

A presentation by

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FOR INFORMATION



- No action should be taken without consulting the detailed legislation
- Always seek professional advice
- No responsibility for loss occasioned to any person acting or refraining from action as a result of the material contained in this presentation can be accepted by this firm.



HOW RENTAL INCOME IS TAXED

- GROSS RENTAL INCOME
 - Less:
- ALLOWABLE EXPENSES
 - Equals
- NET RENTAL INCOME
 - Less:
- CAPITAL ALLOWANCES fwd.
 - Less
- CURRENT YEAR CAPITAL ALLOWANCES
 - LESS
- RENTAL LOSSES FWD
 - Equals:
- TAXABLE RENTAL INCOME

RENTAL INCOME

- Renting house/flat/apartment
- Payments for advertising signs
- Payment for a right of way
- Payment for masts on land
- Payments for fishing/shooting rights
- Payments from insurance policies against non payment of rent
- **Rental deposits are not regarded as rental income**

ALLOWABLE DEDUCTIONS

- Expenses incurred must wholly and exclusively relate to the property
- Expenses can be claimed on an accrual basis
- Expenses must be of a revenue nature

ALLOWABLE DEDUCTIONS

- The deductions that are allowed in computing taxable Case V income are listed in section 97(2) TCA 1997. Section 97(2)(d) authorises a deduction in respect of :
- “the cost of.....management of the premises borne by the person chargeable and relating to and constituting an expense of the transaction or transactions under which the rents or receipts were received”.

ALLOWABLE DEDUCTIONS

- RATES/SERVICE CHARGES
- REPAIRS/GENERAL MAINTENANCE
- MANAGEMENT OF PROPERTY
- INSURANCE-BUILDING/CONTENTS
- ADVERTISING FOR TENANTS
- ACCOUNTANTS/LEGAL FEES
- INTEREST (SEE LATER SLIDES)



DEDUCTIONS (continued)

- CLEANING / RE-DECORATION
- GARDEN MAINTENANCE
- LEGAL FEES FOR EVICTIONS
- EXPENSES IN VOID PERIODS(between lettings)
- HIRE OF EQUIPMENT FOR CLEANING & REPAIRS
- EMPLOYEES WHO MANAGE PROPERTY



EXPENSES NOT ALLOWED

- Pre letting expenses (see later slide)
- Post letting expense
- Expenses on property rented out on an uneconomic basis
- Local Property Tax
- NPPR
- Own labour costs

INTEREST RESTRICTION

- 75% only allowable 7 April 2009
- Interest accrues on daily basis
- Date loan taken out not relevant



INTEREST RESTRICTION

- Applies on rent to buy
- Residential property only
- Excess interest
- Apportioned on just and reasonable basis
- Loan or part loan used to pay stamp duty or legal fees not deductible



Interest restriction FA 09

• Rent	€60,000	Bank interest (100%)	€50,000
•		Other expenses	€ 4,000
•	€54,000	Total expenses	€54,000
• -----			
•	€ 6,000	Real profit. Tax payable is €3,120 (€6,000 x 52% rate)	
• 75% interest restriction			
• -----			
• Rent	€60,000	Bank interest	€37,500 (€50,000 x 75%)
•		Other expenses	€ 4,000
•	€41,500	Total expenses	€41,500
• -----			
•	€18,500	Taxable profit.	
		• Tax payable €9,620 (€18,500 x 52%)	

INTEREST ALLOWABLE

- Interest borrowed to acquire, improve or repair property
- Restriction on interest to invest in Rental Companies (FA 2006)
- Must register with Residential Tenancies Board
- Interest denied due to non registration can be claimed subject to the 4 year rule, if property is later registered with RTB



INTEREST ALLOWABLE (ctd)

- Replacement borrowings
- Interest allowed by concession only
- Only to the level of original borrowings
- Keep to same term
- Keep to same type (repayment)
- Best to go for separate loans
- Good commercial practice
- Problems with credit card interest



INTEREST ALLOWABLE (Budget 2016)

Tax year	% Deductible
2016	75%
2017	80%
2018	85%
2019	90%
2020	95%
2021	100%

100% Mortgage Interest Relief (social housing)

- Property must be available for continuous period of 3 years
- This relief commenced in 2016
- In 2020 tax relief at 100% will be available to landlord for previous three years
- Tax refund or offset against other tax liabilities
- Interest on relevant borrowings only:
- Purchase, improve, or repair the premises

Budget 2019

- Mortgage interest relief for residential landlords will also rise to 100%
- This applies to all years from January 1 2019.

