

The Lake Chapala Society, A.C. (LCS)
Post Life/Emergency Registry
Since 1994 (December, 2012)



**THE FIRST STEP IN BEING PREPARED, IS BEING
INFORMED...**

BEING PREPARED FOR LIFE AND DEATH LAKESIDE

This Primer includes information on:

THE *NOTARIA PUBLICA*

THE MEXICAN HEALTH CARE DIRECTIVE*

THE MEXICAN WILL* (INCLUDING EXECUTOR)

THE MEXICAN POWER OF ATTORNEY *

THE LCS POST LIFE/EMERGENCY REGISTRY

A LIST OF *NOTARIOS PUBLICOS*

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A LIST OF RESOURCES

FIRST STEPS TO FOLLOW WHEN ENCOUNTERING THE DECEASED

INFORMATION FOR CANADIAN CITIZENS

INFORMATION FOR U.S. CITIZENS

If you live lakeside, the distance to the nearest loved one, Mexican culture and communicating in Spanish can all be barriers - the LCS POST LIFE/EMERGENCY REGISTRY is a reliable safeguard.

The contents and information given in this pamphlet is neither comprehensive in its scope, nor legally binding.

* Legal documents that should be made with professional guidance and/or properly executed by a Notaria Publica.

NOTES

**In cooperation with the American Legion Chapala Post #7.
Morelos #114, Chapala, Jalisco, (376) 765-2259**



Use this area for taking notes when researching these important topics.

Inside or outside of one's mother country, we all need to deal with the inevitable - preparing for death. Not doing so will leave an unwelcome burden on the family, friend or stranger trying to help with the aftermath.

Who will be in charge of your affairs? Who will pay for funeral services and where will the money come from: both need to be considered. Other questions, such as burial vs. cremation and whether you want a memorial service need to be addressed. In anticipation of the inevitable, pre-arrangements should be made with a funeral home.

Likewise, it is important to prepare for an unforeseen incapacity. The LCS POST LIFE/EMERGENCY REGISTRY also collects data useful in the event of your incapacitation or death.

The LCS POST LIFE/EMERGENCY REGISTRY is neither comprehensive in its scope, nor is it legally binding.

It is highly recommended that you identify a person whom you trust outside of your local "family" unit, with whom you can share personal/sensitive information.

Minimally, four actions are recommended for preparing yourself for either incapacitation or death when living Lakeside:

1. Record your data with the LCS Post Life/Emergency Registry.
2. Create a Health Care Directive* (includes Post Life wishes).
3. Create a last Will and Testament in Mexico*.
4. Create a Power of Attorney*.

A Mexican death certificate is issued for anyone dying in Mexico. Foreign consulates in Mexico may also produce death certificates for their citizens after a Mexican death certificate has been issued. Contact your consulate for more information.

* Legal documents that should be made with professional guidance and/or properly executed by a Notaria Publica.

THE *NOTARIA PUBLICA*

In Mexico, the *Notaria Publica* is an attorney with at least five years experience who undergoes additional study and apprenticeship before being appointed *Notaria Publica* status.

Documents produced by a *Notaria Publica* include but are not limited to: deeds, power of attorney, wills and health care directives. *Notarias* may have areas of specialty; therefore you need to find one that suits your particular needs.

Mexican Law dictates which documents must be made by a *Notaria Publica* to have legal standing. There are two levels of documents that a *Notaria Publica* produces: 1) a protocolized document and 2) a notarized document. Documents requiring protocolization include: Wills, Power of Attorney, Deeds etc. Though a HEALTH CARE DIRECTIVE may not require notarization, it is highly recommended.

The title of a “Notary” north of the border should not be confused with the *Notaria Publica* of Mexico. They are not the same thing.

If you do not speak Spanish well, it is advisable to use a certified translator when creating legal documents in Mexico. The documents will be created in Spanish. An English translation may be added to it.

* Legal documents that should be made with professional guidance and/or properly executed by a *Notaria Publica*.

THE MEXICAN HEALTH CARE DIRECTIVE*

(TRAMITES MEDICOS)

A MEXICAN HEALTH CARE DIRECTIVE is the simplest legal instrument you can create in which you state: which persons can make decisions about your health care when you can no longer do it yourself, and what your specific wishes are for specific situations. A “Do-not-Resuscitate” statement may be part of your directive, as well as provisions for organ donation.

