

Roles

The Executor

This is the key person who carries out the wishes contained in the Will. The Executor attends to the legal formalities in dealing with the estate of the Deceased.

The Administrator

It is essentially the same as the Executor. The Administrator deals with the estate when the Deceased has not made a Will.

The Trustees

A Trustee is appointed when there are children or incapacitated persons left behind. Trustees step into the shoes of the Deceased and often have a wide range of powers to look after the interests of people.

The Guardian

Guardians are concerned with the moral and wellbeing of any children of the Deceased. The Guardian decides issues such as education and schooling.

Preparing for your Private Consultation

If you require more in-depth legal advice then we would advise you set up a private consultation with a Solicitor.

When coming to see us:

Please do the following to help us give you the best service we can when you are attending the office:

- Make an appointment in advance
- Bring an I.D: passport, driving licence etc
- Bring important contact details: telephone number, fax number, address and your email address
- Bring your PPS number (formerly RSI)
- Bring copies of marriage certificates, separation agreements or divorce decrees, if relevant.

Private Client Department

We have a wealth of experience in all aspects of Private Client issues. If you require advice or further information then please contact us on 059 9131745

Additional Services

Health Law (Medical Negligence)

Family Law

Litigation

Employment Law

Commercial Law

Property & Conveyancing

Property Development

Malcomson Law

Iceland House

Arran Court

Smithfield

Dublin 7

Tel: 01 8744422

Malcomson Law

Court Place

Carlow

Ireland

Tel: 059 9131745

**This brochure is for informational purposes only
and does not constitute legal advice.**

See **www.mlaw.ie**

**MALCOMSON
LAW**



Making a Will

Private Client Department

Malcomson Law have a dedicated Private Client Department that has specialist knowledge of Wills and Probate matters. Malcomson Law can assist you in making a Will, setting up a Trust and advise you if you have been appointed as an Executor, Administrator, Trustee or Guardian.

Making a Will

Many of us put off making a Will as we do not want to think about our own mortality. Such an approach can have serious consequences for our loved ones after we die.

Why make a Will?

1. For your loved ones

Everyone should make a Will. Not only does it make it much easier for those left behind to carry out your wishes, it also has the practical effect of minimising the tax exposure of those who benefit from your estate.



2. To ensure your wishes are met

By making a Will you make your wishes clear. Your Will contains your instructions to those left behind about what to do about your estate.



Malcomson Law's Charity of the Year for 2010 is **Headway**, supporting people with Acquired Brain Injury

3.. Reduce paper work

Finally, from a practical point of view, it is usually much easier to deal with a testate estate i.e. an estate where a Will has been made. There is not as much paperwork required as there is when you are dealing with an intestate estate.

What will happen if I do not make a Will?

If you do not make a Will then there are legal rules, which will decide who benefits from your estate. This may not always reflect your wishes.

Obligations to spouses and children

If a valid will has been made, a spouse is legally entitled to 1/2 of the Deceased's estate if there are no children, and 1/3 of the estate if the Deceased has children.

If no valid will exists, a spouse is entitled to all of the Deceased's estate if there are no children. If there are children, the spouse is entitled to 2/3 with the remaining 1/3 to be split between the children.

You are not obliged to leave anything to your children once it can be shown that you cared and properly provided for your children in your lifetime.

For further information please:

- visit our website at www.mlaw.ie or
- call us on 059 9131745 (Carlow)
- or on 01 8744422 (Dublin)

Frequently Asked Questions (F.A.Q.)

Q1. I want to make a Will so what should I do?

Firstly you should arrange an appointment with a solicitor in our Malcomson Law offices in order to receive instructions on what is required.

Q2. Why do I need a solicitor?

Your solicitor helps you make your will and ensures it is valid. When you die your intentions have been made clear in your will. Your solicitor is there to advise your executor and your family when you are gone and to ensure, under the seal of the High Court, that your wishes are carried out to that letter.

Q2. Once I have made my Will can I change it?

Yes, you can change your Will at any time. You can do it in two ways, by adding a codicil (which is an addition to the existing Will), or by revoking your previous Will and making a fresh one.

Q3. How often should I review my Will?

There is no hard or fast rule. We recommend that you review your Will annually to ensure that any tax minimising devices in the Will are still effective and also to include any life changing events such as buying a house or the birth of a child.

In addition, you should be aware that if you get married your Will is invalidated and you will require a fresh Will