



Tracey Solicitors

Making law accessible

**ENDURING
POWER OF
ATTORNEY**



TALK TO US FIRST...

...to look after your personal care decisions and financial affairs should you face challenges in managing your affairs in the future

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ENDURING POWER OF ATTORNEY - What does it mean?

An enduring power of attorney (EPA) is a legal document that allows you (the donor) to maintain control of your affairs until such time as you may become unable to do so yourself through mental incapacity.



In many ways an EPA could be viewed as a 'just in case' legal document...

...that you can use to appoint one or more people to make decisions for you should you ever be in a position in the future where you no longer have the ability to make your own decisions about your property, your financial affairs or your personal affairs.




The person(s) you appoint is called an attorney(s).

If you give your attorney(s) general power in relation to all your property and affairs, your attorney(s) will be able to deal with your money or property and may be able to sell your house. The decision is yours entirely.

If you do not want your attorney(s) to have such wide powers, you can include any restrictions you like in your EPA document.



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A 'just in case' document to appoint people to handle your affairs if you cannot

Making your ENDURING POWER OF ATTORNEY

First, instructions are given by you to your solicitor verifying the level of control you wish to give to your attorney(s).

- Your EPA is then drafted and signed by both you and your appointed attorney(s).
- A standard medical cert is sent to your doctor for completion to certify that you are mentally capable of signing an EPA (the doctor is advised of the legal test applicable).
- Two notice parties nominated by you, who are members of your family or next of kin (other than your attorney(s)), are sent a notice confirming that you have made an EPA.
- All your EPA documentation is stored together until such time as it is needed.

Activating your ENDURING POWER OF ATTORNEY

To bring an EPA into effect it must be registered or activated in the Court.

1. A medical certificate confirming your loss of capacity is presented to the Court.
2. Proof must be provided to the High Court that your original Notice Parties have been written to in the standard format advising that your EPA is about to be activated.
3. Once the Notice of Intention to Apply for Registration is served on the parties a five (5) week notice period must expire prior to progressing the application.
4. When the Office of Ward of Court is satisfied that all of your documents are in order, they register your Enduring Power of Attorney.



TALK TO US FIRST...
about the benefits of an
**ENDURING POWER
OF ATTORNEY**

 www.probate.ie  16/17 St. Andrew Street, Dublin 2

Peace of mind - you choose what decisions are made and by whom

TALK TO US FIRST...

...about the important protective benefits you can secure with an

Enduring Power of Attorney

...about all legal or inheritance matters relating to

Probate

...about providing for your family and loved ones by

Making a Will

ENDURING POWER OF ATTORNEY



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If you do not have an Enduring Power of Attorney...

...and you suffer a loss of capacity the only alternative is for an application to be brought to the High Court for an order declaring you to be a Ward of Court.

The Court then appoints a representative to look after your property and affairs. Without an Enduring Power of Attorney this can be a lengthy and expensive process and you lose the right to choose your requirements. You can save time and costs and retain your right to choose simply by making an Enduring Power of Attorney