

# Forced Heirship

## *A Problem for the Ages*

By Carl Edward "Ed" Jeffrey



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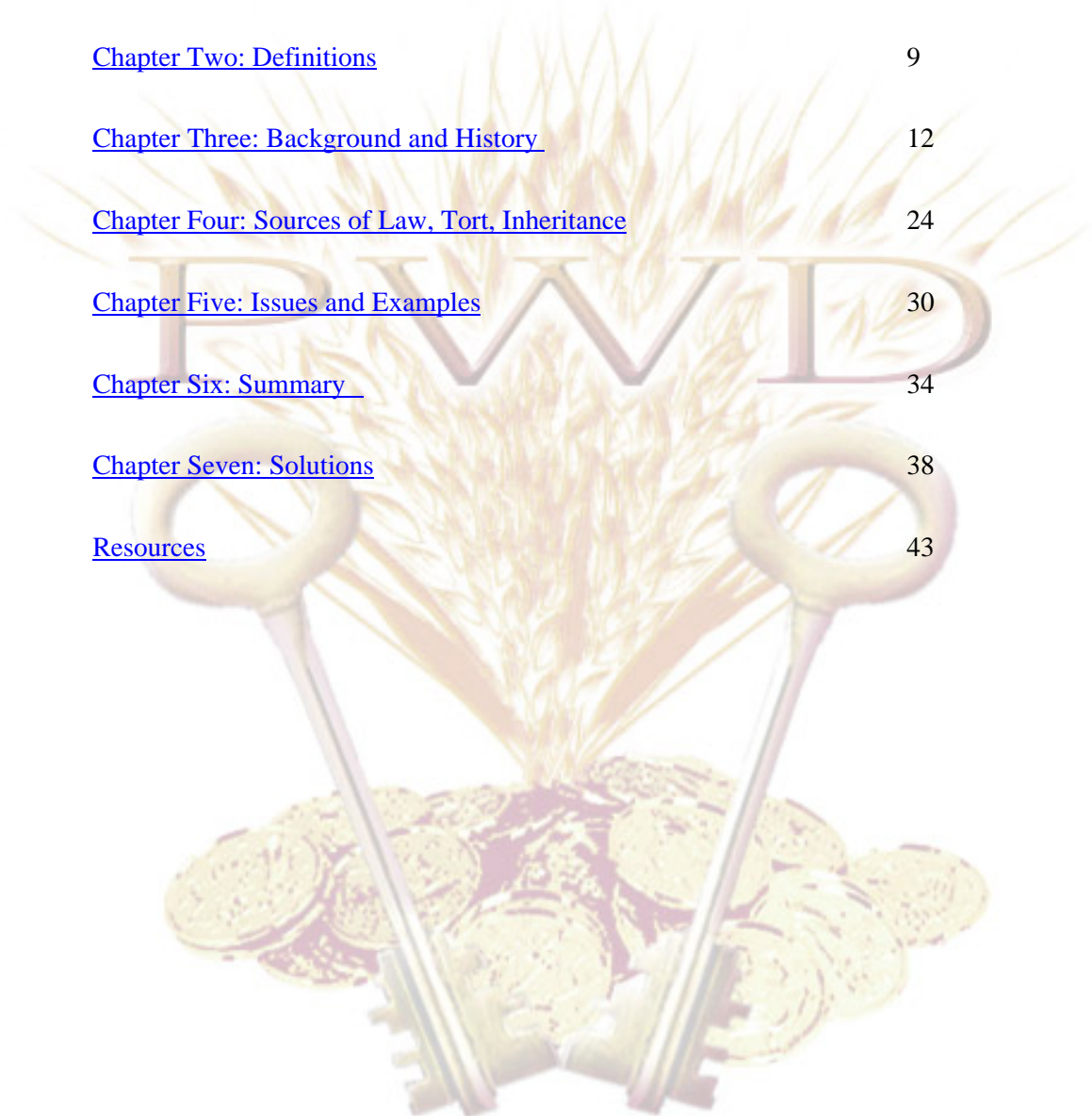
*"Man is a mere phantom as he goes to and fro:  
He bustles about, but only in vain;  
He heaps up wealth, not knowing who will get it."  
--Psalm 39:6*

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*The way to be immortal (I mean not to die at all) is to have me for your heir. I recommend you to put me in your will and you will see that (as long as I live at least) you will never even catch cold.*  
 –Lord Byron (1788-1824), British poet

## Foreword

Over the past 24 years of my career as an insurance and estate planning professional, I learned to listen to other people carefully to determine what their needs are, as opposed to what they *desire* or hope to achieve. Sometimes there is a large divide between the two realities. This is the quandary that an estate planner faces when working with clients. Either the client's goals or dreams must align with their life's realities, or they must change their circumstances to align with their dreams.

The one thing that cannot be changed is the local or overlaying law that binds itself around their life. The answer lies in finding a legal way to navigate around those laws so that the individual realizes their ultimate wishes instead of the government imposing their will on the family.

Estate planning is now a global issue to many business owners and executives. They have to comply with the local and the international legal obstacles in their situation in order to have the life they want, and the life they desire for the next generation. It is not an impossible task but it is one that requires leadership and trust in a group of advisors the individual chooses to work with. The following pages speak about a large issue affecting many people.

My intent in this volume is to present an overview of the large body of testamentary law known collectively as *Forced Heirship*, along with the background and history of testamentary law throughout the world. We will also look at the development of legal systems worldwide, and we will examine a number of problems which might affect an individual's estate under the world's various legal systems. Finally, I will present viable solutions for asset protection.

I have prepared this book to help you become better informed of the laws that may affect you, and why governments have developed this power over the estates of individuals. I have also prepared it to reveal the ways man has devised to get around the forced heirship laws. It is my firm belief that an informed person will always be better able to plan for his or her future than one who "shoots in the dark" or simply does nothing. This information is

all "out there" for anyone willing to look it up. But with our busy lives today, few take the time. So I have compiled the information all in one volume for you, and I am making it available at no charge. Read it at your leisure. If you find that you have questions or you would like more information, please contact me.

My goal is to help as many people as possible become the sovereign of their own estate. Toward that end, please read on. Estate problems exist, but help is available. Of course, as co-founder and chief executive of the professional group of financial planners, lawyers, and estate specialists known collectively as Private Wealth Design, I readily admit we hope to be the firm many of you will choose to be your advisors. Please read, think, comment about the issues presented herein, and communicate with us to see if we are the one for you and your family.



P W D

Ed Jeffrey

Chief Executive Officer  
Private Wealth Design, LLC

*"Say not you know another entirely till you have divided an inheritance with him."*

*–Johann Kaspar Laveter (1741-1801), Swiss Theologian, Mystic*

## Chapter One: The Dilemma

Since ancient times, a rule of law has dictated the final wishes of multitudes. And since ancient times, shrewd men and women have been devising solutions to get around the testamentary laws. We'll begin our examination with a clear definition of what forced heirship is. Forced heirship refers to those testamentary laws which limit the discretion of the testator to distribute assets under a will or codicil on death.

In order to develop a basic understanding of why each country has the laws it does, we will cover history and background of the various legal systems. As you will see in subsequent chapters, testamentary laws are most prevalent today amongst civil law jurisdictions and in Muslim countries, but they also occur in other major countries such as the U.S.A. (in Louisiana) and Japan. Since that is the case, it seems important that individuals become informed on which countries or areas are civil law jurisdictions, and how that country's laws may affect their estate.

A number of factors have influenced the development of modern day forced heirship laws, including the world's major religions (particularly Judaism and Islam) and governments, such as the Roman Empire. Forced heirship was designed by intent to protect the heirs (males first) of the patriarch, thus perpetuating the tribe or family.

