

Widow's cars

Most of us who have moved to Spain are baby-boomers, born in the post Second World War period when our dads came back from fighting and re-entered married bliss. The war ended over 70 years ago and our generation has been blessed by the lack of global conflict

Even those amongst us who came to Spain and re-invented themselves including those that have had their appearance re-arranged before someone forcibly did the same cannot halt the march of time, so one day it will be our turn to pass on.

It was a few years ago when I received my first call from a lady whose husband had passed on and she wanted to sell his car. I sought advice from my then legal adviser who surprisingly, or in retrospect understandably, knowing the Spanish penchant for meaningless bureaucracy advised me to undertake the transaction as if the owner was still alive. Since then I have undertaken a number of such transactions. Clearly it is a sad and distressing time for the widow, so I approach the subject with which I hope is sympathy and understanding being ever conscious of the lady's concerns and worries

Seek legal advice

Look, I am no expert in probate and wills, so I urge anyone in this position to speak to their legal representative before doing anything; I can only explain what I was advised to do and can say that has worked to the satisfaction of all concerned

The widow (I have yet to deal with a widower as we chaps normally shuffle off first) is anxious to tidy up her life. Her husband had a car so she wants to dispose of it either because she has no need of the vehicle or because of the memories that it stirs. In most cases she has a buyer for the car so from my perspective it is treated as a straightforward transfer of ownership. Such transfers attract a tax but if the widow wants to keep the car herself then she is best advised to transfer it as part of the probate as there is no transfer tax in such cases, but her lawyer is in the best position to deal with this

Document mountain

Transfers of ownership in Spain requires quite a few documents, it is not as simple as the seller and buyer each sending off a bit of paper each to Trafico. Any transaction in Spain requires proof of identity, for the natives this is the DNI- their identity card- but for we foreigners it is our passport, NIE document and in many cases official proof of address such as a Padron or escritura (deeds). In the case of vehicle transfers both seller and buyer have to provide ID plus the buyer's address details. In the UK we pass ownership over on the back of a fag packet or scrap of paper, but here an official buying and selling document called a compra-venta is required

Don't rely on the buyer

There are fees to be paid upon transfer plus a tax. For most of Spain the tax is levied at 4% of the official value of the car, or against the selling price if declared higher- well what do you expect? But in the Valencia Community it is 6% or 8%. The tax is determined by where the buyer lives, not the seller

Transferring ownership is vital but I am still staggered by the amount of times that this does not happen. Such cases come to me when the seller gets a road tax bill or a fine incurred by the car being clocked for speeding for example. Sometimes the situation can be regularised, but often this is hard work as the buyer has changed address or moved "back home" and can't be found.

Ownership transfer needs to be undertaken in a timely and professional manner. Whatever you do, do not rely on the buyer undertaken this process alone or it may not happen

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