

WILL INSTRUCTION SHEET

Date:

Name(s) :

Address:

Telephone:

Occupation:

Nationality:

Please indicate your Marital status as applicable. You should note more than one status may apply depending on your personal circumstances:

Single Co-Habiting Divorced Married Seperated Widow Engaged

- Note more than one status may apply. Your status is important as it will effect our advices to you.
- If you are separated please bring with you to your appointment a copy of any court orders made
- A subsequent marriage will invalidate your will

Spouse's name:

Date of marriage:

Children (date of birth and present age in brackets):

Notes on children:

Adopted / Foster / Step-children / Non-marital Children

Other close next of kin / dependents:

If any child or your spouse are not included in your Will, please set out clearly your reasons why overleaf:

Have you made any previous will(s): Yes No

If yes, where is your previous will held:

If you have any particular or special instructions as to Funeral/ Grave / Arrangements, please set out the same below:

Executors:

It is advisable to appoint two executors. These are the persons you trust to administer your Estate and the terms of your will. They can be relatives or professional persons.

If you have minor children (under 18) you may wish to appoint the executors as guardians and trustees also or you can name separate persons as guardians if you wish.

Name (1)

Address

Name (2)

Address

It is useful to consider what items need to be addressed in your will and the below headings may assist you in this regard. We can also put this list with your will to help your executors identify and deal with all matters if you wish.

Assets

Liabilities, debts or loans

House(s) and contents

Location of title deeds

Shares / Savings Certificates

Bank/Building Society/Credit Union Accounts

Joint property

Pension Scheme

Do you have a Section 72 Policy?
(If so a reference to it is required in your will)

Yes No

A section 72 policy is a life insurance policy that is taken out to pay inheritance tax on the death of the person who has taken out the policy

Details of Life Insurance and location of documents

Your accountants address, if applicable:

Any charitable bequests

Considerations when deciding the terms of your Will:

We can discuss when we meet the precise terms of your proposed will and what gifts or bequests you wish to make.

Many spouses make 'mutual wills' leaving everything to each other. The will then continues to state that in the event that both die together or in the event that one pre-deceases the other alternative provisions are to apply.

If you wish, you can set out overleaf your thoughts regarding the provisions of your will.

You may wish to make very specific gifts or bequests in your will such as:

- Jewellery
- personal/ household contents
- house
- investments
- charitable bequests
- cash / money gifts

In considering the terms of your will you may wish to bear in mind the following legal provisions:

**** Legal Right Share:**

If you are married with no children your spouse has an over riding legal right to half of estate and can opt to chose the gift or bequest under the will or their legal right share.

If you are married with children your spouse has an over riding legal right to one third of your estate.

These shares take priority over all else including any debts and gifts / bequests

**** s.117 of the Succession Act** is a legal remedy for children who feel that their parents have failed in their obligations to provide for them. If you have any issues or concerns regarding disinheriting please discuss these with us at your meeting.

**** Unless it is stated to the contrary any advancement** will be taken to apply (i.e. provision in lifetime to child in lieu of inheritance). This means that one child may have benefited more during their lifetime than another for example a private education in comparison to a public school education, a gift of money for a house deposit etc.

We can insert a clause in your will that each child will receive share irrespective of any gifts made during your lifetime.

THINGS TO REMEMBER WHEN MAKING GIFTS TO BENEFICIARIES:

Please see below a list of some points that you may wish to consider before making your will and if you have any specific queries in relation to the matters below please address the same with us.

Beneficiaries will have **C.A.T. (Capital Acquisitions tax)** to pay. This liability can be greater if they have been in receipt of other gifts / inheritances in the past. It is currently 25% of the gift/inheritance over and above the threshold noted below. This threshold is a "life threshold"

How is inheritance tax calculated?

All gifts and inheritances taken by a successor on or after December 1991, that come within the same group threshold, are aggregated (added together) to determine the amount of tax payable on the current inheritance. Tax is charged on the market value of the property comprised in the inheritance. A deduction may be made from the inheritance for any debts owed by the deceased, funeral expenses and solicitors costs.

The rates of tax are as follows -

The threshold amount	Nil
Excess	25%

C.A.T. Thresholds 2011:

Group A — broadly speaking, from parent to child

€332,084.00

Group B — broadly speaking, between siblings, from children to parents, from grandparents to grandchildren, and from uncles and aunts to nephews and nieces

€33,208.00

Group C — all cases not covered by Group A and Group B

€16,604.00

RESIDUE (i.e. any items not specifically referred to in your will):

Any items not specifically addressed in your will form part of the residue of your Estate. Some people prefer not to specify any items in their will and in such event the only matter the will deals with is the residue.

Do you wish to leave this to one person or divide the residue into shares?

If you prefer you can return this sheet and we will have a draft will prepared for our meeting. Alternatively we can meet up and discuss your requirements and have a second meeting to finalise your will.

Please telephone us to make an appointment on (021) 4824426

Draft will to go to approval at:

You will when drafted is a very important legal document. It is important that it is properly stored for safe keeping.

ORIGINAL WILL TO BE KEPT BY

Solicitor

Testator

Bank

Other

ADDITIONAL NOTES OR QUERIES:



PLEASE RETURN THIS SHEET DULY COMPLETED TO:

**O'Hanlon & O'Dowd Solicitors,
Unit 6c,
Crestfield Centre,
Glanmire,
Co. Cork**

Email: info@ohod.ie

Telephone: 021 4824426