Consider this dilemma: While a will may disinherit an individual, civil code *cannot remove the heir* from their entitlement. While a will may leave all property to one individual, civil code *may require* the property be divided in set amounts to all "heirs." Even though the development and advent of common law dispensed greater power to the individual over the former religious traditions, ruling laws and local covenants, *location* remains a critical factor in the outcome of your estate even today in our modern age.

Freedom in the ability to transfer, to leave, or to bequeath wealth seems to be in line with the progression of secular society. As always when a problem is identified and studied, wise human beings will seek ways to solve the problem. That is why asset protection has been developing for the past many centuries right alongside the testamentary laws. Thanks to innovative solutions developed for asset protection, the individual has replaced the state in his right to convey property as he sees fit.

Yet however much individual rights may have advanced, there remain critical issues that must be addressed and planned for in advance. It is still important to be careful *where* you die, and where you leave your assets. So a main theme of this volume must be, and can only be like the old adage, "*those who fail to plan, plan to fail.*"

Most people look to the United States as one of the most flexible in terms of individual rights; however, even in the United States, a form of forced heirship exists through the process of probate. Sometimes the process of probate is sarcastically referred to as the lawyer's annuity because the process creates fees which can go on for months, even years. In effect, dying without a will, a self-proving will, or trust in the United States allows the state government to determine *who* inherits, *how much*, and *when* your heirs inherit the estate (less the fees of administration, of course.) This is all carried out under the state's laws of intestate succession. Privacy is another issue of great concern to many people. To spell the problem out in simple language, perhaps you don't want John Q. Public to know your heirs will be getting several million dollars, a castle in France, and a few highly desirable, rare paintings. The process of probate is not a private affair because of the openness required in the court system, a fact which may invite the contesting of the will. Perhaps your will might be contested by dear Uncle George, whom you stopped speaking to back in the 70s because he is an incorrigible jerk.

Unfortunately, even among those who voice concern about privacy issues, many do not perceive that their privacy or their identity is at risk until it is too late. As more assets are accumulated during the course of a lifetime, the need for privacy concerning the existence of assets, structure of ownership, and future disposition should be identified and resolved. There are a number of ways you can lower your profile *now*, which will become a benefit later when your assets are being handed out to your wish list. Not the list ordained by the state, but the list that you create now with some preemptive planning tools.

The simple earthly emotions of jealousy and envy are usually the roots that grow the fruit of lawsuits, kidnapping, ransom, extortion, and blackmail. Just let a sizable amount of assets become common knowledge, and it can create a long list of would-be friends and heirs. These may be entitled heirs, welcomed by you or *not*. The biggest heir to disinherit will be *your* Uncle Sam, wherever you live. Of course, by that I mean the government.

In my opinion, taxation of estates is the cruelest version of forced heirship. Some call it 'the redistribution of wealth by political intention.' As I see it, estate taxation is intended to give the have-nots the riches of the haves. The problem is that it does not work because the collection process and tax offices have not brought the wealth to the state. Taxation of estates only *penalizes those who fail to plan*. That makes it a true penalty tax, since the estate tax is thwarted by the prowess of tax practitioners hired by those who *plan*. Yet, even for those who plan, this tax can be reduced but not entirely eliminated. That is because the fee payable to the tax planners hired to reduce or eliminate your estate tax, also represents a form of tax or penalty.

I'm not saying planning is not money well spent, but it is money spent nonetheless. So, the game goes on. Congress passes laws, and lawyers look for the holes in the cheese. This game is played on every level. The rich play better because they *can*. By doing so, they privatize their estate from prying eyes, and lower their profile. This lowered profile helps in the accumulation stage of life and the estate distribution process as well.

The proverb says it well: *"One man pretends to be rich, yet has nothing, another pretends to be poor, yet has great wealth. A man's riches may ransom his life but a poor man hears no threat."* (Prov. 13:7-8) This seems to be in direct opposition to the "be seen, in your face" wealth and "bling-bling" of the hip hop generation.

Restraint in displaying the trappings of wealth needs to be the word of the day. Ask any person of means in certain locales, who are plagued with the threat of kidnapping, and they will tell you about the need for restraint in the showing of opulence. Remember the saying, "the walls have ears" – well, it is important to know sometimes that saying is literally true. Even though you may live in a location where this kind of threat is unlikely at best, if you show less means, then less attention will be fixated on you, on your family, and your assets. Less attention is almost always better for all concerned.

***"The patient is not likely to recover who makes the doctor his heir."***

***--Thomas Fuller (1608-1661) British clergyman and author***

## Chapter Two: Definitions

As legal terminology is a language unto itself, it seems prudent to address some of the terms we will encounter frequently throughout this volume. We've included them in this section for easy reference.

**Forced** – Compelled by force or necessity. Involuntary. <sup>1</sup>

**Forced Heirship**—A reference to the testamentary laws which limit the discretion of the testator to distribute assets under a will or codicil on death. Forced heirship laws are most prevalent amongst civil law jurisdictions and in Muslim countries, but also occur in other major countries such as the U.S.A. (in Louisiana) and Japan.

Advocates of forced heirship contend that it is perfectly proper for testators to be required to make adequate provision for their dependents, and that most countries in the world permit wills to be varied where they would leave dependents destitute. Critics suggest that there is a great difference between varying wills to the minimum degree to provide sufficient financial support for dependents and prohibiting the testator from distributing the estate or a proportion of the estate to any female children, or younger male children, and that it cannot be any less repugnant to force a deceased person's assets to be distributed in a certain way than it would be to tell them how they may do so during their lifetime. Wealthy individuals sometimes seek to circumvent forced heirship laws by transferring assets into an offshore company and seeking to settle the shares in the offshore company in a trust governed by the laws of a jurisdiction outside their domicile. <sup>2</sup>

**Intestate**—Dying without a will.

**Inherit**—to make one an heir; to receive from an ancestor as a right or title descendible by law of the ancestor's death; to take or hold a possession or rights by inheritance. <sup>3</sup>

**Legitime**—In Civil and Roman law, the legitime, or forced share, of a decedent's estate is that portion of the estate from which he cannot disinherit his children, or his parents, without sufficient legal cause. The word comes from French *héritier legitime*, meaning "rightful heir." <sup>4</sup>

**Decedent**—A person who has died. <sup>5</sup>

**Succession**—The legal transfer of a decedent's assets and rights to his/her heirs.<sup>6</sup>

**Asset**—Any item of economic value owned by an individual or corporation, especially that which could be converted to cash. Examples are cash, securities, accounts receivable, inventory, office equipment, real estate, a car, and other property. On a balance sheet, assets are equal to the sum of liabilities, common stock, preferred stock, and retained earnings. From an accounting perspective, assets are divided into the following categories: current assets (cash and other liquid items), long-term assets (real estate, plant, equipment), prepaid and deferred assets (expenditures for future costs such as insurance, rent, interest), and intangible assets (trademarks, patents, copyrights, goodwill).<sup>7</sup>

**Testator**—One who has a legally valid will.<sup>8</sup>

**Heirs**—Individual who will receive assets upon the death of another (the decedent).<sup>9</sup>

**Beneficiary**—An individual, institution, trustee, or estate which receives, or may become eligible to receive.<sup>10</sup>

**Trustee**—An individual or organization which holds or manages and invests assets for the benefit of another. The trustee is legally obliged to make all trust-related decisions with the trustee's interests in mind, and may be liable for damages in the event of not doing so. Trustees may be entitled to a payment for their services, if specified in the trust deed. In the specific case of the bond market, a trustee administers a bond issue for a borrower, and ensures that the issuer meets all the terms and conditions associated with the borrowing.<sup>11</sup>

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<sup>1</sup> Merriam-Webster OnLine (<http://www.m-w.com/>)

<sup>2</sup> Ibid.

