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Can heirs designate a person to manage the estate?

Verified 09 January 2024 - Directorate for Legal and Administrative Information (Prime Minister)

Yes, the heirs may designate a representative to manage the succession. The agent may be appointed by the heirs: **treaty mandate**. It can also be designated by the judge if there is a freeze in the settlement of the estate or if an heir has accepted the estate up to the amount of net assets. This is called **judicial mandate of succession**.

Treaty agent

How to appoint a treaty representative? ^

The heirs may appoint as their agent the person of their choice (one of them or any other person).

All heirs must agree to appoint an agent.

The warrant may be issued by notarial deed or by deed under private signature.

What is the role of the treaty representative? ^

The trustee's task is to settle the estate of the deceased.

He must be accountable to the heirs for his management.

What is the duration of the mandate of a treaty representative? ^

The heirs shall determine the term of office. It may be determined or indeterminate.

Is the mandate of the treaty representative paid for? ^

The trustee's mission is not paid. However, heirs may provide for his remuneration in the mandate.

If the remuneration exists, it is the responsibility of the heirs.

Judicial estate agent

How is a judicial estate agent appointed? ^

An estate agent may be appointed by the judge in the event of the estate being blocked (disagreement between the heirs, complex succession, etc.).

FYI

When at least one heir has accepted the estate up to the amount of net assets, the appointment of a representative by convention is no longer possible. In this case, the heir who has accepted the estate up to the amount of the net assets may apply to the court for the appointment of a judicial agent to administer and liquidate the estate.

The appointment of a judicial estate agent may be requested by any interested person (heir, creditor, public prosecutor's office).

The application must be made to the court of the deceased's domicile.

Who shall I contact

Judicial Tribunal [↗ \(http://www.annuaires.justice.gouv.fr/\)](http://www.annuaires.justice.gouv.fr/)

The court shall make its decision in accordance with the *accelerated procedure on the merits*. This procedure allows the judge to make a quick and final decision.

The judge may appoint as an estate agent any **qualified person**. It can be an heir or a third party.

What is the role of the judicial estate agent?

The judicial estate agent shall be responsible for provisionally settling the succession.

He carries out the protective measures (payment of debts, payment of taxes, collection of income, etc.).

The judge may authorize him to perform other types of acts (for example, the sale of real estate).

How long is the appointment of a judicial estate agent?

The judge shall determine the duration of the mission.

The term of office shall end if the heirs sign:

- One division agreement (<https://www.service-public.gouv.fr/particuliers/vosdroits/F1296?lang=en>)
- Or the act of division of the estate (<https://www.service-public.gouv.fr/particuliers/vosdroits/F16194?lang=en>) .

The assignment shall also cease when the court finds that the task entrusted to the estate agent has been carried out in full.

Is the appointment of the judicial estate agent profitable?

The judge shall fix the remuneration of the estate agent.

It is the responsibility of the heirs.

Who can help me?

Find who can answer your questions in your region

- For general information

Notarial information

Information service of notaries of France. This service does not offer personalized consultations.

By telephone

0 892 011 012

Open Monday to Thursday from 9:30 am to 6 pm and Friday from 9:30 am to 5 pm

Purple or enhanced number: **€0.80** / minute + call price

- To appoint a judicial representative

Judicial Tribunal [↗ \(http://www.annuaires.justice.gouv.fr/\)](http://www.annuaires.justice.gouv.fr/)

- For information

Notary [↗ \(https://www.notaires.fr/fr/directory\)](https://www.notaires.fr/fr/directory)

Statute and miscellaneous references

Civil Code: Article 813 (<https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006150537?lang=en>)

Agent appointed by agreement

Civil Code: Articles 813-1 to 814-1 (<https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006150156?lang=en>)

Appointed legal representative

Code of Civil Procedure: Articles 1379 to 1381 (<https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006149783?lang=en>)

Summons for interim measures (Article 1380)

FAQ

Is the use of a notary obligatory in the context of an estate?

(<https://www.service-public.gouv.fr/particuliers/vosdroits/F1295?lang=en>)

Additional topics



Settlement of an estate (<https://www.service-public.gouv.fr/particuliers/vosdroits/N171?lang=en>)

Service Public

Inheritance: order and rights of heirs (<https://www.service-public.gouv.fr/particuliers/vosdroits/N173?lang=en>)

Service Public

Inheritance and gift tax (<https://www.service-public.gouv.fr/particuliers/vosdroits/N31160?lang=en>)

Service Public