

# Applying in person for Probate



COURTS SERVICE  
An tSeirbhís Chúirteanna

## High Court

### What is Probate?

When a person dies, it is sometimes necessary to apply to the Probate Office for Probate. This is a legal process which authorises someone to deal with a deceased person's assets (i.e. property, money and other possessions owned by the deceased at the date of death). The authority is given in the form of a document called a Grant and the three most common types are:

- ▶ **Grant of Probate** Where a person dies leaving a valid Will and appointing an **Executor**, a Grant of Probate issues to the Executor. The person's assets are dealt with by the **Executor** according to the terms of the Will.
- ▶ **Grant of Letters of Administration** This type of document issues when a person dies without having made a Will. The deceased is said to have died 'intestate' and his/her assets are dealt with by an **Administrator** and according to Statute.
- ▶ **Grant of Letters of Administration with Will Annexed** This type of document issues where a person dies leaving a will and a person other than the Executor is applying for the Grant.

## Do I need a Grant?

- ▶ When a person dies leaving a house and/or land in his/her sole name, it will be necessary to apply for Probate in order to sell or transfer the property to another person.\*
- ▶ When a person dies leaving money in a financial institution it may be necessary to apply for Probate. The next of kin or the executor should first contact the institution in question to see if Probate is a requirement.
- ▶ When a person dies leaving a house and/or land in which he/she had a joint share, the house and/or land automatically passes to the surviving joint tenant without the need for a Grant.
- ▶ When a person dies leaving monies in a financial institution in joint names a Grant may be necessary as the monies may not pass automatically to the surviving joint account holder. It depends on the type of account and the reason for the creation of the joint account.
- ▶ When a person dies leaving no assets it may not be necessary to apply for a Grant.
- ▶ When a person living outside the Republic of Ireland dies leaving assets in this jurisdiction, an Irish Grant of Representation is necessary to deal with these assets even if a Grant has issued in another country.

\* It should be noted that where there is real or leasehold property in the name of the deceased a Deed of Assent must be executed by the Executor or Administrator after the Grant issues to him/her. The services of a solicitor may be required for this purpose.

## Who is entitled to apply for Probate?

- ▶ If the deceased made a valid Will and appointed an Executor - **The Executor**.
- ▶ If the Executor is unable or unwilling to act, or if the deceased did not appoint an Executor - Rules of the Superior Courts and the Succession Act 1965 set out who is next entitled to a Grant.
- ▶ If the deceased did not make a valid Will - one or more of the nearest living relatives at date of death of the deceased are the person/persons entitled to this Grant. This person is called the **Administrator**.

If you are unsure of your entitlement to a Grant you should speak with an official in the Probate Office.

## How do I apply for Probate?

To apply for Probate you can either employ a Solicitor\* or apply in person through the **Personal Applicants Section** of the Probate Office or through one of the **District Probate Registries**.

You may apply to the Probate Office in Dublin for a Grant in respect of all persons who have died within this jurisdiction. You may only apply to a District Probate Registry if the deceased person had a fixed place of abode within the jurisdiction of that Registry. For example, if a person died having a fixed place of abode in County Clare, the application for a Grant of Probate may be made to the District Probate Registry at Limerick or to the Probate Office at Dublin.

\* It should be noted that the involvement of a solicitor may be necessary and advisable in certain cases.

There are fourteen District Probate Registries throughout the country (details of which and the counties which they serve are on pages 5 and 6). They are attached to local Circuit Court Offices.

If a deceased person was living outside of the Republic of Ireland application must be made to the Probate Office, Dublin.

You should contact the Probate Office or the appropriate District Probate Registry to obtain an application form and further information on the procedure involved. Please note that the personal application form and further information is also available on the Courts Website **www.courts.ie**. The addresses and phone numbers of the Probate Office and the District Probate Registries are listed below.