<sup>3</sup> Wikipedia Online Encyclopedia ([www.wikipedia.org](http://www.wikipedia.org))

<sup>4</sup> Ibid.

<sup>5</sup> InvestorWords.Com (<http://www.investorwords.com>)

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

For comparison, see *Encyclopedia Britannica* (<http://www.britannica.com/>) or *High Beam Online Encyclopedia* (<http://www.encyclopedia.com/>.)



*"There is a strange charm in the thoughts of a good legacy, or the hopes of an estate, which wondrously removes or at least alleviates the sorrow that men would otherwise feel for the death of friends."*

*--Miguel de Cervantes (1547-1616) Spanish novelist, dramatist and poet*

## Chapter Three: Background and History

In order to understand forced heirship, it is necessary to look at the background and history of the world's legal systems. Two of the most important influences upon the world's legal systems have been Jewish Inheritance Law and Islamic Law. Jewish Inheritance Law was derived from the Holy Bible. Islamic Law has its roots in the Quran. We will begin our historical overview with Jewish Inheritance Law, the oldest legal system, and then we will proceed to Islamic Inheritance Law, common law, customary law, civil law. We will also examine how civil codes came into being and how important codes in history influenced development of civil codes in other countries.

### Religious Law: Jewish and Islamic

#### Jewish Inheritance Law

Derived more from Biblical references and illustrations than from explicit directions, Biblical inheritance laws are somewhat vague. These laws seem to have been mostly designed to retain the stability of the tribes of Israel by keeping property within the tribe, and the patri-lineal line.

Often cited as the seminal Biblical source of the laws of succession, Numbers 27:8-11 reads:

*If a man die, and have no son, then ye shall cause his inheritance to pass unto his daughter. And if he have no daughter, then ye shall give his inheritance unto his brethren. And if he have no brethren, then ye shall give his inheritance unto his father's brethren. And if his father have no brethren, then ye shall give his inheritance unto his kinsman that is next to him of his family, and he shall possess it. (New International Version)*

These are the rules given:

- At the father's death, the sons, if any, receive the father's estate.
- If there are no sons, the property passes to the father's daughters.
- If there are no daughters, the property passes to the grantor's brothers;
- If there are no brothers, the property passes to the decedent's uncles.
- Numbers 27:8-11 seems to exclude female heirs (other than daughters,) the mother's family, and even the male ancestors of the decedent.

- Numbers does not explicitly address the issues of decedent's children or brethren.

Presented in the *Baba Bathra*, the tractate of the *Mishnah* that deals with the ownership of property, this passage in Numbers is interpreted to include issue and establish succession.

Generally, it gives that whoever has precedent in inheritance, his offspring will also have precedence. The father has precedence over all his offspring.

In other words, the descendants of the decedent's sons, daughters, brothers, and uncles all hold a place in the order of inheritance.

*"Even the elucidation in the Mishnah did not satisfactorily answer all questions about the order of inheritance. One disputed issue was that of who should inherit if the decedent was survived by a daughter and the daughter of a deceased son. The Talmud includes discussions of this issue and states definitively that, contrary to the teachings of the Sadducees, the son's daughter would inherit and the decedent's daughter would take nothing.*

*Another question on which modern scholars still seem to disagree is whether the priority of males over females continues throughout the entire order of succession. For example, Rabbi Shmuel Shilo describes the order of succession as "a parentelic system, conferring the right of inheritance on all kin of the deceased in the agnate (paternal) line of descendancy and ascendancy. Thus, descendants would inherit first. If there were no descendants, the father of his descendants (presumably both male and female descendants) would inherit next. In the absence of a surviving father, siblings, or descendants of siblings, the grandfather and his descendants would inherit, and so on."* (See *The Inheritance Rights of Women under Jewish and Islamic Law*, by Mary R. Radford at [http://www.bc.edu/bc\\_org/avp/law/lwsch/journals/bcicl/23\\_2/01\\_TXT.htm](http://www.bc.edu/bc_org/avp/law/lwsch/journals/bcicl/23_2/01_TXT.htm).)

According to Rabbi Dayan Grunfeld, the order of succession (See Grunfeld, "*The Jewish Law of Inheritance*" (Feldheim), based on **oral law**, is:

- 1) The sons
- 2) Their descendants
- 3) The daughters
- 4) Their descendants
- 5) The father
- 6) The brothers
- 7) Their descendants
- 8) The sisters
- 9) Their descendants
- 10) The grandfather
- 11) The brothers of the father
- 12) Their descendants
- 13) The sisters of the father
- 14) Their descendants, etc., etc.

Indeed, Jewish laws of inheritance favor men over women several ways:

1. The decedent's daughter cannot take any portion of her father's estate if he is survived by sons or descendants of sons.
2. The mother and the mother's family are not heirs of a decedent.
3. A husband inherits from his wife, but a wife does not inherit from her husband.

By using testamentary bequests and devises, many individuals today manage to reduce the discrimination against the female heirs.

*"The Baba Bathra prohibits a man from making a testamentary disposition of his property that abrogates the required order of succession. However, the same tractate allows a man to give away his property during his life. These inter vivos gifts can take the form of an irrevocable gift of property in which the donor may retain the*

*right to a usufruct during life, a deathbed gift, or a gift made in contemplation of death. The gifting of property to one who is not an heir is not expressly prohibited. However, the more orthodox view is that a pious man should not do so."* (See *The Inheritance Rights of Women under Jewish and Islamic Law*, by Mary R. Radford at [http://www.bc.edu/bc\\_org/avp/law/lwsch/journals/bcicl/23\\_2/01\\_TXT.htm](http://www.bc.edu/bc_org/avp/law/lwsch/journals/bcicl/23_2/01_TXT.htm).)

### **Islamic Laws of Inheritance: Shari'ah**

According to traditional Sunni Islamic law, when a Muslim dies, there are four duties to be performed:

1. Pay funeral expenses
2. Pay decedent's debts
3. Execute decedent's will
4. Distribute the remaining estate to the heirs according to *Shari'ah*

As is conveyed throughout this volume, even among the various countries and their various clerics, scholars and professionals, there are often wide differences in interpretations of law, religious or secular. Similarly, there are differences in the interpretations of "What is Shari'ah?"

### **What is Shari'ah? Major Sources and Principles of Islamic Law**

Islamic Development Bank defines Shari'ah this way:

*"Shari'ah is the set of rules derived from both the Holy Quran and the authentic traditions (Sunnah) of the Prophet (peace be upon him) and the scholarly opinions (Ijtihad) based on Quran and Sunnah."* (See Islamic Development Bank at [http://www.isdb.org/english\\_docs/idb\\_home/faq/Q\\_ISM.htm](http://www.isdb.org/english_docs/idb_home/faq/Q_ISM.htm).)

