

Arsinoi Lainioti is a Greek-American-Brazilian attorney with offices in Athens, Greece. She was born, raised and educated in the United States and has been practicing law in Greece since 1996. She currently practices before the Courts and Administrative Bodies of Greece and Europe [European Court of Human Rights, European Patent Office (Professional Registration No. 09003220), Office for the Harmonization in the Internal Market Trademarks and Designs (Representative No. 40398)]

Arsinoi D. Lainioti is a member of the Athens (Greece) and the Massachusetts (U.S.A.) Bar Associations and is included on the Attorney List of the Embassy of the United States of America in Athens, Greece as well as on the Legal Professional List of the Embassy of the Brazilian Republic in Athens, Greece. She is a member of the American-Hellenic Chamber of Commerce.

As an expert in real estate, inheritance, citizenship and commercial law, she has assisted countless people of Greek decent who live abroad as well as U.S., Brazilian and Portuguese companies to resolve complex legal issues in Greece since 1996.

Arsinoi D. Lainioti served as in-house counsel for the Organizing Committee of the Olympic Games Athens 2004 from 2003 to 2005, advising on Greek, European and cross-border legal matters. She facilitated and formalized sponsorship agreements, supplier and vendor agreements as well as Torch Relay agreements among Organizing Committees, National Olympic Committees, cities and governments worldwide.

For full resume: www.lainioti-lawoffices.com/files/ADLResume.pdf

Our firm offers the following comprehensive legal services, in Greek and in English, in order to effectively address the needs of clients who reside abroad:

- **Recovery of Assets and Property in Greece (whether abandoned or trespassed upon by third parties)**
- **Estate Planning and Management of Properties located within Greece**
- **Inheritance Procedures (pursuant to Greek/U.S. will or by virtue of intestate succession)**
- **Citizenship/Nationality Cases (including Name Change procedures and litigation)**
- **Greek and International Tax Matters**
- **International/Greek Business Law**
- **Greek/European Litigation**
- **Debt Recovery**

We handle matters throughout the Greek territory, in conjunction with a network of reliable and qualified appraisers, realtors, public notaries, accountants, topographers and other professionals located throughout Greece. Our services are cost-effective and we make every effort to ensure that it is not necessary for our clients to travel to Greece or be present during the proceedings.

DISCUSSION ON INHERITANCE ISSUES:

Our experience from handling countless inheritance cases on behalf of Greek-Americans has shown that many members of the community are unaware of the intricacies of Greek inheritance law. While we strongly recommend that qualified attorneys and accountants be consulted as soon as an inheritance matter arises and well prior to any related action or inaction, we offer the following general information on this topic:

Greek Assets may be inherited through either a valid U.S. or Greek will or by virtue of Greek Intestate Succession Laws.

In the absence of a valid will, the laws of Greece stipulate specific heirs and the percentages inherited thereby based on the relationship of those heirs to the person whose estate is being inherited. The list of potential heirs includes the following:

- Spouse and children
- Spouse, parents, siblings
- Spouse, grandparents, their children and grandchildren
- Spouse and great grandparents
- Spouse exclusively
- The Greek State

It is important to note that, under Greek law, **a will may be invalidated if any of the “forced heirs” is excluded from inheriting under the will.** By law, the “forced heirs” include the descendants of the person making the will, the surviving spouse of that person or the parents thereof, in the event that there are no descendants and/or surviving spouse. A forced heir is entitled to receive one half of the share which he/she would have received if he/she were inheriting under the law, in the absence of a will.

It is also important to note that, according to Greek law, **the decedent's estate passes to the heir with all of that estate's advantages and burdens.** As a result, upon explicitly or implicitly accepting his/her inheritance, an heir becomes personally liable for the debts of the inherited estate. In order to avoid assuming an indebted estate, an heir may chose to renounce the inheritance by filing a related declaration before the court located in the area of the decedent's place of domicile. The deadline for renouncing an inheritance is within four months of learning of the potential inheritance or within one year of learning of the potential inheritance (if either the decedent resided abroad or the heir learned of the potential inheritance while residing abroad).