While you are at it, POST LIFE wishes should be included in a Health Care Directive. You may express your wishes regarding everything that you wish to happen with your body after you die: arrangements for your burial or cremation; who will get your ashes; who will pay for your funeral; who will organize your funeral; who will claim your remains from the authorities in case you die an unnatural death; what you want to wear; where you want to be buried, and many things more.

A declaration for cremation, if desired, should also be stated in your MEXICAN HEALTH CARE DIRECTIVE. This is especially important for someone without a “**legal**” spouse or local next-of-kin. Without such a declaration a search for next-of-kin has to take place to obtain permission for cremation.

It is highly recommended that your MEXICAN HEALTH CARE DIRECTIVE* be properly executed by a *Notaria Publica*.

* Legal documents that should be made with professional guidance and/or properly executed by a *Notaria Publica*.

THE MEXICAN WILL*

Often people think that when a beneficiary is mentioned on a deed or on a bank account it is sufficient and a Will is not needed. This may be an incorrect assumption. Discuss this with your bank and your *Notaria Publica*. A Mexican will enables beneficiaries a more rapid process for the selling of properties and access to accounts.

A will made in Mexico may involve your estate outside of Mexico, but it is possible to have a will in Mexico for your estate here and a separate will for an estate outside of Mexico. Your *Notaria Publica* is the best person to advise you in these important and potentially complex issues. Remember, probate can take years before everything is sorted out. A last will and testament is properly executed by a *Notaria Publica*.

Executor of a Will (*Albacea*)

An executor of your last will and testament is the person in charge of the settlement of your estate after your death. An executor must be appointed in a last will and testament. An executor has no access to the estate when the testator is still alive.

In Mexico, if an executor is deceased or cannot be located, the court will appoint a lawyer to execute the estate. Request a percentage of your estate be paid to the executor. By doing so you create a benchmark from which the court can assign a figure if circumstances require it.

Appoint a “spare” executor in case the first one is not able to perform the task.

**In Mexico it is common
for an executor to be
paid for services rendered.**

* Legal documents that should be made with professional guidance and/or properly executed by a *Notaria Publica*.

THE MEXICAN POWER OF ATTORNEY *

Under Mexican Law there are several ways to make arrangements so that other people can make decisions on your behalf, represent you when you cannot be there yourself, or when you are unable to make decisions yourself. Each document comes with specific requirements, limitations, and purpose.

This document is highly complex, advice from a professional is highly recommended when contemplating this kind of document.

Any Power of Attorney document is properly executed by a *Notaria Publica*.

* Legal documents that should be made with professional guidance and/or properly executed by a Notaria Publica.

THE LCS POST LIFE/ EMERGENCY REGISTRY

By filling out this form you make information available to persons and authorities for whom this information might be valuable in case of an emergency. This form is purposely stated in a way that no sensitive information will be disclosed. **The Lake Chapala Society A.C. holds no responsibility for any misuse of the information provided.**

The form has been designed to make you think about the information you may want to record.

Required fields are highlighted in **bold**.

Asterisks (*) indicate areas where separate Mexican legal documents are required.

See a specialist or *Notaria Publica* to assist with obtaining the documents you require.

There is a \$50 peso service charge to record your data in the registry.

It will take time to get all of your POST LIFE/EMERGENCY REGISTRY information in order. Make it a habit of updating your information with LCS.

Keep an updated copy of your registry information with this document.

This form does not have to be filled out all at once, you can update it at anytime.

Do not disclose any bank and credit/debit card information on this form.

NOTARIAS PUBLICAS

ANTONIO
BASULTO RUIZ (#1)
Fr. Madero 266-6
Chapala
376 765 2111

LUIS ENRIQUE
RAMOS BUSTILLOS
(#2)
Calle del Parque Ote. 60
Chula Vista
376 766 0190
ENGLISH
SPEAKING

JORGE LUIS RAMOS
(#115 GDL)
V. Guerrero 106 F
Chapala
376-765-4166
ENGLISH and
FRENCH SPEAKING

JUAN JOSE
RODRIGUEZ
AVILÉS (#4)
5 de Mayo 219-A
Chapala
376 765 4768

SERGIO ERNESTO
MACIAS AVILA (#5)
Hidalgo 245 D
Chapala
376 765 4510
ENGLISH
SPEAKING