The Islam Project defines it this way:

*"Shari'ah, or Islamic law, is the "centerpiece and backbone of the religion of Islam." It is based on the Qur'an, which Muslims believe is the revealed book of God given to Muhammad over 23 years, ending in 632 CE, and the Sunnah, or example of the*

*Prophet Muhammad, whom Muslims believe was divinely guided. The Hadith, which are sayings of Muhammad and provide information about the Sunnah, were recorded in the two centuries after Muhammad's death in authenticated hadith collections. Islamic law prescribes Muslim behavior in every aspect of life from private matters between the individual and God to relationships with others from the family or the widest community. The Shari'ah contains categories and subjects of Islamic law called the branches of fiqh (literally, "understanding"). They include Islamic worship, Family relations, Inheritance, Commerce, Property law, Civil (tort) law, Criminal law, Administration, Taxation, Constitution, International Relations, War and Ethics, and other categories." (See *The Islam Project* at [http://www.theislamproject.org/education/D01\\_IslamicLaw.htm](http://www.theislamproject.org/education/D01_IslamicLaw.htm).)*

According to the Quran, Muslims must follow all the commandments of Allah (SWT):

*"It is not for a believer, man or woman, when Allah and His Messenger have decreed a matter that they should have any opinion in their decision. And whoever disobeys Allah and His Messenger, has indeed strayed into a plain error." [Quran 33:36]*

*"These are limits (set by) Allah (or ordinances as regards laws of inheritance), and whosoever obeys Allah and His Messenger will be admitted to Gardens under which rivers flow (in Paradise), to abide therein, and that will be the great success.*

*And whosoever disobeys Allah and His Messenger, and transgresses His limits, He will cast him into the Fire, to abide therein; and he shall have a disgraceful torment." [Quran 4:13-14]*

Professor Almaric Rumsey (1825-1899) of King's College, London, said Muslim law of inheritance, "*comprises beyond question the most refined and elaborate system of rules for the devolution of property that is known to the civilised world.*"

Passages dealing specifically with this issue include:

*"Allah commands you regarding your children. For the male a share equivalent to that of two females." [Quran 4:11]*

*"If (there are) women (daughters) more than two, then for them two thirds of the inheritance; and if there is only one then it is half." [Quran 4:11]*

*"And for his parents for each of them there is one-sixth of the inheritance if he has a child, but if he does not have a child and the parents are the heirs then for the mother one-third." [Quran 4:11]*

Sunni Muslim jurists interpret the Arabic word, **walad**, as any child or agnatic grandchild.

**Agnatic** means a grandchild born through a son. More on inheritance from the Quran:

*"... but if he has brothers (or sisters) then for the mother one-sixth" [Quran 4:11]*

*"And for you there is one-half of what your wives leave behind if there is no child, but if they leave a child then for you there is one-fourth of what they leave behind; ... "*

*[Quran 4:12]*

*"And for them one-fourth of what you leave behind if you did not have a child, but if you have a child then for them one-eighth of what you leave behind; ..." [Quran 4:12]*

*"...but if he does not have a child and the parents are the heirs then for the mother one-third." is interpreted to mean, "...but if he does not have a child and the parents are the (only) heirs then for the mother one-third."*

*"And if a kalala man or woman (one who has neither ascendants nor descendants) is inherited from, and he (or she) has a (uterine) brother or (uterine) sister then for each of them (there is) one-sixth. But if they (uterine brothers and sisters) are more than that then they are sharers in one-third (equally)." [Quran 4:12]*

**Uterine** siblings are those with the same mother but different fathers.

**Kalala or Al-Kalala** means a person who dies leaving no child or parent.

The uterine siblings only inherit in the absence of any descendants or ascendants.

Islamic Law may also prevent heirs from inheriting under circumstances which are deemed to cause "disqualification" of otherwise legitimate heirs. Examples:

*"A Muslim cannot be the heir of a disbeliever, nor can a disbeliever be the heir of a Muslim." (See Sahih al-Bukhari)*

*A Muslim cannot inherit from a non-Muslim.*

*"One who kills a man cannot inherit from him." (See Tirmidhi and Ibn Majah)*

According to University of Southern California:

Four persons cannot get inheritance:

- (a) a fugitive slave who has fled away from his master,
- (b) one who has murdered one's predecessor intentionally or unintentionally
- (c) one who professes a religion other than Islam,
- (d) one living in Dar-ul-Harb cannot inherit the property of one living in Dar-ul-Islam

and vice versa. (See University of Southern California-MSA, *Compendium of Muslim Texts* at <http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/muslim/011.smt.html>.)

**A central theme of this guide is: "Where you die is important"**

For Muslims living in other countries, having a will is extremely important in order to comply with Islamic inheritance laws. If a Muslim dies in a non-Islamic country, without having made a valid will enforceable in that country, his estate might well be divided according to the foreign country's or state's intestate succession laws. The resulting division of the estate would most likely be at odds with *Shari'ah*. *Shari'ah* places restrictions on testators, to whom he bequeaths his estate and even the amount he can bequeath. A bequest in excess of one-third of the net estate is considered by most jurists to be invalid unless there is consent given by the legal heirs.

In order for the Muslim will to be valid in the foreign country, it must also fully comply with that country's prevailing laws regarding the making and recording of wills.

**Choose wisely the one who prepares your will**

It is therefore of utmost importance in the making of a will, that the testator choose wisely a legal professional who is well versed in international laws—those of the country in which he resides, and in which his assets are located—as well as the particular laws of inheritance to which his faith may bind him.

We have examined religious law and its foundation in scriptures, now; let us examine each of the remaining legal systems of the world today.

**The four major legal systems of the world today are:**

- Civil law
- Common law
- Customary law
- Religious law

## **Civil Law**

Civil Law is a comprehensive system of rules, which are applied and interpreted by judges. It is *the most widely practiced system of law* in the world. Usually codified, Civil Law is largely based on the Napoleonic Code and the BGB (German Code), with its earliest roots of origin in Roman law. Civil (or civilian) law is the base of the law in Quebec (Canada), Louisiana (United States), Puerto Rico (US territory), Japan, Latin America, continental Europe, and many former European colonies.

There are variations of civil law. Scotland and South Africa have uncodified civil law systems. Scottish law is a mixed system and features both uncodified and civil law systems; Namibia and South Africa also have mixed systems. Laws in the western and southwestern areas of the United States differ from other areas of the states, in that ancestors in the northeast, for example, built upon tradition of English Common Law, while westerners (particularly Louisiana), built the law upon an Iberian civil law foundation.

*"The civil law is based on Roman law, especially the Corpus Juris Civilis of Emperor Justinian, as later developed through the Middle Ages by mediæval legal scholars. Originally civil law was one common legal system in much of Europe, but with the development of nationalism in the 17<sup>th</sup> century Nordic countries and around the time of the French Revolution, it became fractured into separate national systems. This change was brought about by the development of separate national systems. This change was brought about by the development of separate national codes. The French Napoleonic Code and the German and Swiss codes were the most influential*

*ones. Around this time civil law incorporated many ideas associated with the Enlightenment. Because Germany was a rising power in the late 19<sup>th</sup> century when many poor Asian nations were introducing civil law, the German Civil Code has been the basis for the legal systems of Japan and South Korea. In China, the German Civil Code was introduced in the later years of the Qing Dynasty and formed the basis of the law of the Republic of China which remains in force in Taiwan. Some authors consider that civil law later served as the foundation for socialist law used in Communist countries, which in this view would basically be civil law with the addition of Marxist-Leninist ideas." (Wikipedia.org)*

## **Common Law**

Common law is a legal system developed among Anglo-Saxon peoples, especially in England, wherein it is referred to as English Common Law.

Common law was developed by custom, before they were written laws. The Courts continued to apply the common law of custom after written laws became established.

## **Customary Law**

Customary Law (*droit coutumier*) became the basis of codified law, which was simply a compilation of legal principles that were considered the norm in local areas. All civil law systems are not codified, however—for example, Scandinavian countries. Most civil law systems are codified, for example, the United States' Uniform Commercial Code. Legislation in civil law countries is deemed to be the primary source of law.

