

**I**T is very important to make a Will, especially when you own property and have people who are dependent on you.

Many people don't have a Will and there are many reasons for this. Some feel its bad luck, others think it's just another expense, and some simply just don't have the time to visit their solicitor to have one prepared and signed.

So, do you know what will happen your house, your car and all your worldly goods should you die without a Will? The following scenarios outline what should happen your estate in the event that you die 'intestate', that is, 'without a Will'.

1. If you have a spouse/civil partner and no children, your estate goes to your surviving spouse/civil partner.
2. If you have a spouse/civil partner and children, two thirds of your estate goes to your surviving spouse/civil partner and the remaining one third is divided equally between your children. If one of your children has died, then that share goes to his/her children.
3. If you have no spouse/civil partner and children, then your estate is divided equally between your children (or their children).
4. If you have no spouse/civil partner and no children, then your estate goes to your parents.
5. If you have no spouse/civil partner, no children and your parents have pre-deceased

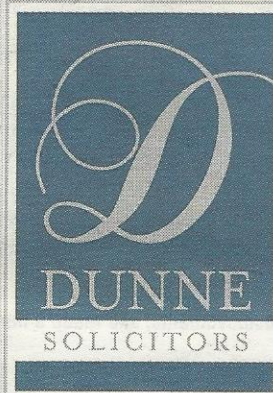
# Where there's a Will there's a way

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you, then your estate is divided equally between your brothers and sisters, with the children of a pre-deceased brother or sister taking his/her share.

6. If you have no spouse/civil partner, no children, no surviving parents or bothers or sisters, then your estate is divided equally between your

nieces and nephews.

7. If you have no spouse/civil partner, no children, no surviving parent or siblings, no nieces or nephews and no further distant relative, then your estate goes to the State.

You should fall under one of these categories. If you are not happy for your estate to go to the persons listed in that cate-

gory, then you should make your Will today.

It is important to note that any property which is owned jointly with someone else will pass automatically to the surviving owner.

For example, the family home is normally held in the joint names of you and your spouse.

In this case, the family home will not be mentioned in your Will as, upon your death, ownership shall automatically transfer into your surviving spouse's name (An application will need to be made to the Land Registry to complete this transfer).

There may be tax implications for the beneficiaries under your Will. The tax that applies to inheritances is Capital Acquisitions Tax and is more commonly known as Inheritance Tax or Gift Tax.

Tax does not apply to gifts between spouses but may apply to gifts left to your children or other relatives. It is important that the tax implications be discussed with your solicitor.

Should you have any queries regarding your Will, please contact Jacquelyn at Dunne Solicitors on 086 1617418

**Should you have any suggestions for a Legal Eagle article, please send them to Dunne Solicitors by email at [Jacquelyn@dunnesolicitors.ie](mailto:Jacquelyn@dunnesolicitors.ie) or by post at Dunne Solicitors, Ballyshonock, Kildorrery, Co. Cork**