



**Conor McLaughlin,  
Solicitor**

***AN Other, in his last will and testament wrote:  
“To my first wife Mary, whom I always promised  
to mention in my will. Hello Mary!”***

***Anonymous***

Under Brehon law, on a man's death the general rule was that his property passes automatically to his dutiful sons or is divided amongst his kinsmen if he is childless. There was also a provision which permitted him to bequeath a portion of his property according to his wishes. Nowadays, we have much more freedom in terms of how we wish our Estate to be distributed.

**What is a Will?**

Making a Will is the only way to ensure that your wishes are carried out after your death. A Will is a witnessed document that sets out in writing the deceased's wishes, after death, for their property and possessions, referred to as their Estate. A Will is also an important tax-planning device. It can be drafted in order to make the best possible use of the various tax reliefs.

**Who are the parties to a Will?**

The party making and executing the Will is known as the Testator or Testatrix. Two witnesses are also required. It is also highly advisable that you obtain a certificate from your treating Doctor certifying that you have the cognitive ability to make a Will. The reason being is that as the Irish Population lives longer, Dementia and other diseases of the mind are common place and may hasten the distribution of your Estate if the Probate office believe there is a question mark over whether you had the cognitive ability to make a Will at the time of signing. It may also be advisable to instruct an Engineer to map a "site" being left to a son or daughter or other beneficiary in order to assess the planning viability of said "site" and to avoid future disappointment and further cost.

**How can we help?**

Our Will Solicitors have the knowledge and experience to advise on all aspects of drafting and preparing Wills. Our Will Solicitors understand the impact and stress that these decisions may cause and are here to help you through that experience. Our Will Solicitors will assist you with all aspects of your Wills and Estate Planning. Our Will Solicitors review the relevant legal documentation and move quickly to bring the process to a swift conclusion while keeping you up to date throughout. We strive to make sure your experience is stress free.

**Our 3-stage process**

**1. First Consultation**

A consultation with our Will Solicitors will make sure you understand the nature of the process and the documentation involved in making a Will. We will discuss the contents of your Estate, such as your property (both Foreign & Domestic), Bank Accounts, Post Office accounts, Prize bonds, Credit Union accounts, shares and personal contents and your intentions for your burial. Other items many people also consider nowadays are their wishes in terms of how they would like their Social Media accounts to be managed into the future or discontinued altogether. We will also discuss who would be a suitable Executor(s), and if you have minor children who might be a suitable Guardian(s).

**2. Drafting & Review**

Our Will Solicitors then draft and review your Will ensuring that same meets your needs and that it is efficient from a Tax Planning perspective.

**3. Second Consultation**

A second consultation will be required so that we can review your Will in full with you and so that you are completely satisfied with the contents of same.

In conclusion, it is advisable for you to make a Will because if you do not, and die without a Will, the law of intestacy decides what happens to your Estate. Making a Will can ensure that proper provisions are made for your family and that your property and possessions are distributed in the way you desire, on death, subject to statutory rights of spouses/civil partners and children, if relevant to you. It is important to note that you may revoke your Will at any time.

*The above article is one of a series of articles drafted by Conor McLaughlin of Conor McLaughlin & Associates Solicitors. They do not constitute legal advice and should not be acted upon without seeking legal advice particular to your set of circumstances. Conor McLaughlin & Associates have offices in Bundoran, County Donegal. For further information on the above or any other legal issues you may have, please contact us on TEL: 071 984 1322, Email: [info@cmclassociates.com](mailto:info@cmclassociates.com) or at [www.cmclassociates.com](http://www.cmclassociates.com).*