### Who do I contact?

The principal Probate Office is located on:

- ▶ 1st Floor of **Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7.**
- ▶ Telephone: 01 888 6181, 888 6179
- ▶ **Email: ProbatePersonalApplications@Courts.ie**

For information regarding Inheritance Tax etc contact:

- ▶ **Capital Aquisitions Tax Unit, Áras Bhruigha, 9/15 Upper O'Connell St., Dublin 1.**
- ▶ Telephone : 01 865 5000 or access Revenue website at [www.revenue.ie](http://www.revenue.ie)

## Place & Districts of District Probate Registries

Office Address: Probate Office	Telephone	Counties Served
<b>Castlebar</b> The Courthouse, Breaffy Road, Castlebar, Co. Mayo.	(094) 9021522 / 9026128	Mayo
<b>Cavan</b> The Courthouse, Farnham Street, Co. Cavan.	(049) 4331530	Cavan Longford
<b>Clonmel</b> The Courthouse, Clonmel, Co. Tipperary.	(052) 29183	Tipperary
<b>Cork</b> The Courthouse, Washington Street, Cork.	(021) 4271223 / 4275321	Cork
<b>Dundalk</b> The Courthouse, Crowe Street, Dundalk, Co. Louth.	(042) 9392310	Louth Monaghan
<b>Galway</b> The Courthouse, Courthouse Square, Galway.	(091) 562162	Galway Roscommon
<b>Kilkenny</b> Parnell House, Parnell Street, Kilkenny.	(056) 7722073	Kilkenny Carlow Laois

## Place & Districts of District Probate Registries

Office Address: Probate Office	Telephone	Counties Served
<b>Letterkenny</b> The Courthouse, Letterkenny, Co. Donegal.	(074) 9128711	Donegal
<b>Limerick</b> The Courthouse, Merchant's Quay, Limerick.	(061) 414655	Limerick Clare
<b>Mullingar</b> The Courthouse, Mount Street, Mullingar, Co. Westmeath.	(044) 9348315	Westmeath Offaly
<b>Sligo</b> The Courthouse, Teeling Street, Sligo.	(071) 9142228 / 9142089	Sligo Leitrim
<b>Tralee</b> The Courthouse, Ashe Street, Tralee, Co. Kerry.	(066) 7121998	Kerry
<b>Waterford</b> The Courthouse, Catherine Street, Waterford.	(051) 874144	Waterford
<b>Wexford</b> The Courthouse, County Hall, Wexford.	(053) 9122329 / 9124630	Wexford

## **Probate Office Records:**

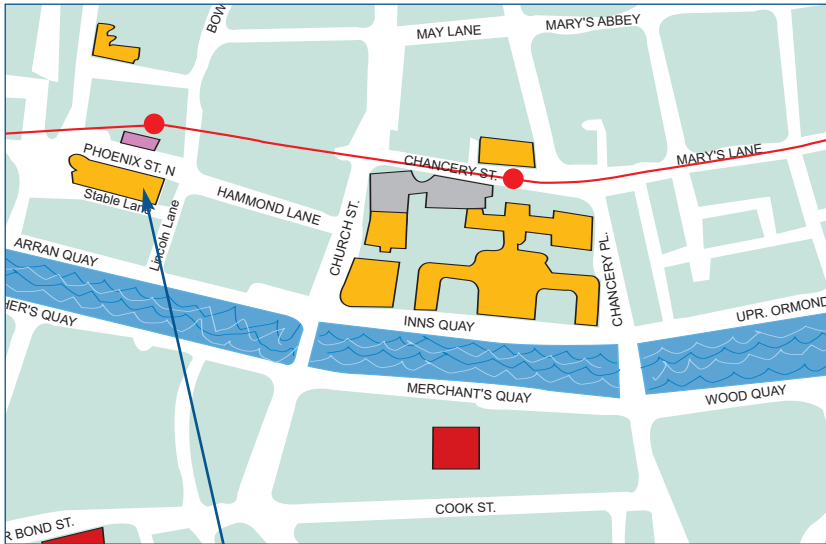
Once a Grant issues from the Probate Office the Will and all documents lodged as part of the application become public records. The Probate Office holds records of Grants which have issued in the previous twenty years. All records prior to that are held by the

*National Archives,  
Bishop Street,  
Dublin 8.  
Telephone 01 407 2300.*

***[www.nationalarchives.ie](http://www.nationalarchives.ie)***

Copies of documents can be obtained for a small fee by writing to the Probate Office or the National Archives enclosing details such as the name, address and date of death of the deceased.

## Map



**Phoenix House**

- Luas ————
- Court Buildings ■
- Car Parks ■
- Luas stop ●

**Text compiled by the Probate Office, Courts Service, First Floor Phoenix House, 15-24 Phoenix Street North, Smithfield, Dublin 7.**

This is an information leaflet. This leaflet does not provide legal advice. If you need legal advice please consult a Solicitor.

All Courts Service publications are available on our website [www.courts.ie](http://www.courts.ie)

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