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Making a Last Testament or Living Will for Thailand

Thai888 Law Company can draw up your Last Will and Testament by Thai Law standards. The document will be in Thai and English in alternating paragraphs. All of your wishes, Beneficiaries, next of kin, assets, and their location are listed and placed in a booklet. You, as the Testator sign in front of 2 witnesses. 1 copy is kept in our office and 1 copy is for you.

In Thailand, the Will and the Executor, **after you pass away**, must apply and appear in Court. The Judge will ask you (under oath) some questions about your worthiness to be the Executor and what relationship you have to the deceased. You cannot be a bankrupt or incompetent.

If the Judge is not satisfied with the Will or the Executor he/she may ask for more information or dismiss the application for Probate to begin. So it is better to have a professional Will made so that future issues are minimised.

Thai888 Law Company offers an Executor Service, should there be no one available or unwilling to do the work required. The Executor nominated in the Will may resign (within 15 days) their position as well. Thai888 legal services as the Executor can then work with the family on all the Probate legal issues. This has advantages as the original Executor does not have to appear in court, if overseas they do not have to leave their families and work, fly to Thailand, pay for hotels, transport, then possibly sell the assets and repatriate the money to the Beneficiaries. This could take months and is mostly done in the Thai language. So this will be difficult for those with no experience. Remember this is a stressful time and so why add to it. Use the one company to arrange all things for you.

To make sure all aspects of Probate are above board, Thai888 Legal Services can act as the Co-Executors. This way, in your absence, we can do Probate for you.

We are totally accountable under Thai Law and to the Court, the families, and Beneficiaries. Also, the court reviews the documents for any irregularities and the penalties for Thai888 Law, should anything be irregular, are very harsh.

Contact Thai888 Law Company Pattaya as we can act as the Executor, Executor by Power of Attorney, Co-Executor with the Executor.

Living Wills.

A Living Will is made to ensure that your life is not prolonged by using machines or drugs. This document should be on file at the hospital that you go to regularly or make sure your family and friends know about it. There are only 2 ways the Living Will can be enforced under Thai Law. 1 is a terminal phase of illness and 2 is when you are basically brain dead. It is not euthanasia.

As the Testator you need to tick the boxes on what treatment or care you want and don't want. ie you may tick you don't want to be resuscitated, or kept on a breathing machine, or feed food and hydration through a tube but you would like pain killers and to be kept comfortable. You may want some priest or monk or some music playing.

You will need a person to make sure your wishes are carried out and this person is called a Surrogate. The Surrogate should be a strong person that can deal with the hospital and make sure your wishes are carried out. They will possibly need to meet with the family, friends, hospital to work out what is best for you. The Thai888 Law Living Will contains all of your wishes and it is in English and Thai, signed by you in front of 2 Witnesses. Each Living Will is different as there are different wishes to be carried out. If you would like a Living Will then contact Thai888 Law.

Here are a few added notes from Kelvin Bamfield (CEO Thai888)

it is easier on everyone to have a 1 stop service center and this is what Thai888 Law Company offers, in that we manage full legal services and full funeral director services **from our two offices.**

This is the message we try to get across to expats as they do not know the Thai legal system, International Law or the several languages that are involved.

Notifying the next of kin (NOK) is different in each country. For example:

1. Germany - the Executor of the Will can act as the NOK if no family member can be found;
2. USA has an ANOK. Downloaded from the USA Embassy website. The ANOK is different for each state in the USA. After filling this in and getting it notarised by a Notary, scanned and sent back to the Embassy or Consulate;
3. UK a scripted (from Thai888) email is sent to the NOK. They fill it in and send back to the Embassy.

Several other countries - slightly different process for NOK.

During the first 2 weeks of Probate the Executor can excuse themselves by letter (letter scripted by Thai888) and also sign a Power of Attorney (POA) to another (Thai888 Law Company).

When Probate begins then family members must be notified in case they wish to contest the Will or the Executor.

This is basically how it works but in reality it is very resource and time consuming.

Depending on the Estate (ie if an Heir cannot inherit a property as they are a non resident and it must be sold) it could take 2-3 months to get a court date, another month for contesting the Will or

the Executor and wind up the estate. Maybe NOK cannot be found. All in given the above without complications 6-12 months. To sell properties up to 2 years.

and

Full Funeral Services by Allison Monkhouse/ Thai888 Law Company does this now.

There is no easy way to talk about death and bereavement. And should the worst happen in Thailand Allison Monkhouse and Thai888 Law Company will take care of every aspect of this stressful time.

Should you find yourself in a position where you need to report, it is best to call Thai888 Law and we can then contact the Police and Allison Monkhouse Funeral Service Directors (Bangkok).

After the next of kin has been advised and they have contacted the relevant Embassy (with an email worded in a particular way to satisfy the Embassy), the process of the Funeral can begin. Not before.

When Thai888 Law has been advised by the Embassy, we can then lodge a plaint with the Court to start Probate. Only a Thai Lawyer can do this. They will also appear in court with you and question you in front of the Judge.

Getting a court date could take up to 3 months and the whole process, if no problem, should be completed within one year. If there are issues then it may take up to 2 years plus.

Contact us should you want more information on any aspect of Wills and Probate.

Thai888 Law has 2 offices for a 1 stop service saving you time and money in this stressful time. And our English speaking CEO can make sure everything goes according to plan both here and Internationally.