Legal article

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The Thai will: the cheapest insurance a retiree can buy

By Eksiam Chaisorn, Legal Consultant
Eksiam & Partners Co., Ltd.

> This article is general legal information, not a legal opinion on any specific matter. Each matter must be assessed on its own facts and evidence. The latest online version is at https://retireinthailandadvisory.com/thai-will-inheritance.html

Key points

- **Six classes, and a higher class shuts out the lower ones.** Section 1629 of the Civil and Commercial Code lists the statutory heirs; section 1630 gives a lower class nothing while a higher class survives, except that surviving parents share with the deceased's descendants as if they were children.
- **The spouse's share depends on who else survives.** Under section 1635 it is a child's share against descendants, one half against parents or full-blood siblings, two thirds against the remaining classes, and the whole estate if none survive.
- **An unmarried partner inherits nothing.** Section 1629 knows only relatives and a registered spouse, so a will is the only instrument that can reach a partner.
- **Only the statutory forms count.** Section 1655 admits no others: the ordinary written will under section 1656 needs two witnesses, and the holograph under section 1657 must be written out entirely in the testator's own hand.

- **Your witness cannot be your beneficiary.** Section 1653 disqualifies the writer of the will, and any witness to it, from taking under it.
- **A foreign heir to your condo has one year.** Section 19 septies (มาตรา 19 สัตต) of the Condominium Act B.E. 2522 requires disposal within one year of acquiring ownership where the heir cannot qualify under section 19.

Here is what actually happens when a foreign retiree dies in Thailand without a Thai will: the bank freezes the accounts; the condo cannot transfer; the surviving spouse or children, sometimes on another continent, usually have to petition a Thai court to appoint an administrator, gather legalised documents from two countries, and wait **6-18 months**. We administer these estates. Every one of them would have been shorter and cheaper with a ฿15,000 document.

What a Thai will covers

A Thai will is confined to Thai assets and drafted so that it does not revoke the will you keep at home. Section 1655 of the Civil and Commercial Code allows only the statutory forms, and section 1653 disqualifies the writer or a witness from taking under the same will.

A bilingual will limited to your **Thai assets**, bank accounts, condo, vehicle, lease rights, personal effects, drafted so it does *not* revoke the will you keep at home for home-country assets. Two wills, two jurisdictions, no conflict: this is standard cross-border practice, and getting the non-revocation clauses right is precisely the lawyer's job.

Eksiam & Partners Co., Ltd. | Tax ID 0105569142001
300/90 Premium Place, Nawamin Road, Nawamin, Bueng Kum, Bangkok 10240, Thailand
Tel. +66 81 654 5922 | contact@eksiamlegal.com | eksiamlegal.com
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If you do nothing: Thai intestacy

Section 1629 recognises six classes of statutory heir, and section 1630 shuts out every lower class while a higher one survives, save that parents share alongside descendants. The spouse sits outside that ladder: section 1635 gives a share equal to a child against descendants, and one half against parents or full-blood siblings.

- Statutory heirs inherit in classes, children first (with surviving parents sharing alongside them), then parents, siblings, and outward. A surviving spouse shares alongside the closest class.
- **Unmarried partners inherit nothing.** If you live with a partner you never registered marriage with (how registration works), a will is the *only* thing that protects them.
- In practice, banks and the Land Office usually ask for a court order appointing an administrator before releasing anything. A will lets you choose that person: section 1711 recognises an administrator appointed by will, and under section 1713 the court appoints in line with the will, which cuts the contested steps.

The condo problem

Section 19 septies of the Condominium Act B.E. 2522 gives a foreign heir who cannot qualify under section 19 one year from acquiring ownership to dispose of the unit. A will that names the heir, a fallback, and an executor with power of sale is what keeps that year usable.

A foreign heir inheriting your condo must qualify for foreign ownership (building quota, fund-transfer rules) or **sell within one year**. Your will should say which, name a backup, and give the executor sale powers, otherwise the unit sits in limbo while its value pays common fees. Bought recently? Plan the will in the same engagement as the purchase; we discount the bundle.

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Inheritance tax, mostly a non-issue

Sections 12 and 16 of the Inheritance Tax Act B.E. 2558 charge only the part of an inheritance above one hundred million baht from each deceased, at five per cent for an ascendant or descendant and ten per cent for anyone else, while section 3 puts the spouse outside the Act.

Thai inheritance tax starts at **฿100 million per heir** (5% descendants/ascendants, 10% others, spouses exempt). The real costs of dying unplanned in Thailand are court time, translation/legalisation of foreign documents, and frozen cash your family needed for, say, the funeral and the rent.

Practical package

What we deliver is a will in the form section 1656 of the Civil and Commercial Code permits: written, dated, and signed before at least two witnesses who sign in turn. Executor appointment, storage instructions and an executed copy kept on file come with it.

- Bilingual Thai will, properly witnessed: **฿15,000-30,000**; couples (mirror wills): **฿25,000-45,000** (fees).
- Executor appointment and storage instructions included; we keep an executed copy on file.
- Living-will (end-of-life medical directive under Thai law) can be added, ask when instructing. Also see healthcare in Thailand.

Common questions

The answers below turn on two rules more than any other: section 1629 of the Civil and Commercial Code, which fixes who inherits when there is no will, and section 19 septies of the Condominium Act B.E. 2522, which gives a foreign heir one year to deal with a unit.

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Does my foreign will cover my assets in Thailand?

It can in principle, but in practice a foreign will must be translated, legalised and proven before a Thai court, often adding 6-12 months and significant cost. A separate Thai will limited to Thai assets, drafted so it doesn't revoke your home will, is the standard solution.

What happens if a foreigner dies in Thailand without a will?

Thai intestacy rules apply to Thai assets: statutory heirs in order (children, parents, siblings, etc.), with a surviving spouse sharing. In practice, banks usually ask for a court order appointing an estate administrator before they release anything, typically 6-18 months, longer with foreign documents. Unmarried partners inherit nothing.

Can my foreign children inherit my Thai condo?

Yes, but a foreign heir must qualify for foreign ownership themselves (quota and, in some cases, fund-transfer conditions) or must sell the unit within one year. This should be planned in the will, not discovered by grieving children.

Does Thailand have inheritance tax?

Only above 100 million baht per heir (5% for descendants/ascendants, 10% for others; spouses exempt). Most retiree estates owe none. The practical problem isn't tax, it's the court process, which a Thai will dramatically shortens.

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