

# Christmas Newsletter

Michael Monahan Solicitor

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## Welcome

This is our first newsletter to you our valued clients. Its purpose is to keep in touch with you-to provide you with both legal and general information that we come across that you might find useful.

We have some personal information to show we are human too (background of the Team on page 3)

Mainly we want to give something back to you at no cost to you to thank you for trusting us with your legal business.

There is so much new law and changes to existing law even we find it hard to keep up to date. We will summarize the changes for your benefit and if you need to follow up anything you know where we are.

We plan to send these out on a regular basis .



Team Monahan:

Kathriona, Lorraine, Michael, Susan & Caroline. See Background on page 3.

We don't ever use the word "Staff" we work as a team.



## Inside this issue:

Legal Services Bill	2
Repossessions Update	2
Employment Law Update	2
Team Monahan	3
Separation/Divorce Update	3
Family Background.	3
Where are they now?	4

## Wills and Inheritance ...Recent Changes.

The increase in the amount children can inherit from parents goes up from €225K to €280K and is good news for some. No change in the two other tax free levels. The tax free amount for nieces and nephews is still

€30150 and if there is no blood relation the level is €15000. After these allowances you pay tax on the balance at 33%. We now know to split allowances between members of the Family to make any gifts or inheritances more tax

efficient. These Allowances apply whether it is a gift or an inheritance. If you receive a Gift or Inheritance for someone living in the UK. £325,000 is the allowance after that 40% of the balance is taken as tax.

## Disclaimer.

This is a newsletter and matters contained in it are by way of opinion only. It should not be taken as legal advice.

## Legal Services Bill.... What's in it for me?

It tidies up some areas when you deal with your solicitor. All files will now have signed Terms & Conditions between you and the Solicitor.

You have to know the cost of your legal service and get updates as the matter proceeds. (We use printed time records)  
You as a Client will have an independent body if they wish to raise a complaint.

Barristers and Solicitors will have to provide clients adequate and up to date information as to how their case is proceeding.

It seeks to promote more competition in the provision of legal services.

We know that every time (an independent body is set up) someone has to pay for it.

The Legal Services Regulatory Authority has to be paid for by a levy and the cost of this will have to be passed on. We will follow how this progresses in future newsletters.

At present a Solicitor pays €2500 to The Law Society each year. We can only hope this new Authority does not turn out to be another Irish Water fiasco with large overheads paid for by you the Client.

## Repossessions: What's happening?

At local level repossessions are dealt with by the sitting County Registrar a court official who travels from either Cavan or Donegal. The Counties of Sligo and Leitrim do not have a Registrar due to cut backs in the Public Service.

The County Registrar is also adjourning applications for possession of family homes where borrowers have not consulted MABS. (The

Money Advice People)

In recent months the banks are issuing more Civil Proceedings to repossess properties due to the Central Bank requirements.

All applications are adjourned on the first time they are listed to allow negotiations take place.

Our best advice is to enter discussions in arrears cases as soon as possible. The court

system will facilitate all negotiations and give time to work out proposals.

The best news for distressed borrowers is in early December two High Court Judges have disagreed whether the Circuit Court can actually make orders for possession at all! Following this the Judge in our Circuit Court is also adjourning cases to await a clear decision from a higher court

*"Work Hard and Be  
A Leader Be Lazy  
and Become A  
Slave." Proverbs  
12.24*

## Workplace Relations Act 2015.....7 Points to remember.

From October 2015 the Procedure relating to Employment rights has changed. Now there are just two places to lodge any complaint.

All applications now have to be online.

Complaints must be lodged

within 6 Months.

When it comes to a hearing you have to make a written submission in advance.

At a hearing no witness is sworn on oath before they can give evidence and no cross examination is allowed

The same principles of Fair procedures apply as before for employees. Most employers lose cases not due to employees conduct but because their own procedures are unfair.

Directors of Companies can now be personally liable for payment of Awards.

## Team Monahan ...Who we are.

### Present Team

Kathriona Cunnane is our para-legal executive who has just recently completed her entrance exams to Blackhall Place and hopes to further her studies over the next two years to become a fully qualified Solicitor. We are proud of her achievement to date. She commits to Tag Rugby in her spare time.

Lorraine Conlon is our Assistant Solicitor with a particular interest and expertise in Conveyancing and Probate Law. She is a stickler for crossing the T's and dotting the I's which means first rate customer service for our clients.

Michael is The Boss and runs the show. He takes over as President of Sligo Solicitors

Association in January 2016. He also is a member of the Technology Committee of the Law Society.

Susan Bourke is the Accounts and Marketing Manager and is modest about her recent qualification as a Master in Digital Marketing.

Caroline Glendon joined us from Dublin almost two years ago and is responsible for front of house duties and is legal executive to Lorraine and Michael.

## Separation/Divorce Update

Even though we have divorce for nearly 10 years we still have no consistent pattern of whether you can avoid or have to pay maintenance after you divorce.

If you remarry (someone new) then you lose the right to maintenance. If you are separated and in the Courts opinion you have some assets or savings you may still have to pay your ex

spouse something.

If they have any form of ill health there is a likelihood that the court will make some provision for the weaker party financially even if children if any are no longer in the Family Home.

Payments are tax deductible for the Payer and taxable for the payee. If a Social Welfare payment is received there may be a clawback of some

of that if Maintenance is paid. The Pension Adjustment Order (PAO) has become more common as we all age. This has to outline who gets what at retirement age. It can be a 50/50 split. The main thing is to ensure the Pension Provider has the proper notice of any Court Order and they approve it to allow division of Funds at the retirement age. Now with new forms of Legal Marriage and Partnerships proper legal advice should be taken.

## Family Background

The Monahan family had a last lunch outing just before Helen left for a years study in China in connection with her business degree in UCD. However with Social Media we are in daily contact and now she is packing the bags for her Christmas trip home!



Tommy, Rachel, Helen and Ian

Rachel is a 2<sup>nd</sup>. Year Student in UCD. Tommy is finishing in Summerhill College this year and hopes to join his sisters in Dublin

next year.

Ian is in Sligo all the time and is Property Manager.

Michael's Exercise Friends  
Below



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## Transferring the Family Farm..... Please Mark my Card.

It's most important that both parties have separate legal advice. There can be no "Acting for both Sides" by a Solicitor.

A transferor to the next Generation by will has to recognize any legal entitlements a Spouse may have .

Financial Provision has to be provided in years to come. A lump sum or yearly payment could be agreed.

If transferring the farm by Will you must specifically transfer the Entitlements as well

### Past History

Michael paid a visit to deepest Roscommon recently to find out more about his Monahan Grandfather. His Fathers cousin Helen O'Brien (you might remember her from Ballincar House Hotel some years ago?) and her brother Tom welcomed him and showed where all the family came from before they arrived in Sligo. Interestingly that generation of Monahans spelt their name with a "G" in it so we made a change somewhere along the way.

### Where are they now?

Mary Harty  
Currently is Business Development Officer with Sligo Chamber

Patricia McMahon  
Currently with the Legal Aid Board.

Anneka Lim  
Currently with the Legal Aid Board.

Sharon McGowan  
Joined An Garda Siochana and is based in Longford.

Sabine Walsh  
CEO of Sabine Walsh Mediation Services.