

Wills & Probate



Wills

We are all reluctant when it comes to making our Will, often finding the thought morbid or superstitious. By making a Will we ensure that our loved ones are looked after and that our wishes are followed.

By dying without a Will your loved ones may suffer, especially if there are minor children involved. Your next of kin would have to make an application to have court appointed executors and trustees administer your estate.

This means that control is taken away from your family as your assets will be distributed in accordance to the strict rules of the Succession Act 1965. It also means that costs are increased and these costs are taken out of the assets of your estate, decreasing the legacy that you leave your loved ones.

At Sherry McCaffery Solicitors we can guide you in making the right decisions to ensure that your wishes can be noted whilst ensuring you are aware of the legal and tax implications of your actions.

You should also remember to update/review your Will at regular intervals to take into account any change in your own circumstances. You should also keep in mind that there may be legislative and tax changes that impact on your Will. Also note that valuations of assets may alter since making your Will.

To assist your Executor we advise that you complete a list of your assets and retain with a copy of your Will. For your assistance click on the [Law Society Asset List](#)

[Why Make a Will?](#)

Probate

The death of a loved one is an emotional and distressing time.

At Sherry McCaffery Solicitors we can guide you through the process of obtaining a Grant of Probate or Administration (if no Will was made). We will be happy to meet with you at your convenience and explain the process involved including assisting you to apply for a Bereavement Grant.

Prior to any meeting with your Solicitor you should ensure you have the following:

- The original Will, if available
- The Death Certificate, if available
- Copies or details of the Deceased's pps number, marriage certificate, occupation, divorce order, children's names and ages
- Any pension/social welfare details claimed by the Deceased
- Details of any bank, post office account held by the Deceased even if held in joint names
- The Funeral bill including funeral meal
- Any financial documents and receipts available
- The names, addresses and PPS numbers of the next of kin and any Beneficiary under the Will
- Death certificate of the Deceased's Spouse

We can assist the Executor/Personal Representative to make an application to the Probate Office to administer the Deceased's estate and will examine any likely legal challenges to the

estate that may be envisaged and advise how this should be dealt with.

The law allows for a time of one year from the date of death for a personal representative and this is often referred to as “the Executor’s Year” and a grant will usually take from between 3-6 months but this may be considerably longer in the case of a complex estate. There may also be challenges to the Will which will also cause delay and may increase costs.

We can also advise clients if they feel that they may have a claim on an Estate but strict time limits apply for any challenge so if you need assistance contact your Solicitor urgently.