JUAN CARLOS
LOPEZ JARA (#1)
Hidalgo 26 A
Jocotepec
387 873 0387

FUNERAL HOMES

CASA FUNERAL
CHAPALA
Hidalgo 227
Chapala
376 765 4425

CASA FUNERAL SAN
MIGUEL
Pedro Moreno 1029
Guadalajara
333 825 1556
ENGLISH SPEAKING

FUNERARIA SAN
FRANCISCO
Lopez Cotilla 296 y 298
Chapala
376 765 7507
Cynthia Guzman
ENGLISH SPEAKING
JEWISH FUNERALS

GAYOSSA FUNERAL
c/o PARKER
SERVICES
Hidalgo 248
Riberas del Pilar
376 765 4666, 765 4070

MOREH FUNERAL
SERVICES
Hidalgo 113-A
Riberas del Pilar
376 765 4546

RAMOS ORIGEL
JESUS
R. Corona Pte. 71
Jocotepec
387 763 0287

- Ask about discounts if you pre-pay
- Payment-plans may also be available.

OTHER RESOURCES

LAKESIDE PERSONAL EMERGENCY
INFORMATION KIT
LakesideEmergencyInfo.weebly.com

Consulate of Canada in Guadalajara
*http://www.canadainternational.gc.ca/mexi-
co-mexique/emerge-
urgence/servprofjdl.aspx?view=d*

U.S. Consulate Guadalajara
guadalajara.usconsulate.gov

Embassies and Consulates of the World
www.embassyworld.com

*LCS encourages you to
seek out additional
resources on this subject by
searching the internet.*

*Confirm that your
Notaria Publica
specializes in your
area of need.*

STEPS TO FOLLOW WHEN ENCOUNTERING THE DECEASED

1. If you suspect foul play, call the Police 765-4444, otherwise -
2. **DO NOT CALL THE POLICE or an AMBULANCE**
3. If death occurs at home, call the attending physician. (In general a physician is very hesitant to sign a death certificate when the patient is not known to that physician. Because of this it is recommended to establish a relationship with a physician, if only for your yearly check-up.)

If the physician is not available go onto step 4.

4. Call the deceased's funeral home to arrange the transportation and funeral of the deceased. When the funeral home arrives have the following documents ready:
 - copy of the passport
 - copy of the visa
 - copy LCS Post Life documents and/or the Health Care Directive*.
5. Do not leave the deceased's house unattended.

Mexican Law states that a burial or cremation must take place between 24 and 48 hours after the established time of death.

A 24-hour extension may be possible but after that an embalming is mandatory.

* Legal documents that should be made with professional guidance and/or properly executed by a Notaria Publica.

INFO FOR CANADIAN CITIZENS

(Info provided by Canadian Consulate, August 2012)

In the event of the death of a Canadian citizen abroad, there are several ways in which the Canadian Consulate can provide assistance, however there are also limitations. We have listed here the most frequent types of services requested of the Consulate and some of the limitations. Every case is different; however, we recommend that clients contact the Consulate directly for a personalized consultation in the unfortunate case of death of a loved one.

1. The Canadian Consulate can give advice about burying a Canadian abroad or the repatriation of remains to Canada.
2. The Consulate can provide a list of funeral homes.
3. If the death occurs at home, under natural causes, a physician can sign the death certificate.
4. If death occurs under suspicious conditions, or in a public area, local law dictates that authorities must be advised.
5. When the funeral home arrives, it is advisable to have the deceased's Post Life documents and/or Health Care Directive on hand.
6. In Mexico, only legal next of kin can request interment/cremation services. It is also important to note that in Mexico, not all live-in partners are considered legal next of kin. If this is the case, the Consulate can assist with the process of notification of next of kin.
7. The funeral home will provide you with one death certificate. Extra copies of the death certificate can be obtained through the funeral home for a fee.
8. The Canadian Consulate does not provide death certificates in English or French, but can provide a list of official translators.
9. You should take the deceased's passport to the Canadian Consulate to be cancelled. The passport will be returned after cancellation upon request.
10. The Consulate does not give legal advice nor can it intervene in private legal processes. To change title/ownership or settle an estate of possessions in Mexico, a local lawyer or *Notaria Publica* should be consulted. The Canadian Consulate can provide a list of local lawyers.
11. The Canadian Consulate in Guadalajara is open to the public from Monday through Friday from 10:00 am to 14:00. Emergency calls are taken locally until 17:30. Outside regular office hours our number will redirect your call to our 24/7 Emergency Watch Office in Ottawa.
12. It is advised that you contact the Consulate to make an appointment.