*"A **civil code** is a systematic compilation of laws designed to comprehensively deal with the core areas of private law. A jurisdiction that has a civil code generally also has a code of civil procure. In some jurisdictions with a civil code, a number of the core areas of private law that would otherwise typically be codified in a civil code may instead be codified in a commercial code." (Wikipedia.org)*

## History of European Codes

### How European Codes have Influenced Legal Systems

In the 18<sup>th</sup> century, the German states of Prussia, Bavaria and Saxony began to codify their laws with the resulting *Codex Maximilianeus Bavaricus Civilis* of 1756 in Bavaria and the legal compilation in 1792 (including civil, penal, and constitutional law), known as the *Allgemeines Landrecht für die Preussischen Staaten* (General National Law for the Prussian States.) In Austria, between 1753 and 1780, the *Codex Theresianus*, the Josephinian Code (of 1787) and the West Galician Code (of 1797) were developed. In 1811, the Austrian Civil Code (called *Allgemeines bürgerliches Gesetzbuch*) was completed.

The French Napoleonic code, however, which was enacted in 1804, has had the most lasting influence. Italy, Spain, Portugal, the Benelux countries, Latin American countries, the province of Quebec, and the state of Louisiana in the United States all have civil law systems largely based on the Napoleonic Code.

The German Civil Code (or BGB), enacted in 1900, and the Swiss Civil Code (*Zivilgesetzbuch*) of 1907 influenced the development of codification projects in Japan and Turkey.

### Important Civil Codes with Year of Enactment

- Mesopotamia Code of Hammurabi (ca. 1780 BC)
- Bavarian Codex Maximilianeus bavaricus civilis (1756)
- Prussian Allgemeines Landrecht (1792 – "General Law of the Land")
- French Code civil des Français (1804) (Napoleonic Code/Code Civil)
- Austrian Allgemeines bürgerliches Gesetzbuch (1812)
- Louisiana Civil Code of the State of Louisiana (1825)
- Chile Código Civil (1855)
- Quebec or Civil Code of Lower Canada (1865) (replaced by Civil Code of Quebec in 1994)
- German Bürgerliches Gesetzbuch (1900)
- Swiss Zivilgesetzbuch (1907)

- Italian Codice Civile (1942)

## American Codes

In the United States, codifications are actually collections of common law rules and a variety of *ad hoc* statutes. The California Civil Code largely codifies common law doctrine and it differs in form and content from all other civil codes.

In summary, the civil law system became the most widespread of all legal systems. Also referred to as European Continental Law, the principal characteristics of civil legal systems are private law, based on Roman law.

**[Click here](#) for "Legal Systems of the World," and to view charts which show every country and its legal system.** (Or see [http://en.wikipedia.org/wiki/Legal\\_systems\\_of\\_the\\_world](http://en.wikipedia.org/wiki/Legal_systems_of_the_world))



## Chapter Four: Sources of Law, Tort, and Inheritance

In this chapter, we will look at the root source of law, tort, and inheritance. We will examine more closely the French, Swiss, Spanish and Latin American systems of forced heirship (since each is unique.) We will also take a look at more legal terms, including *irresponsible* wills and the different types of *valid* wills (holographic, non-holographic, open, and closed) and I'll explain how they differ.

Can you imagine the horror of a family or other heirs when a will has been made with the best of intentions by a testator, but it is thrown out by the courts because it is rendered invalid for some reason? Our purpose with this closer examination is to provide you with an *overview* of what to expect should you live or have assets in any of the countries or regions which have forced heirship systems. The second purpose is to let you know even if you make a will, it is of utmost importance that your will complies with *every* legal requirement of your government, state or locale in accordance with prevailing laws. Making a will does not always ensure your property will be disbursed according to your dictates.

### **Where did modern criminal and tort law originate?**

Roman Law has often been referred to as the 'laws of common sense.' In particular, the *Lex Aquila* was the basic Roman law covering claims of negligence, and it is considered an historical antecedent of much of our modern criminal and tort law.

### **What is an irresponsible will?**

The idea of Forced Heirship has its origin in the cause of action for *undutiful wills*. It is still the prevailing rule in civil law. *Undutiful* wills are known today as *irresponsible* wills. When the head of a family disinherits (or omits) their children without good reason, the aggrieved are allowed the complaint of an *irresponsible* will. The underlying theory is that the testator failed in family responsibilities by disinheriting this person, even though the rest of the will may be legal and valid.

*Quarter entitlement* is the bar to a complaint for irresponsibility.

Some definitions again, for quick reference:

**Forced Heirship:** the legal limitation of testamentary capacity.

**Compulsory Share or Legitim:** Also called “reserve” - The minimum share that *must go* to the legitimate heirs.

**Free Disposition Share:** That part of the estate that may be disposed of without limitation.

**Intestate:** Dying without a legal will. Distribution is overseen by a probate court. Also called *intestacy*. It is the opposite of testate.

**Testate:** One who dies with a valid will.

### **United States Intestate Succession Laws**

In the United States’ legal system, intestate divisions are governed by state intestate succession laws. If a person dies intestate, his or her property will be distributed to heirs according to the laws of the state which has jurisdiction over his or her estate. However, note that in the United States (as well as in other countries which were based mainly upon English common law,) there is generally considerable freedom in dispensing of property according to the individual’s wishes through the making of a valid will.

### **Civil Law Systems Put Limits on Inter-vivos Gifts (Donations)**

The civil law system places limits on **inter-vivos gifts (donations)** of property as well. An inter-vivos gift is one person freely disposing of a thing in favor of another who accepts it. They must appear in a public notarial document in order to be legal. A person may not receive by gift more than they would inherit by entitlement. (See Aubry & Rau, pp. 17-19 (§ 646 only); Planiol, pp. 209-219 (¶2511); pp. 232-233 for more about donations/inter-vivos gifts.)

### **Recap: In general, Forced Heirship Laws of any country:**

1. Require the testator to leave most of the inheritance to those whom the legal system deems to be their "legal heirs."

2. Usually allow one-third of a testator's estate to be freely dispositional to entities other than legal heirs.

## The Spanish and Latin American System of Forced Heirship

Under the Spanish and Latin American system of forced heirship, the part of the inheritance that must be left to the legal heirs is called the *legitima* (legitimate). (See C. civ. Esp. art. 806, C. Civ. P.R. art. 735.)

The *legitima* is divided into:

1. The *legitima estricta*, usually one third, which must be divided equally among *all* heirs, and
2. The *mejora*, usually one third, which may go to one or more heirs specifically, at the expense of the others. (See C. Civ. Esp. art. 823, C. Civ. P.R. art. 751.)

Spanish inheritance law only applies to Spanish nationals.

## The Swiss System of Forced Heirship

Under Swiss law, there are two methods by which the testator may dispose of an estate:

- 1) The will, which consists of a disposition by the testator only.
- 2) The inheritance contract. This is an agreement made by and among the testator and the statutory heirs and any third parties. It must be prepared and signed by a notary, and signed by two witnesses.

### The Different Types of Valid Wills/Testaments acceptable under Swiss law:

- A holograph will or Autographed Testament (must be entirely handwritten, signed and include date and place), or
- A certified testament (will.)

- o Emergency Testament: An oral will can be made before two witnesses, in the event of emergency (war, epidemic or other grave peril...).

### Swiss Inheritance Law

Under Swiss law, descendants, parents and spouses are considered **statutory heirs**. If the decedent leaves no will or inheritance contract, the laws of intestate succession will apply.

Under Swiss law, heirs acquire all assets and all liabilities of the deceased at the moment of death. A simple partnership (*Communauté héréditaire/Erbengemeinschaft*) will be formed by the heirs, which will have effect until the estate has been divided according to the applicable rules.

### The French System of Forced Heirship

The French also have forced heirship laws. The part reserved from the inheritance for heirs is:

- a. One half of the inheritance when there is only one heir
- b. 2/3 of the inheritance if there are two heirs
- c. ¾ of the inheritance if there are three or more heirs. (See C. Civ. Fran. Arts. 913-914.)

Whatever is left after the applicable reserve is met is known as the *quotité disponible*, meaning that which may be freely disposed of by will.

