying a property, the purchaser must pay a certain amount of money to the notaire, which is commonly (but inaccurately!) referred to as “notaire fees” (“frais de notaire”). In fact, these sums cover:

- The stamp duties to be paid to the French Inland Revenue, the local authorities (for approximately 80 % of the fees). These sums are collected by the notaire and subsequently paid by him on behalf of his client. They vary according to nature of the property.
- The notaire’s fees (which totalize less than 10 % of these costs).
- Miscellaneous expenses (“débours”) to be paid by the notaire on behalf of his clients to collect various documents and/or pay the different professionals of authorities which deliver them.

Some examples of costs

- Gifts between spouses (during the marriage): € 109.50 (£ 74.16).
- Donation inter vivos for an amount of €30,000 (£ 20,319): €346.50 (£ 234.68) exclusive VAT.
- For the sale of a real estate property of €200,000 (£ 135,460): the notaire’s negotiation fees represent €6,143.37 (£ 4,160.90) exclusive of VAT.

Good to know...