A person who stands to inherit property in Greece should be aware that **numerous significant deadlines are entailed.** For example, an heir is obligated to file an Inheritance Tax Declaration within 6 months (for residents of Greece) or 12 months (for residents abroad) from the date of death or the date upon which a will was probated.

DISCUSSION ON PROPERTY REGISTRATION:

In an effort to ensure transparency and security in transactions involving real property located in Greece, the Greek Ministry of Environment and Public Works initiated the establishment of a nationwide land registry in 1997. This on-going project entails the gradual replacement of numerous locally situated mortgage registries by local offices of the National Land Registry or “Ethniko Ktimatologio”.

Property owners who fail to record their property interest within 10 years of the date upon which the National Land Registry opened in the area where the property is located, will irrevocably loose their right to claim the property in question. All unrecorded property thereafter becomes the property of the Hellenic Republic. If a third party registers the property in question in his/her name, the original owner may be able to claim monetary damages from that third party.

Interested persons can review English and Greek language lists of the National Land Registry Offices currently accepting registrations and those which are no longer accepting registrations on the official website: www.ktimatologio.gr.

We strongly advise that people who have already registered their property interests diligently review the resulting record entries since a significant number of errors have been noted in the past. If these errors are identified in the first stage of registration, owners may be able to avoid costly and time-consuming judicial procedures to effectuate corrections.

We also highly recommend that owners whose property is not yet subject to registration with the National Land Registry ensure that they hold valid title documents for their properties and have complied with all the formalities for registration such as filing of the E-9 declaration with the Greek Tax Authorities and registration of their title documents with the local Mortgage Registry. Owners of plots of land should also be in possession of a recent and thorough survey map correctly reflecting the property.

Our firm undertakes initial registrations and follow-up with respect to existing registrations. We also assist clients in procuring title documents and complying with all related formalities.

DISCUSSION ON PROPERTY MANAGEMENT ISSUES

Owners of land located in Greece can face a variety of problems, particularly if they are absent for long periods of time. It is not uncommon for absentee landowners to find, to their dismay, that some or all of their land has been claimed by trespassers. Unused land can also, under certain circumstances, be declared “forestry land” by the Greek Authorities, thereby rendering that land unusable for construction purposes.

In order to avoid losing your valuable investment as well as protracted and often futile court cases, it is imperative that you reinforce your rights to your land by:

1) fencing your properties; 2) placing third parties on notice of your rights by affixing appropriate signage; 3) checking your property on a regular basis in order to identify and stop any unauthorized third party use of the land; 4) cultivating your property (i.e. ensuring that wild bushes and grasses are regularly cut and/or watering and tending to orchards); 5) formally renting your land to a local farmer. In the latter case, the lease itself serves as proof of an owner's interest in the land, even if the lease reflects a nominal fee.

Finally, it is imperative that all title holders in land or any other real property located in Greece, include specific descriptions of that property in an E9 form, duly submitted to the appropriate Hellenic Tax Authorities. Inclusion of a specific property in a duly submitted E9 form can not only be used as evidence of the owner's vigilance but is also required in order for any title in that property to be conveyed.

These activities can serve as proof of your diligent involvement in the protection of your property, so that a trespasser cannot claim the necessary unimpeded presence on your land which is required for a third party claim to that property.

Our firm can assist you with all of the above activities through our network of related professionals. Feel free to contact our office for more information on this topic.

DISCUSSION ON GREEK CITIZENSHIP ISSUES

Greek citizens are entitled to reside, work and study in Greece as well as in any other member state of the European Union (EU), indefinitely. For the duration of their residence in any member state of the EU, Greek citizens benefit from the privileges and legal status enjoyed by locals in that Member State. As a result, increasing numbers of people of Greek ancestry who reside outside of the EU are acquiring Greek citizenship and procuring Greek passports.

