

STEPHENSON BURNS SOLICITORS' 41st SEMINAR
"THE IRREGULARS"

DATE: Friday 1st April 2022
TIME: 9.15 am to 5.15 pm

VENUE: Live Stream
FEE: €390.00

A reduction of €45 for Newly Qualified Solicitors (2021/2022) and Group Bookings (three or more people from the same firm) will apply. The Seminar will cover a wide range of topics, including the following:

UPDATES: including Probate Practice, Law Society Recommendations, Revenue Updates, Finance Act 2022 changes to CAT, Legislation, Case Law and New Publications.

CRBOT UPDATE: the working Committee's discussions with the Registrar are ongoing -here is the latest, together with, the newly issued "*CRBOT: Troubleshooting and User Guide*".

SA.2: it is getting better and better- the latest "*fixes*, how to avoid listing gifts/inheritances under CAT classes other than the class re the current benefit and unfortunately, where there are still problems, including Wills/Codicils which were uploaded not "being seen" by the probate office. Please bring your own which still need "fixing.

CGT: New Law Society Guidelines re sales in an administration.

PAT COMMITTEE: you have to ask the question before we can answer it-not necessarily. Answers to the most common queries to the PAT Committee

WILLS: exceptions to the following statement/beliefs that a Will:

- Speaks from the date of death.
- Must be executed by the Testator and a Testator must have capacity when executing the Will,
- Must be witnessed by two witnesses, present at same time, be dated and have an attestation clause,
- A Will is revoked by marriage but not by divorce.

GRANTS: exceptions to the following statement/beliefs.

- Only one will, the last one, is probated,
- The grant always follows the interest and
- When an administrator is extracting the grant, a Bond is always required.

ADMINISTRATION: the following statement/beliefs are all incorrect.

- Executors-must be named in the will, be a natural person, be resident here and have capacity.
- Appropriation- a spouse can always appropriate the house.
- Debts are always discharged first from the residue.
- Lapse- if a beneficiary predeceases then the bequest lapses.
- Section 121 can be used by or against a child of the testator.
- You are either a Tenant in Common or a Joint Tenant with another.
- Disclaimers- a person cannot disclaim part of a bequest/residue.
- Section 63 only applies to children of the deceased.

TAX: exceptions to the following statement/beliefs.

- Legal fees are subject to VAT.
- Revenue will not allow a revision of date of death value.
- The costs of administration are not allowed for CGT purposes.
- An executor is subject to CGT on the disposal of an asset.

- In the UK, Deeds of Variation can be used to redistribute estate assets tax efficiently but not in Ireland.
- Where there is a sale of an asset in a Will Trust, the most tax efficient method is sale by the personal representative.
- Deeds of assent are not subject to stamp duty, except when they are.
- The CGT paid on an estate asset is allowed for CAT.
- Surviving spouses have no CAT liability and their Domicile is not relevant for Tax.

Revenue has finally released its new Tax and Estate Clearances Manual and we are including same in the notes. LONAS (Letters of no Audit) re Income Tax, and CGT are now gone, and we will review the changes and of course consider how best to protect ourselves given the extent of the due diligence required.

LITIGATION: Muna bhfuil sé scríte nil sé ráite! If its not written in the Will, its irrelevant- the exceptions.

Statute of Limitations/Time periods including:

- Its always 6 years except when its; 12 years, 2 years, 1 year, 6 months, 1 month or 6 weeks.
- From when, date of will, of death, of grant, of disposal, contingency or interest comes into possession.
- Section 121 time period is 3 years prior to date of death, except when it is not.
- As there is no reference to same in the Succession Act Section 63 has no time limit.
- Legal Right Share - there is no time limit if there is no bequest to the spouse in the will as the LRS vests automatically in the spouse on death a la the Cummins case, except when there is.
- Where there is no bequest in the will and where the spouse is not a joint owner of the property there is no time limit for a section 56 claim, except when there is.
- An Executor's year is "a year, except, when it is not.

Our speakers: Anne Stephenson, Stephenson Burns Solicitors, Rita Considine, County Registrar, Padraic Courtney, Secretary to the PAT Committee, and Finola O' Hanlon, O'Hanlon Tax.

Booking Form: **7 CPD hours apply- (General 5 hours, Regulatory 1 hour, Practice Management 1 hour)**. Return this form with a cheque made payable to Stephenson Burns Solicitors, 55 Carysfort Avenue Blackrock, Co. Dublin. Tel: 01-2756759. In the event of a cancellation the attendance fee is non-refundable unless same is received, in writing prior to the 16th March 2022. Although, it is hoped to be avoided, the right to substitute speakers, change timing, topics or venue is reserved.

Name:

Tel No:

Address:

Email:

NB. To enable us to run this seminar smoothly and provide you with the relevant information, when booking **can you please send us the email address that you will be using on the day** so that you can join us online. An invite, with details on

how to join the virtual seminar and materials will be sent to delegates in due course at **this email**.