



Tina

Mary

Colm

Bridie

Emmet

Hi, this is Colm Kelly here, I am the principal of Healy Crowley Ahern solicitors of Killorglin and Caherciveen, Co Kerry. You would have done some work with our firm over the last few years and I just wanted to drop you a line to thank you for your business and to update you on some topics that you might find of interest. We have two offices and I am supported by Emmet McCann a conveyancing and probate expert and our support staff, Tina, Mary and Bridie.

These are some of the cases that we have had successful outcomes over the past number of months

- Settled personal injury claim for client injured at a hotel. We achieved payment of €14,000 for our client
- Sale of Dublin based property for client with a six week turnaround
- Completed sale and purchase of property for client on the same day which led to a seamless transition for our client from her sold property to her purchased property
- Completed first registration for client in Glenbeigh, based on long possession. This was a squatters rights style application in the land registry

What we do

Personal Injury Claims

We work on road traffic accidents, injuries in the workplace and slip and fall type cases. We achieve excellent results for clients with a fast turnaround.

Probate and Administration

We look after the estate of a person who has deceased. We ensure that the estate is managed efficiently and beneficiaries receive their payment as quickly as possible.

Conveyancing

We manage the sale and purchase process using the most advanced processes and technology in the country. We deliver a seamless service from end to end.

Family Law

We regularly pursue family cases through the circuit court dealing with judicial separation, custody, access and financial provisions. We know the court system and local judges to manage cases to achieve wins for you.

Farm / Agricultural Law

We advise farmers and landowners on all agricultural issues. These include transfers of land, Department of Agriculture entitlements, Kerry Group shares, partnership agreements and leases. We also deal with boundary and title disputes, trespass claims and squatters' rights cases through the Circuit Court.

Win at the Irish Law Awards 2016



We are delighted that we were the winners of the National Innovation Award at this year's Irish law awards.

We won the award for our new conveyancing system which helps to streamline the conveyancing process and shortens delivery times on sales and purchases. This award follows on from our win in 2014 of Munster law firm of the year. We are now the only firm in County Kerry to have won twice at the Irish law awards. There are only a handful of firms in the country who have been successful twice at what is known as the "Oscars of the Legal Profession".

Legal bites

- **What is a residency clause in a planning permission?** Over the past 10-15 years it has been common practice for the planning division of Kerry County Council to issue planning permission containing a condition that the applicant is the only persons entitled to live at the property. The condition normally states that the applicant must live at the property for seven years. We call this a residency clause and it is an attempt by Kerry County Council to restrict the number of holiday homes in the area. It may be difficult to sell a property with an occupancy clause to a person who will not live in the area and we can advise you if faced with this decision.
- **Inheritance Tax.** The threshold for inheritance between parents and children has been increased to €310,000 in the latest budget, which represents an 11% increase on the previous threshold. The increase applies in respect of gifts or inheritance received on or after 14th October 2016.
- **Digital Mapping.** The land registry have over the past number of years introduced a digital mapping system. Some boundaries have actually been altered by the land registry without the knowledge of the owners and we have experience in dealing with this issue.

October to November Charity Wills Months

During the summer you might have had some time to think and one of those thoughts may be "I really need to make my will". If you are one of those people then we might be the firm for you. During October to November we are running a charity wills programme for all clients over 55. On making your will, you only pay what you want to our nominated charity, the Kerry Hospice. This also applies to clients that would like to update their existing wills. Call me if this is of interest to you. Colm

Personal injury cases can be bumper!

John Rice was a retail security officer. He had a buddy style relationship with a delivery man Alan Muddiman. The relationship between the two men was one of "banter, high fives and back slapping". Mr Rice sued the bread delivery man. He claimed he suffered severe personal injuries when Mr Muddiman allegedly assaulted him as he was checking in the produce being delivered. He claimed he was punched in the buttocks and right hip with a closed fist. He also alleged there had been a previous similar type incident with Mr Muddiman. The court dismissed the case and said that CCTV footage didn't support the view that a vicious blow with a clenched fist had been delivered. The court held that the injury had not been significant and that the relationship between the two men was one of banter, jokes and there was a "tactile element" to the relationship.

Comment. The consequence of this case is now that the plaintiff is left with a substantial legal bill for both his own lawyers and the lawyers for the defendant and also no compensation. It should be remembered that plaintiffs bringing a personal injury action are not on a level playing field. Effectively they are taking on an insurance company who are happy to "play the percentages". It is of no major consequence to an insurance company to win or lose a case and they will challenge whatever case they consider appropriate. If the win, they win and if they lose they move on. This is not the case for a plaintiff. A loss has a devastating effect. In the vast majority of cases an insurance company are willing to settle a personal injury case. While there is no evidence of settlement talks in the reporting of this case, it would be highly unusual if an offer was not made. If one was made, the plaintiff now will rue his opportunity to accept it.



About the author

I put together this short note for you. I am originally from Co Meath and have been working in Killorglin since 2004. I am married with two children (8 and 6). I have been the principal of Healy Crowley Ahern since 2010. When I get a chance, I really like to get out on my bike for a spin, particularly in the summer! Colm Kelly