



DOROTHY J. WALSH & COMPANY, SOLICITORS

A Guide to Making a Will



DOROTHY J. WALSH & COMPANY, SOLICITORS
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Who should make a Will?

Anyone who...

1. Has Children,
2. Property,
3. Is getting married,
4. Who has ended a marriage,
5. Has specific wishes to be carried out after their death,
6. Has family members with Special Needs,
7. Holds property in a Tenancy in Common,
8. Is ill, elderly or retiring, or
9. Owns foreign property.

Why should I make a Will?

In order to:

1. Control your assets after your death,
2. Appoint people you trust to deal with your affairs after your death (executors),
3. Appoint Guardians and Trustees to look after your Children and their interests,
4. Make matters easier for those left behind dealing with your Estate,
5. Avail of Tax planning,
6. State who (Beneficiaries) receives what (Bequests), and
7. To set up Trusts.

What if my circumstances change after I make my Will ?

You can attend with your Solicitor and go through any changes in your circumstances and they can be dealt with in a new Will, or an addendum to your existing Will (Codicil), if necessary.

What if I change my mind about anything I have left in my Will?

Your Will can be changed at any time.

Can I still do whatever I please with my property, cash, valuable and assets even though I have provided for them in my Will?

Yes, you can do whatever you wish with your property, bank accounts, savings, jewellery, etc even though they are mentioned in your Will.

Where should the Will be kept for safekeeping?

The Will can be kept in our office in our fireproof Safe to ensure that it is not lost or damaged. It is always advisable that you notify the persons whom you have chosen as your Executors as to where the Will is kept so as they know exactly where to find it.

What if I am still married but I have been deserted by my Spouse or have not loved with my Spouse by choice for a long period of time, will that person benefit from my Estate?

There is always a possibility of an estranged Spouse making a claim against your estate after your death. This situation should be dealt with very carefully in the Will itself and we can offer advice in terms of the best way to handle a situation like this.

I do not have a good relationship with some / all / one of my children or I have already provided for my children during my life and I do not want them to benefit from my Estate after my death, what are the implications of not mentioning them in my Will?

This is a situation, again, which can be dealt with in careful drafting of the Will. We can advise you as to the implications and how best to deal with this depending on your specific circumstances.

Who will be present when I make my Will?

We prefer that a person making their Will gives their instructions to us without any third party present. This is to afford the Testator / Testatrix (the man / woman making the will) the privacy and opportunity to ask any questions they do not wish to discuss in any one else's presence. As a rule of thumb we prefer that any Client will be alone when giving instructions regardless of whoever attends with them to bring that person to their appointment, and regardless of whoever makes the appointment for the person making the Will. This preference covers all Parties, including the Solicitor making the Will, so as to ensure that the Testator / Testatrix is completely free and able to make any decisions they see fit. This is a standard practice. If a Testator / Testatrix wishes specifically to have any person present that will be facilitated after a discussion to ascertain instructions and to ensure privacy and comfort.

How much does this process cost?

We generally charge a fee of €150.00 plus Vat (currently 23%). This covers whether you attend with us or we have to attend with you at home or in hospital. We are happy to assist in making your Will outside of office hours should the situation call for that.

If we have recently completed a house sale or purchase for you we are happy to make your Will free of charge.

If we are making a will for you and your partner / spouse and they are the same as each other (what we call "Mirror Wills" we will charge €100.00 plus VAT to each Client.

If you wish to proceed with making your Will please complete the information below and return to us by email so as we can make the necessary appointment for you to attend with us or for us to attend with you. Please do let us know if the matter is urgent and we will do all of the form filling and drafting with you at your urgent appointment.

I wish to give instructions so how do I go about making my Will, what information do I need?

The best thing to do is to ask yourself the following questions and fill the answers (not necessarily in the greatest of detail) into the boxes below and send them to us by email...

Who do I want to appoint to look after my affairs after my death...? (Executors)

What property, savings, investments, shares, personal items, etc do I have to leave in my Will? (Assets / Estate)

Who do I want to leave my estate to? (Beneficiaries)

I have children under 18 or children suffering from a disability... who do I want to appoint as their Trustees and Guardians to look after their property (their trust fund) and to look after them until they are of age...

Signed:

Witnessed:

Dated:

Checklist of Documentation:

1. Passport,
2. Utility Bill,
3. Copy Marriage Certificate,
4. Copy Death Certificate of Spouse,
5. Copy Divorce / Separation / Nullity Decree, Dissolution of Civil Partnership,
6. Copy Separation Agreement,
7. Title Deeds,
8. List of Assets,
9. Previous Will.

If you have any further queries we are happy to discuss via email, Whatsapp Video Call, phone or in person (see our Covid Consultation Plan for more details on face to face meetings).

We look forward to dealing with this matter for you.

Yours faithfully,

DOROTHY J. WALSH & COMPANY