INTEREST NOT ALLOWABLE

- Interest payable on rental property prior to first letting
- Interest payable on a property when it ceases to be available for renting
- Interest payable on loan from spouse/civil partner
- Interest payable on loan to fund legal fees or stamp duty

Pre Letting Expenses (new relief for landlords)

- Property must have been vacant for 12 months or more
- Expenditure must incurred within 12 months of letting
- Cap of total of €5000 euros
- Clawback if property is withdrawn from rental market within four years
- Relief available for qualifying expenses up to end of 2021

RENTAL LOSSES:

- Can only be set against rental income
- Can be carried forward to future years
- Must be claimed to max possible
- Not possible to claim only part to make use of tax credits
- Not possible to set against PAYE or other income
- Rental losses of one spouse cant be offset against profits of another spouse



REPAIRS



- Decorating and general upkeep of the property.
- A “repair”: restoration of an asset by replacing subsidiary parts of the whole asset.
- No deduction for own labour/self work.

REPAIRS



- Replace a roof allowable ?
- Capital or revenue ?
- Like for like replacement not improvement
- First Kitchen installed allowable ?
- Capital or revenue ?
- Improved value of property
- Replacement kitchen
- Replacing a worn out or dilapidated assets

CAPITAL ALLOWANCES



- Wear & Tear (Furnished Lettings)
- Furniture and fittings
- Do not confuse with repairs
- Excess allowances can be carried forward for future years
- 12.5% of capital expenditure each year.

CAPITAL ALLOWANCES

- Capital allowances must be deducted in priority to Case V losses brought forward from a prior year
- Excess allowances can be set against other Case V income only



RELIEFS AVAILABLE

- Section 23/Section 50
- Cost of construction of qualifying premises
- Claw back if put to non residential use
- Can sell property with relief during period
- Claw back of tax relief received if sold in period



SECTION 23 RELIEF

- Relief withdrawn if conditions not met
- Deemed rental income in year of change
- Balance of relief available to purchaser if conditions are met
- 10 year period does not start again
- Relief can't exceed relief available to original purchaser



Section 23 claw back example

Section 23 Relief			
Qualifying section 23 Expenditure €100,000 in May 2004			
Property let out €10,000 per annum from July 2004			
Deeded Loss in 2004 of €100,000			
Offset against income in 2004	10000 * 6/12		5000
Carry forward to 2005 to 2012			95,000
Property was sold in 2013 within 10 year period			
Used section 23 relief of 95,000 in years 2004 to 2012			
		€	
2004		5000	
2005		10000	
2006		10000	
2007		10000	
2008		10000	
2009		10000	
2010		10000	
2011		10000	
2012		10000	
Total S23 used		<u>95000</u>	
Deemed to have rental income of €95000 in 2013			
Tax at 55%		52250	

Designated Capital Allowances

Investors

- no longer use allowances beyond tax life where tax life ends after 1/1/2015
- no carry forward allowances into 2015 if tax life ends before 1/1/2015
- Does not apply to person working full time on property
- Hotels, Sports Clinic, Urban relief, Park and Ride facility

TAX TRAPS non-allowable



- Expenditure outside letting period
- Pre letting expenses (some exceptions)
- Compensation paid to tenant for disturbance
- Capital expenditure incurred on additions, unless allowable under an Incentive scheme.
- Partly let property expenses apportioned
- Uneconomic lettings no relief

No relief for “self work”

UNIVERSAL SOCIAL CHARGE Case V

- Gross income after allowable deductions
- But not:*
- Capital allowances
 - Pension contributions
 - Tax reliefs
 - Losses forward



PRSI on rental income

- Self employed pay PRSI on all income
- Calculated on Gross income less Capital allowances
- Employees now brought into the PRSI net 2014 (4% rate)
Applies to all unearned income



Private Residents Tenancy Board

- Applies to all residential tenancies
- €90 per agreement or €180 if late
- Registration is required to ensure interest is an allowable deduction
- Revenue check the register of properties
- Registration last for 4 years



NPPR

- Charge on Second Homes
- Introduced in 2009
- Rate €200 per year
- €20 per month of default
- Excludes non Irish properties
- Due on 30th June each year