Most couples marry under a **community of property contract** in France. This means they are treated as owning three pools of property: property belonging to each individual, and property that is considered community property. Residential real estate is usually considered community property, and on the death of one spouse, it will pass to the surviving spouse. When the second spouse dies, the rules of forced heirship apply.

Now we will examine the different types of valid wills, by providing a brief definition of each, and by setting out the required components to make them valid. It is worth noting that if these required conditions are not met, the will can be rendered invalid. I cannot stress enough that should seek estate planning advice from very competent professionals. Competent professional advice will be to your very great advantage to ensure your will is valid and binding, and to

avoid forced heirship and inheritance tax consequences, which might be grievous for your heirs.

## The Different Types of Wills: Holographic and Non-holographic, Open or Closed

1. Holographic (*olografo* in Spanish, *olographe* in French) – The holographic will is one that is written by the hand of the testator.

2. A non-holographic will can be either open or closed:

i. Open (*abierto* in Spanish, *par acte public* in French.) wills must be:

1. Prepared and certified by a notary

2. Signed by the testator and witnesses. (See C. Civ. Fran. Art. 971-975, C. Civ. P.R. art. 644-655, C. Civ. Esp. art. 694-705, C. Civ. Mex. Art. 1511-1520.)

ii. Closed (*cerrado* in Spanish, *mystique* in French) wills may be:

1. Prepared by the testator or by someone else (See C. Civ. Fran. Art. 976, C. Civ. P.R. art. 656, C. Civ. Esp. art. 706, C. Civ. Mex. Art. 1521.)

2. Placed in a sealed container that must be broken in order to extract the document.

3. Presented before a notary, who prepares a notarial document attesting to the existence of the will.

4. In the presence of the notary and witnesses:

a. The testator states that this document is his last will and testament;

b. The notary prepares the document desiring the appearance of the sealed container;

c. Testator, witnesses and notary all sign the notarial document and certify the testator's testamentary capacity. (See C. Civ. Fran. Arts. 976-680, C. Civ. P.R. arts. 657-665, C. Civ. Esp, arts. 707-715, C. Civ Mex. Arts. 1522-1526.)



## Chapter Five: Issues and Examples

It's well known in life insurance, estate and tax-planning circles that it is very important where you die. For example, countries such as Sweden, Spain, France, Belgium and the Netherlands impose the heaviest inheritance taxes. Hong Kong has an inheritance tax. Luxembourg, Canada, Mexico, Monaco, Argentina, Australia, Israel, Egypt, India, Indonesia and Mainland China have no inheritance tax.

The laws of forced heirship in many countries (as outlined in previous chapters) dictate to whom you *must leave* part of your estate, and how much they *must* receive.

As you can see, inheritance tax planning is an important issue. Private Wealth Design can advise you as to which countries have forced heirship, *and* how to reduce or avoid inheritance taxes. Certainly, the expatriate has at his disposal in the modern toolbox, a variety of effective tools to mitigate taxes and to prevent forced heirship from taking effect over one's estate. This toolbox includes forming offshore trusts and companies in tax havens and shelters, and insurance products.

As we've seen in previous chapters, jurisdictions with strict rules concerning the distribution of estates include the Civil Law European countries, as well as the Middle Eastern countries under religious laws. Countries heavily influenced by English common law have much reduced limitations on disposition of property in estates.

### **Testamentary Concerns in the United Kingdom**

The first step toward development of your strategic tax and estate planning solution is to determine the pertinent jurisdictions that are or will be connected to you, your family, or your estate. In the UK, the most important issue becomes the matter of **domicile**, a general law concept that is crucial for tax purposes. One's *domicile* determines such weighty things as validity of marriages, inheritance taxes, and succession rights.

#### **The five principles governing domicile in the UK are:**

- No one shall at any time be *without* a domicile.
- No one can at any time *have more than one domicile*.
- Domicile must be a legal jurisdiction.

- A change of domicile may never be *presumed*.
- Domicile must be determined according to the English concept of domicile.

**An individual is domiciled in a legal jurisdiction, which is not necessarily a country.** As an example, an individual cannot be domiciled in the USA or Australia, but must be domiciled in specific states, since these countries have federal legal systems.

**There are three types of domicile under the general law:**

- **Domicile of origin:** the domicile acquired at birth, usually through the father.
- **Domicile of choice:** the domicile of an adult who leaves his current territory of domicile and settles in another territory with the intention of living there permanently or indefinitely.
- **Domicile of dependency:** If the father's domicile changes, then the child's domicile changes accordingly, as a domicile of dependence. Similar for a woman married prior to 1974, she assumed domicile of dependency according to her husband's domicile.

**A tax concept, “deemed” or “fictional” domicile** maintains or creates a connection with a territory for tax purposes, but the individual would not be considered domiciled there under the general law. Connected to his original domicile by what is called the **doctrine of contribution**, if the individual chooses a new domicile, then leaves it for another, for the brief interlude between the two domiciles, his *legal domicile returns to the domicile of origin*. This is because of the UK rule, “no person can be without a domicile.”

In the UK, there is a **three-year deemed domicile quarantine period** for Inheritance Tax purposes. The quarantine might be triggered by the doctrine of contribution.

The most important criteria for determining domicile of choice are:

- 1) Establishing a permanent home in the country/territory/state.
- 2) Showing intent to stay there permanently or indefinitely.

For the UK expatriate, the determination of one's domicile will have effects on Inheritance Tax, Income Tax, and Capital Gains Tax, so it is a critical issue.

### **Citizenship & Nationality**

If an individual moves to another country, without becoming a citizen of that country, he still might be affected by the new country's tax and inheritance laws.

**The doctrine of renvoi** stops jurisdictional uncertainty after the first return. For instance, a UK national moves to USA but does not obtain citizenship. He is domiciled by choice in a legal US territory, i.e. one of the states. He has a permanent home, and it appears he planned to live and die there. As a UK national, his case might be sent back to the UK. Since he is in a *domicile of choice* in a US state, the case is returned to the US state's jurisdiction. If that state happens to be Louisiana, the estate might be decided under Civil Law and Forced Heirship laws peculiar to that state.

### **The three principal factors to consider are:**

- domicile
- citizenship
- residence

Although you can only be domiciled in one jurisdiction at any time, under UK laws, you may have dual citizenship or dual tax residence.

In such an event, international tie-breaker clauses may be called into play to determine which jurisdictions have the right to tax your estate, and by how much.

