



## **Making a will**

**Many people** haven't given serious thought to the making of a will and shy away from it for fear of being morbid. Making a will is an inexpensive process and can provide you with the peace of mind that your property will pass to your nearest and dearest according to your wishes. Your will only takes effect when you die so it can be changed at any time to reflect personal and financial changes.

### **Reasons for making a will**

Making a will allows you to dictate who will inherit your property. If you die without making a will then the law dictates which relatives or family members will inherit your property. This may result in certain people inheriting your property contrary to your wishes.

If you have young children a will allows you to appoint guardians for your children should both their parents predecease them, you can also establish a trust to cater for their financial needs and education until they are older.

A will can also provide you with an opportunity to minimise the amount of tax which the Revenue may collect on your death.

### **Who can make a will?**

A will can be made by any person aged 18 or more and of provided they are of sound mind. If there is any doubt about a person's mental capacity then that person should be examined by a doctor prior to making a will otherwise the will may be challenged. It is your mental capacity at the time of making the will which is relevant.

### **Requirements for making a will**

There are rules which apply to the making of a will, if these rules are not followed then your will may be invalid. Your will must be in writing, dated and signed by you in the presence of two or more witnesses, these witnesses cannot inherit any property under your will.



### **Changing or cancelling your will**

You can change your will anytime before your death. You can either make an addition to your existing will or alternatively make a new will depending upon the circumstances.

### **What if I make a will and subsequently marry?**

Marriage cancels a will as your spouse acquires automatic rights to your property on your death. It is possible to make a will in view of an impending marriage.

#### **Spouse's and children's rights.**

Your spouse has an automatic entitlement under your will, if you have no children your spouse is entitled to one half of your property, if you have children then your spouse is entitled to one third of your property. Children have no automatic right to property under your will however they can challenge your will on certain grounds.

### **What if I am separated, divorced or an unmarried partner?**

Separation does not result in your spouse automatically losing their right to your property, however this right can be cancelled by means of a separation agreement. In the case of divorce your spouse's automatic right to a share of your property is extinguished. In the case of unmarried partners there are no automatic rights to each other's property regardless of length of time living together.

Making a will should not be confined to any one age group and should not be put off until later in life. It is inadvisable to make a will by yourself always seek professional help as you may make mistakes if you are not familiar with the legal terms. Moreover, your intentions could be ambiguous and some errors could render your will invalid. Don't put off what you can do today.

### **At Eoin Murphy Solicitors you first will with our office is free of charge.**

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