Failure to pay NPPR

	2009	800
	2010	640
	2011	400
	2012	200
	Total	2040

If you forget to pay in 2009, the total due at the end of March 2012

Pay as soon as possible

No provision for appeal in the legislation



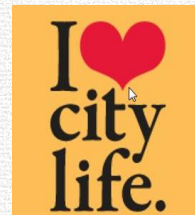
LIABILITY TO LPT



- Owner Residential Property
- Landlords
- Occupier of long term rent free properties
- Local authorities
- Personal Rep for deceased persons
- Multiple owners must agree who pays

Living City Initiative

- Limerick, Waterford, Cork, Dublin, Kilkenny, Galway
- Two types of Relief
- Commercial premises used as shop
- Residential premises
- Relief for Refurbishment costs
- Commercial 15% six years + 10% final yr
- Residential 10% ten years
- Letter of certification required from local authority
- Minimum spend €5000



Rent to overseas landlords



- Tenant must deduct 20% gross rent
- Form R185 must given to landlord year end
- Credit given to landlord for tax deducted
- Not widely taken up
- S1041 TCA97

Certificate of Income Tax Deducted

This certificate should be completed by a person making a payment under deduction of tax. When completed it should be given to the person receiving the payment for submission to his or her Revenue office.

Details of Payer (person making the payment)

Name of Payer

Address

PPS No.

Telephone No.

Details of Payee (person receiving the payment)

Name of Payee

Address

PPS No. (if known)

Telephone No.

Details of Deed / Agreement

Type of Deed or Agreement: (tick as appropriate)

Deed of Covenant Annual Payment* Rent Agreement Other

If you tick 'Other' give details:

*e.g. yearly interest such as interest paid under Prompt Payment of Accounts Act 1997, deed of annuity.

Date Deed or Agreement was drawn up

Details of Payment(s)

Gross Amount	Tax Deducted**	Net Payment	Period covered by Payment or Date(s) Payment(s) made
€ <input type="text"/>	€ <input type="text"/>	€ <input type="text"/>	<input type="text"/>

**Tax should be deducted at the standard rate of income tax. This rate is given in Information Leaflet IT1 'Tax Credits, Reliefs and Rates' available on www.revenue.ie, or by contacting any Revenue office.

Declaration

I certify that the particulars above are true in every respect.

I further certify that I have deducted the amount of income tax shown and that this amount has been or will be accounted for by me to the Revenue Commissioners.

Signature Date

Capacity of signatory (if signing for a company, trust, partnership, etc.)

Third Party return by Letting & Managers of Premises

- Letting agents must complete Form 8-3 every year
- Jan- Dec basis
- Company based on accounting year
- Full details of letting (property, rent)
- Amount of rent received
- Address of property


Non Resident Landlords

- Tax agent must register under separate PPS number
- Dealt with Tax district property is located
- Agent can withhold amount equal to tax and levies due
- Personal allowances not available
- The agent need not be a professional person e.g. it can be a family member or other person willing to take on the responsibility



Form for Collection Agents to Register (t10)

Income Tax Registration Form for Collection Agents acting on behalf of non-resident landlords



This form should be completed by the Collection Agent. This form is only to be used to register a person, who is a collection agent for a non-resident landlord, for income tax. Complete all parts of this form as required in BLOCK LETTERS, sign the declaration below and return it to your Revenue District Office.

A Landlord Details

Name of landlord
 Address of landlord
 PPS number of landlord

B Rental Property Details

Address of property in the State
 Date letting commenced (dd/mm/yyyy) / /
 Amount of rent paid per week per month or per year (tick frequency) €

C Collection Agent Details

Name of collection agent
 Address of collection agent

D Adviser Details

Give the following details of the collection agent's accountant or adviser, if any, who will prepare the accounts and tax returns.


Name
 Address
 Phone: Area code Number Mobile Phone
 Fax: Area code Number
 Tax Adviser Identification Number

E Declaration

I declare that the particulars supplied by me in this application are true in every respect.
 Signed
 Date (dd/mm/yyyy) / /

Form 8-3

Return of Third Party Information by Letting Agents and Managers of Premises



Tax Reference Number

Remember to quote this number in all correspondence or when calling at your Revenue office

Return Address: Completed forms should be sent to the company's local Revenue office. If you are unsure of the correct return address use the Contact Locator on Revenue's website www.revenue.ie

Use any envelope and write "Freepost" above the address
NO STAMP REQUIRED

Read the explanatory notes on Page 4 before completing this form. You can submit the return in a spreadsheet format via Secure Email if you wish - see explanatory notes on page 4.