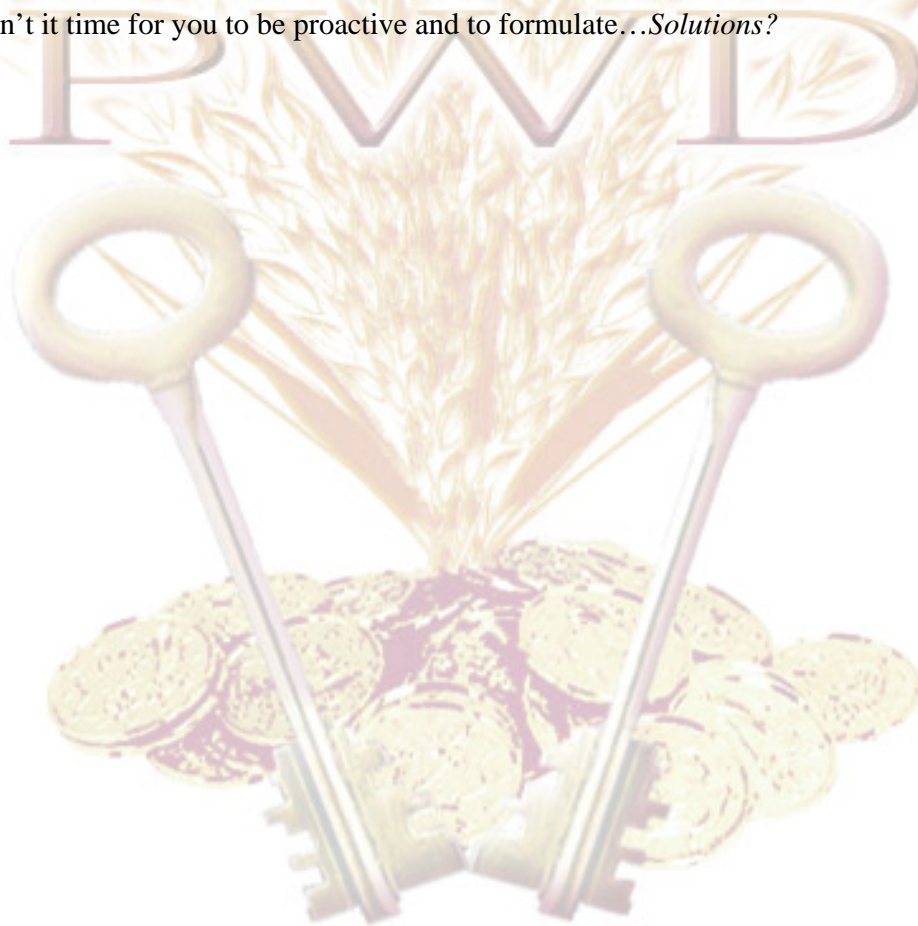
### **Criteria used to determine *residence* can include:**

- duration of physical *presence*
- duration of physical *absence*
- purchase or rental of a home
- availability of accommodation
- employment or business activities

- presence of dependent family
- location of centre of life
- citizenship
- usual or habitual place of residence
- intention on arrival or departure.

All of this should make it abundantly clear that inheritance tax planning and estate planning are absolutely essential for any person who cares how their estate is disposed. Unfortunately, many do not learn of these complex, interrelated laws and jurisdictions until a loved one dies and the grieving family is forced to learn the harsh realities.

Not so for you, the informed reader of this volume. You are now well aware of the facts on the ground. Isn't it time for you to be proactive and to formulate...*Solutions?*



## Chapter Six: Summary

We have given information on the history, development, problems, and possible solutions to the heirship problem facing all the families on the planet. Maybe this is why the Pharaohs saw all this coming, built a pyramid, and got ready for the next life WITH all their important possessions. They took their estate with them, thus neatly solving all their inheritance issues. Well, that is *one* choice. But, if that is not what you want to do, to take it all with you literally, then you are faced with the task of deciding what you *want* to do and *can* do with your estate.

Some individuals have bequeathed their wealth to hospitals, universities, or charities; a few have even left their fortunes to their favorite pet (for that matter, the innovative Egyptians took their pets with them too.) Humor is fitting here because the solution and empowerment you need to settle your estate is *within your reach*. The myriad of rules and regulations affecting people and estates is overwhelming to most. You must remember that no matter what country you live in or have your assets registered in, *there is always a choice* other than to have local government dictate to whom, when, and how much is inherited after the tax.

We must go to history and take a long look forward to the present. The growth of culture led to the rise of socially and politically correct views about how people should provide for the direct blood descendants in their families. The laws were created to protect those who were entitled to inherit from others who were not entitled. It was a good idea from the outset but as time progressed, the individual slowly lost control of what happened to their assets after their death. Tax laws became more complex and burdensome, and harder for the average citizen to understand. The local feudal lord was replaced by central government tax regimes. These tax regimes were commissioned to find the assets, levy a tax, and afterwards, to allow the heirs access to the remaining wealth. The reasoning behind this transition is that *government knows best, and is a better administrator* of the distribution of assets. For their part, the take is usually half.

This half is said to be given through programs for the poor who were not benefited by the accumulation of wealth by rich individuals, and now the government can hand out the riches. This is reminiscent of *Robin Hood* (the concept of taking from the rich to give to the poor) to me. I find it somewhat distorted though. That is why there is minimal or no tax on

estates ruled not to be excessive—rendering it a socialist concept for sure, in my opinion. The development, codification and enlargement of the English colonies and other jurisdictions saw the rise and use of trust instruments. This simultaneous solution was aimed at giving power back to the citizen. The evolution of tax planning has developed to the point that inheritance tax unfortunately has become a penalty tax *only if you do not want to plan*. Not only are there solutions—but there are numerous solutions you may choose from. Happily, these solutions are usually fairly simple to implement as well. The evolution of financial products (such as joint tenancy in common, beneficiaries of pension plans, and those the insurance world has created) has eliminated the need for certain trusts. To be shrewd really means that you take the time to ask questions and look for the solutions to your issues. *Shrewd* is a good word here. To be smart and to stay ahead of the rule-makers—that is the end goal of all shrewd and enlightened citizens everywhere.

At Private Wealth Design, our dedicated group of financial specialists understands the value of managing your own financial security, retirement planning and investments. The fact is, at this stage of life, we believe you deserve the power of choice when it comes to your investments. Because you know better than anyone else what is best for *you*.

With the formation of Private Wealth Design, we bring together the complementary and wide-ranging talents and expertise of a powerful network of the world's foremost specialists in insurance, estate tax and planning, and immigration. The Private Wealth Design Professional Network includes leading tax, estate, and financial planning attorneys, international insurance consultants, and premier providers of products and services.

At Private Wealth Design, our mission statement is simple:

Private Wealth Design merges industry-leading retirement account structures with expertise and innovation to bring our clients the most lucrative investment opportunities available in the world today. While providing safe harbours of guidance for our clients to make their own investment decisions, we also work to open doors of opportunity to increase your wealth.

Private Wealth Design wants to be the advisor you choose to help you find the solutions you want and need. Our intent is to empower people with the knowledge that they are in the decision-making position in life. Our "end game" or "role" at Private Wealth Design, as we see it, is to help you set up structures, acquire assets, and form the dictates of your wishes into a

workable format. That is why we've made this effort to let you know that life is yours, to be enjoyed, and to be organized according to your wishes—not the wishes or default regulations of a government, any government, due to a lack of planning. So, please give us your comments, and let us know how we can be of service to you and yours.

Read on for solutions...



## Chapter Seven: Solutions

As in any situation, there is seldom a perfect solution—much less a “one size fits all” solution that fits every person and every situation. A person should have choices on how their assets are passed, who receives them, and when they receive them. The old saying of this is *“speaking from the grave.”* *The afterlife. The big game in the sky.* You know what it means. *Wherever.* A bad child, grown, should not be entitled by birth to receive your estate if it would do more harm than good. The second wife, the significant other, the child born outside of marriage—all of these are somewhat commonplace issues of our modern age that need attention and protection.

None of the situations listed above are new by any means, but they are “our” situations and they need “dealing with” by utilizing the very best tools, legal knowledge, and resources available to our generation. If not properly addressed, the outcome of these issues could very well squander your wealth or disrespect your family name.

At Private Wealth Design, we believe that no one should have the preeminence to determine who the recipient of *your* wealth is. I believe:

***“The individual is sovereign over his or her estate; it is his or her kingdom.”***

**~ Ed Jeffrey**

Living in a civil law country with forced heirship laws, such as France, requires careful attention to estate planning details and their implementation. But proper planning can help return the power to the individual over his estate. Some tax may be created in some situations, but *you* determine what is most important to you when you give to others or protect others. This is just one small issue to consider when your wishes are conveyed.

Legal guidance is needed. Make sure you receive legal guidance that esteems your wishes and best interests as *the most important.*

The key is to have your assets (by that I mean those assets which you deem to be the ones you will pass on to the next generation, or leave to the most important ones in your life) protected in a jurisdiction, a vehicle, and/or a structure that facilitates:

- the swiftest transfer, and
- the least disturbance to the ones who are receiving them.