World Trade Center (WTC), Torre Pacífico, Piso 8,
Av. Mariano Otero 1249, Col. Rinconada del Bosque C.P. 44530 Guadalajara,
Jalisco México

Phone: (33) 3671-4740 ext 3000 or 3340 for Consular services.

e-mail: gjara@international.gc.ca

<http://www.canadainternational.gc.ca/mexico-mexique/>

INFO POUR LES CITOYENS CANADIENS

(Info fournie par Consulat du Canada, Août 2012)

Dans le cas du décès d'un citoyen canadien à l'étranger, le Consulat du Canada peut vous aider de différentes manières, avec des limitations, bien entendu. Veuillez trouver ci-joint les plus fréquents types de services demandés au Consulat et quelques limitations. Chaque cas est différent, cependant, nous recommandons les clients de se mettre en contact directement avec le Consulat, pour une consultation personnalisée dans le cas du décès d'un être cher.

1. Le Consulat du Canada peut donner des conseils sur l'inhumation d'un Canadien à l'étranger ou le rapatriement des restes au Canada.
2. Le Consulat peut fournir une liste des maisons funéraires.
3. Si le décès survient à domicile en vertu de causes naturelles, un médecin peut signer le certificat de décès.
4. Si le décès survient dans des conditions soupçonneuses, ou dans un endroit public, la loi locale stipule que les autorités doivent être informées.
5. Lorsque la maison funéraire arrive, il est conseillé d'avoir les documents « d'après la vie » et/ou les Procédures relatives aux Soins de Santé du défunt à la main.
6. Au Mexique, seulement le plus proche parent peut demander des services funéraires. Il est également important de noter qu'au Mexique, les partenaires vivants ne sont pas toujours considérés comme proche parents juridiques. Le cas échéant, le Consulat peut aider avec le processus de notification au plus proche parent.
7. La maison funéraire vous fournira avec un certificat de décès. Des exemplaires supplémentaires du certificat de décès peuvent être obtenus parmi la maison funéraire en payant de frais supplémentaires.
8. Les certificats de décès fournis par le Consulat du Canada ne sont pas traduits en anglais ou en français, mais le Consulat peut vous donner une liste des traducteurs officiels pour faire la traduction correspondant.
9. Vous devrez rendre le passeport du défunt au Consulat du Canada pour être annulé. Sur demande, le passeport vous sera retourné après l'annulation.
10. Le Consulat n'est pas en position de donner des conseils juridiques ni d'intervenir dans les processus juridiques privés. Pour changer le titre/la propriété ou régler une succession des biens au Mexique, un avocat ou notaire (*notario*) local doit être consulté. Le consulat du Canada peut fournir une liste d'avocats locaux.
11. Le Consulat du Canada à Guadalajara est ouvert au public de lundi au vendredi de 10:00 h à 14:00. Les appels d'urgence locaux sont reçus jusqu'à 17:30.
12. En dehors des heures normales de bureau votre appel sera redirigé à notre Centre de surveillance et d'intervention d'urgence à Ottawa, 24 heures sur 7 jours. Il est conseillé de contacter le consulat pour prendre rendez-vous.

World Trade Center (WTC), Torre Pacífico, 8ème. étage,
Av. Mariano Otero 1249, Col. Rinconada del Bosque C.P. 44530 Guadalajara, Jalisco
Mexique

Tél: (33) 3671-4740 postes 3000 ou 3340 pour services consulaires.

Courriel: gjara@international.gc.ca

<http://www.canadainternational.gc.ca/mexico-mexique/>

INFO FOR U.S. CITIZENS

(Info provided by U.S. Consulate, August 2011)

Death of a U.S. Citizen Abroad

In the unfortunate case of the death of a U.S. Citizen abroad, the U.S. Consulate General Guadalajara can assist in a number of ways. If required, the Consulate will notify the next of kin of the deceased. The Consulate will also provide assistance in making arrangements for the disposition of the remains and, if desired, the shipment of the remains back to the United States. Costs for preparing and returning the remains from Mexico to the U.S. are the responsibility of the family.

At the request of the next of kin, the U.S. Consulate Guadalajara will prepare a Consular Report of Death of an American Citizen Abroad based on the local death certificate. This Report can be used as proof of death in most legal proceedings in the United States.

If the next of kin are present, the process is facilitated for both the Consulate staff and the grieving family. Please be considerate of your family, even if you choose to live away from them, and maintain an updated, easy-to-locate contact list for use in case of emergency or death.

