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ENDURING POWER OF ATTORNEY

What would happen if

..... you became seriously ill or had an accident and as a result became mentally incapacitated to deal with your affairs? It could make your everyday routine of paying bills, making everyday financial decisions and managing budgets impossible. You could not open or close a bank account, some financial institutions might not let you withdraw your own money, you could not sell or re-mortgage your house, you could not make important decisions on your medical care, etc.,.

Anybody can become unable to deal with their own affairs at any stage of life. If you become incapable of managing your affairs it can be a very difficult time for your family and friends.

It makes sense from both a practical and financial point of view to appoint an Attorney. An Attorney is someone you trust and nominate to deal with your most important affairs. This can be done by creating a special legal document called an Enduring Power of Attorney. Why leave it to chance?

WHAT IS AN ENDURING POWER OF ATTORNEY (EPA)?...here comes the science!!

An Enduring Power of Attorney is a legal document in which you authorise a person or persons (your Attorney) to act on your behalf and deal with your property, financial affairs, and or medical decisions, in the event that you become unable to do so, by reason of unsound mind. It remains a dormant document until activated. Once signed it will be stored away safely by us. It only becomes

operative/activated if you become of unsound mind. It continues in force until death, subject to certain important conditions and safeguards.

By planning ahead and making an EPA you will be able to give your instructions whilst you are still of sound mind. We here at Joanne Kangley Solicitors regard it as an insurance policy against possible future problems.

If it never has to be used, so much the better!! But it would be available in the event that you lose your ability to deal with your own personal affairs.

Some Questions answered:-

What paperwork is involved?

We will prepare and arrange the completion of all the necessary documents which include:-

1. The Enduring Power of Attorney itself which incorporates a full explanation of what is involved.
2. Statement of opinion signed by the solicitor advising that you fully understand the effect of the EPA.
3. Statement of opinion signed by your doctor confirming that you are in sound mental health.
4. Notification to two people nominated by you.

Who should I choose as my Attorney?

You should choose one or more people in whom you have confidence and trust..... someone who will be able to deal with your affairs in an efficient way. This person needs to be over 18 and not bankrupt when they sign the Enduring Power of Attorney. If you wish to appoint a member of your family or friend then it would be sensible to ask beforehand if they are willing to act.

What are my Attorneys powers?

You choose what powers your Attorneys may have. It is entirely your choice and we will take great care in discussing these powers with you. Essentially your Attorney can only do what you authorise. Therefore what you want them to do must be specified in the document.

What are my Safeguards?

The EPA only comes into effect when it is registered with the High Court and this can only happen if you become or are becoming mentally incapacitated. Until such time, you will continue to look after your own affairs as always. An EPA can contain any restrictions you wish. The choice is yours!

Before the EPA can be registered and used by your Attorney notice must be given to you and the people you have specified on signing the EPA so that these people

are given the opportunity to object. At the same time you sign the EPA your doctor and solicitor must confirm that you are aware of what you are doing.

An EPA puts you in control over your future affairs!!!

An Enduring Power of Attorney does not restrict your right to carry on looking after your own personal affairs as long as you are able to. The appointment of an Attorney simply means that there is somebody to take over if you cannot cope or become unable to do so.

What happens if I become of unsound mind and I don't have an EPA?

If you should become mentally incapable of managing your own affairs and have not appointed an Attorney, it may cause serious practical problems for you, as you will not have appointed someone to deal with your property and assets. It may also cause distress and expense for your family and friends which could easily have been avoided. Many people run into problems with the payment of Nursing Home Expenses, if they are not entitled to State Aid, as they cannot deal with their finances. By signing an EPA you are eliminating these problems.

If no EPA has been made, the only solution is for an application to be made a Ward of Court which is complicated and extremely expensive. An EPA essentially avoids this situation.

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