In addition to your domicile, remember that where *assets* are located, how they are owned, and what structure holds them are all pivotal issues as well.

Keep your planning as lean as possible, make sure you understand what you are doing, and ensure that your plan is put into action as early as possible. Having many lawyers sometimes is a waste of time and good money. There are options available to you which are surprisingly good value.

**The solutions include these options, among others:**

- 🕒 Create a trust
- 🕒 Create a foundation
- 🕒 Use a private placement insurance product
- 🕒 A portfolio bond
- 🕒 An offshore structure
- 🕒 Or some combination of all the aforementioned.

Now, we'll take a closer look at two of the options available to you—portfolio bonds and offshore structures. Our professionals at Private Wealth Design will be more than happy to discuss every option available to you in greater detail. You may also find more information at our website ([www.privatewealthdesign.ch](http://www.privatewealthdesign.ch)), email us at [info@privatewealthdesign.ch](mailto:info@privatewealthdesign.ch), or give us a call at 561-491-2854 with any requests or questions.

### **Portfolio Bonds**

Dependant on your home, a portfolio bond is an excellent tool for many assets. With a portfolio bond, you are afforded tremendous, flexible choice in what investments compose its architecture while you are accumulating assets. This is an insurance product of English design, with unique benefits:

- o A portfolio bond allows for direct beneficiaries.
- o Income payments are possible.
- o It can be accomplished in a manner so as to give the utmost privacy now and at distribution.
- o There is a U.S. version available, too, if your tax situation prescribes it.

Each situation is different, of course. The most important concerns should be that the solution you choose carries out your desires, and that it can be easily accessed by the heirs, whoever they may be, and wherever they may be located.

**Offshore Structures**

In the following chart, non-offshore structures are compared to offshore structures related to the issues we have discussed in the preceding chapters.

<b>Problems</b>	<b>Non-offshore</b>	<b>Offshore</b>
<b>Probate</b>	Many formalities	No will, Unified Structure
<b>Forced Heirship</b>	Your will may not be followed; it may be amended	Your estate is devised as you intended
<b>Delays</b>	2-3 years to administer fully	Immediate transfer of assets
<b>Costs</b>	Depends; however, it usually quite high	Significantly reduced
<b>Taxation</b>	Estate tax; inheritance tax	Can be reduced or eliminated
<b>Public Disclosure</b>	State requires disclosure	You control disclosure
<b>Lost Assets</b>	Very possible that assets can be “lost” or “forgotten”	All your assets are contained in one structure; therefore, none

		risk being “lost”
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As you can readily see by the chart above, an offshore structure can help you to greatly reduce or even eliminate most of the problems that come with dying.

**The realities of modern life demand flexible solutions.**

Born in one country, working in another, living part time in a third country and retiring in a fourth country with a spouse of another citizenry—this is the world we find ourselves in much of the time. No problems—*can do!* The final solution is crafted by you.

**The role of Private Wealth Design is to show you the possible solutions and to help you implement the solutions that best fit *your* unique situation.**

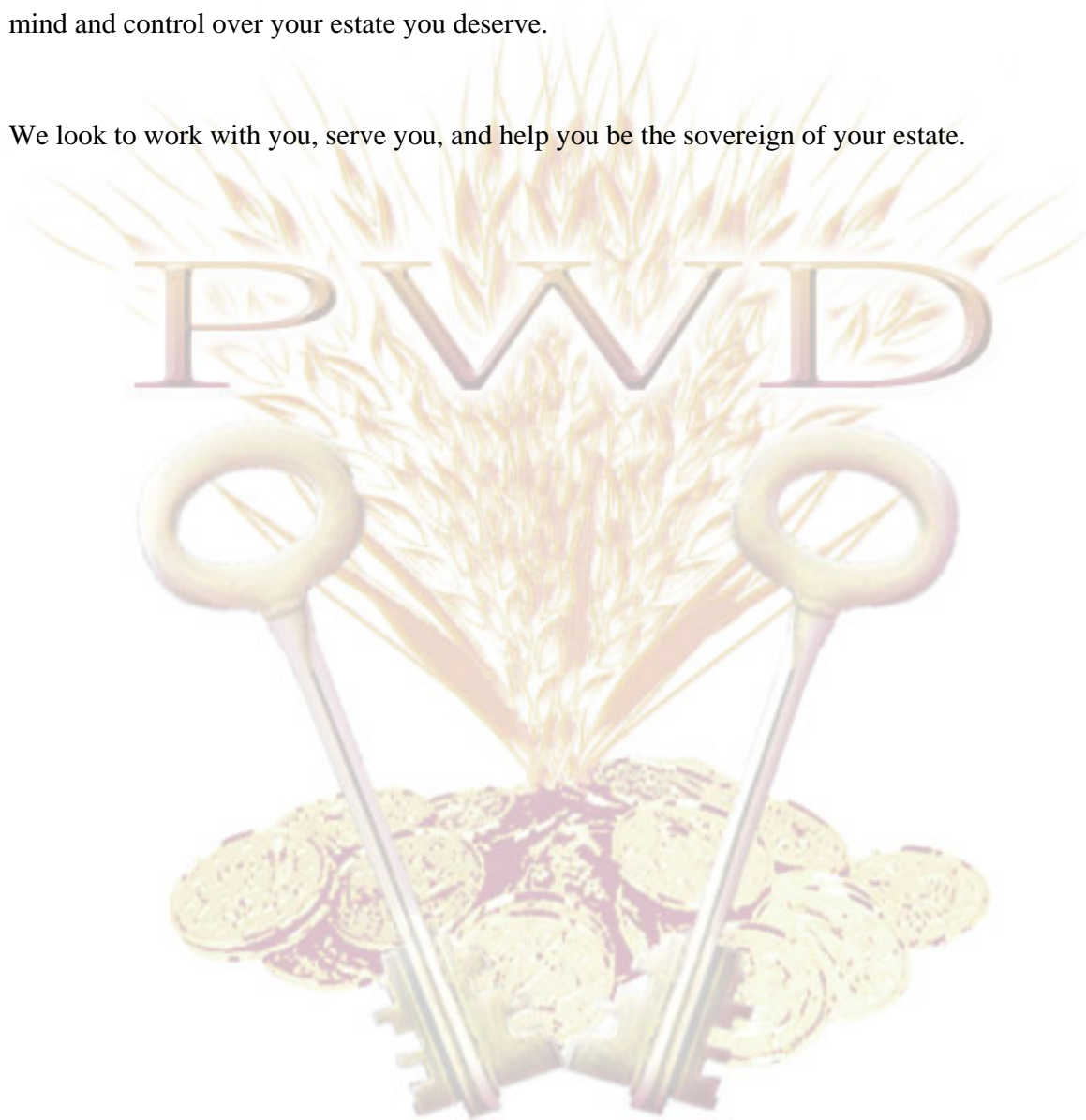
At Private Wealth Design, our abilities transcend our local offices. We have formed lasting relationships with the best of the best. Our professional network includes:

- Banks
- Trust Companies
- Estate Attorneys
- Tax Attorneys
- Real Estate Attorneys
- Insurance Carriers
- Portfolio Managers
- Accountants
- Real Estate Agents

- Insurance Brokers
- And many others who are globally positioned to deal with various tax, culture and time issues.

Call us today at **252-491-2854** to find out how an offshore structure can give you the peace of mind and control over your estate you deserve.

We look to work with you, serve you, and help you be the sovereign of your estate.



## Resources

*The Inheritance Rights of Women under Jewish and Islamic Law*, by Mary R. Radford at

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*Legal Systems of the World*, charts which show every country and its legal system

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