The Greek Nationality Code provides ethnic Greeks (i.e. persons with a Greek ancestor) with two means of acquiring Greek citizenship. Persons whose ancestor were born in Greece and/or registered on either a Municipal Register or Male Register of Greece are entitled to have their birth right to Greek citizenship recognized. In order to do so, these persons must obtain the relevant certificates from the Municipal or Male Registers of Greece and must thereafter proceed with registering all subsequent ancestors by submitting certificates of birth, marriage and death, which took place abroad, with the Special Register of Greece. Foreign certificates must either be certified by Apostille in accordance with the Hague Convention or authenticated by the authorized Greek Consular office, if the country issuing the certificate is not a party to the Hague Convention. In the event that there has been a divorce in the direct line of ancestors, any resulting foreign divorce decree must be formally recognized by the Greek Courts. All foreign language documents must be translated by authorized translators, Greek Consular Offices abroad, the Greek Ministry of Foreign Affairs in Athens or Greek attorneys. Once the necessary certificates are issued by the Special Registry, they must be submitted to the Municipality with which the applicant wishes to register.

The decision recognizing the Greek nationality of an applicant is issued by the Prefecture (Perifereia). Once the applicant is included on the relevant Municipal Register and Male Register, if applicable, he/she is a Greek citizen and can apply for the issuance of a Greek Identification Card and Greek Passport.

A foreign born ethnic Greek who fails to qualify for recognition of their right to Greek citizenship pursuant to the above, may acquire Greek citizenship pursuant to naturalization. This procedure requires the applicant to submit a related declaration to the Greek Consular Authority of their domicile or the Mayor of the area in which they live (for residents of Greece) together with the Greek ancestors' baptismal certificates, Greek Orthodox marriage certificates and the applicants' own baptismal certificate.

In the event that an ancestor of the applicant underwent a name change, an administrative or court decision substantiating the name change may be required in order for the applicant to obtain Greek citizenship pursuant to the above.

Males of Greek origin who were born abroad and who permanently reside outside of Greece are not required to serve in the Greek Military, provided that they do not stay in Greece for more than six months within the same calendar year. It should be noted that residing in any other EU country for more than six months within the same calendar year does not subject the same person to required Greek military service. It is advisable for a male of Greek ancestry who intends to spend more than six months a year in Greece to declare that he wants to serve in the Greek Military while he is still a permanent resident abroad, since this will significantly reduce the number of months of his military service.

Our firm handles Greek citizenship procedures, including name changes, pursuant to specifically drafted limited Powers of Attorney. It is therefore not necessary for our clients to travel to Greece in order to accomplish the above indicated.

Please feel free to contact us directly with any questions regarding these discussions and any other matter you need assistance within Greece:

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"We take pride in handling the matters of our clients professionally, ethically, cost effectively and with integrity."

We firmly believe that it is imperative for our clients, and in particular our clients who reside abroad, to fully understand and agree to the legal services which they can expect to receive as well as the conditions under which those services will be provided by our firm.

As a result, prior to agreeing to represent a client, we ascertain whether there is a conflict of interest or other circumstances which would prevent our firm from accepting a case. Once we fully review the prospective case, we supply clients with a letter of engagement, providing details on the scope of the legal services to be provided as well as the billing practices to be followed.

"It is important for us to help our clients protect their Greek investments and to ensure that our clients plan for the future of those investments."

We recognize that many of our clients do not reside in Greece and may not have access to (predominantly Greek language) news. We therefore provide our clients with up to date information on changes in real estate, inheritance, tax and administrative laws which might affect their property and business interests in Greece.

We believe that success requires a "can do" attitude and work closely with clients to develop strategies to assist them in comprehending and wading through the plethora of Greek laws and regulations.

As a member of the expatriate community in Athens, Arsinoi D. Lainioti, regularly contributes articles and undertakes speaking engagements to provide this valuable information to the general public.

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