To File a Consular Report of Death Abroad

In order to issue a Consular Report of Death Abroad, the Consulate will require the following documents:

- The Mexican Death Certificate (Acta de Defunción);
- Evidence of the deceased's U.S. citizenship, such as a passport, birth certificate, or Certificate of Naturalization;
- The deceased's Social Security Number;
- The next-of kin's photo I.D., address, and telephone number.

If the next-of-kin's last name and the deceased's do not match, evidence of kinship is required, such as birth or marriage certificates.

All documents must be original.

As the next-of-kin, you will receive 20 certified copies of the Consular Report of Death of an American Citizen Abroad at no cost. This Report can be used as proof of death in most legal proceedings in the United States. If you need more copies, please request them at the beginning of the process. Later requests for additional copies must be processed through the Department of State in Washington for a fee.

To Ship Remains Back to the U.S.

If embalmed remains are to be shipped back to the U.S. for interment, the Mexican funeral home will provide documentation to accompany the casket. The Consulate will translate the documents and provide a transit letter in English, to satisfy U.S. Customs requirements. The document service is free, but the cost of transport may be greater than \$5000 USD.

Due to Mexican law, unembalmed remains may not be transported. The U.S. Consulate is unable to assist anyone who wishes to transport unembalmed remains back to the U.S. for interment.

To Return to the U.S. with Cremated Ashes

Transporting cremated ashes back to the U.S. does not require any further documentation from the Consulate. You may carry the ashes with you in your hand luggage, accompanied by the Mexican Death Certificate (Acta de Defuncion) and a Constancia de Cremacion, which will be provided to you by the Mexican funeral home. The cost of cremation will probably be at least \$1000 USD.

Funeral Services

Losing a loved one is difficult and can be even more difficult if the death occurs outside the U.S. Procedures relating to death and the disposition of remains are different in Mexico. The information contained here is general, is for deaths with no unusual circumstances, does not constitute legal advice, and is not meant to be exhaustive. Procedures and requirements may vary from case to case and depending on local authorities.

The Consulate and Consular Agency can assist family and friends in the event of the death of a U.S. citizen loved one in the Mexican states of Jalisco, Nayarit, Aguascalientes, and Colima. We maintain a list of local funeral homes. We can assist you in making arrangements with the Mexican funeral home for disposition of the deceased and forwarding of personal effects. We will work with the funeral home to ensure proper documentation for shipment of remains to the U.S. The U.S. Consulate and Consular Agencies cannot cover any of these costs; family or friends of the deceased or responsible for all expenses.

Decisions regarding the disposition of remains must be made quickly when the death occurs in Mexico. The remains can be interred in Mexico, cremated and interred in Mexico, embalmed and transported by air to the U.S., or cremated and transported by air to the U.S. In cases where

embalmed remains will be sent to the states via air shipment, the next of kin must choose a U.S funeral home to receive the remains. The local Mexican funeral home and the U.S. funeral home will act as your agents during the repatriation. Complete contact information for the U.S. funeral home must be provided to the Mexican funeral home. It is very important that they have clear lines of communication. Payment must typically be received before the Mexican funeral home will send remains to the U.S. funeral home.

Local law requires that an autopsy be done on all foreigners that pass away in Mexico except in cases deemed “death by natural causes.” There are no exceptions. In case of “natural death,” the attending doctor will provide the family of the deceased or the Mexican funeral home with the death certificate (at a cost) and the family will be required to fill out and sign a form giving information about the deceased for the death certificate. This form will be taken to the civil registry office by the Mexican funeral home. The medical examiner will provide the funeral home with the death certificate. The funeral home will assist you with the entire process.

If the death occurred outside of a doctor’s care, family and/or friends traveling with the deceased must give a statement at the local police station explaining events and attesting to the identity of the deceased person. Four copies of the passport and FMM (Forma Migratoria Multiple) of each person giving a statement and of the deceased must be presented. At this time the police will normally release the deceased from their custody to the funeral home designated by the next of kin, pending the autopsy.

The deceased is legally in the custody of the local police authorities (*Ministerio Publico*) until they have authorized, in writing, the release to the next of kin. Please note the funeral home you select in Mexico cannot begin the process of repatriation until the local authorities have released the remains to the funeral home with your written, notarized authorization.

<http://guadalajara.usconsulate.gov/>