Return by any person, who, as an agent, manages premises or is in receipt of rents or other payments arising from premises

Notice

In accordance with the requirements of Sections 888 and 894 Taxes Consolidation Act 1997 this return should be completed by:

- Companies for their accounting period and returned not later than nine months from the end of the accounting period.
- Persons other than companies for the year of assessment (1 January to 31 December) and returned not later than 31 October of the following year.

RELEVANT PERIOD: FROM (dd/mm/yyyy) TO (dd/mm/yyyy)

Where the accounts are normally made up to a date other than 31 December, the return may be made by reference to the date in the basis period to which the accounts are prepared.

YOU MUST SIGN THIS DECLARATION

I DECLARE that, to the best of my knowledge and belief, all the particulars given on this form are correctly stated.

Signature Date (dd/mm/yyyy)

Capacity of Signatory Telephone No.

Name of Letting Agent, etc.
 Business Address, if different from above

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Foreign Rental Income

- Cost of traveling to your property if undertaken
- **Wholly and Exclusively** for the purpose of earning rental income from property
- Private travel for you or your family is not allowed.

Foreign Rental Income

- Foreign Rental losses are not available to offset against Irish rental profits
- Tax paid on rental overseas may be available as a deduction depending if a DTA exist with country where property is located.
- Tax may be treated as deducted of profits or as straight offset

Home Renovation Incentive

- Applies to home owners/landlords
- Works value €4405 to Max of €30,000
- Vat inc €5000 and €34050
- Overall costs can exceed €30,000 plus vat
- Vat @ 13.5% will be refunded
- Min €595 Max €4050



Home Renovation Incentive

- Does not cover white goods furniture carpets
- Tax compliance required by landlord and contractor
- Multiple units in one property, each unit is treated separately
- Grants for works will be deducted by 3 times grant amount from the claim.
- LPT must be up to date

Companies and rental income

- Taxed @ 25% (not considered trading income)
- Surcharge on undistributed income 20%
- Effective rate of 45%
- Restriction on directors salaries
- Taxed on money taken out of company
- Separate charge for CGT



Corporate losses

- Loss can be set against other rental income
- Loss can be carried back to period of equal length (Companies only)
- Loss forward to future rental income
- Loss lies with company (not personal)
- No group relief

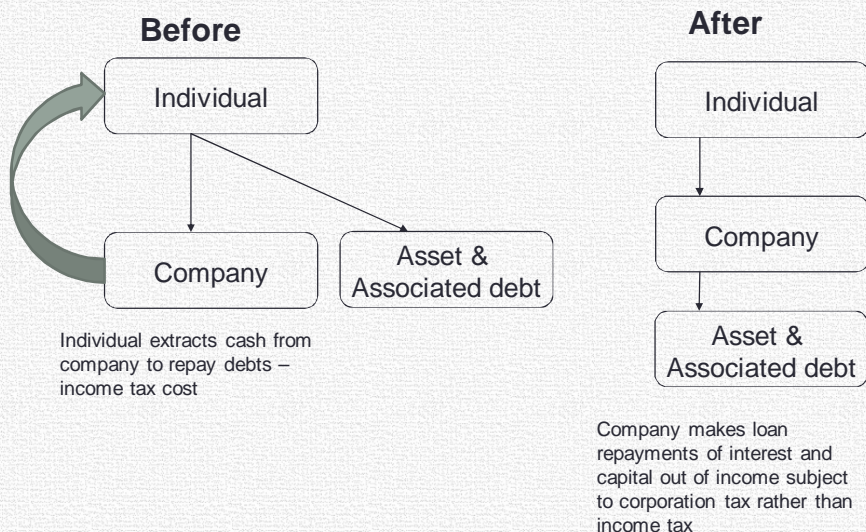


Capital Allowances (corporate)

- **Excess allowances can be:**

- Can be carried back periods of same length
- All profits in current year (in some cases)
- Carry forward indefinitely against future case v income

Debt restructuring – simple illustration



Tax Issues that arise

- Stamp duty (resting on contract no longer possible)
- CGT loss (connect party loss)
- Can be restricted only offset against gain with same party
- Income tax distribution if sold for more than market value
- Valuation of assets
- Get a number of valuations by professional valuers

Process

- Company will borrow and purchase property
- Proceeds used to clear loans
- Individual now clear of debt
- Personal guarantee
- Cash flow savings
- Tax on company 25% and individual 55%

Tax & Property

- Tax cost of repaying personal debt now very prohibitive compared to corporate debt

	Individual (50% tax rate)	Company (25% tax rate)
Total debt	€1m	€1m
Pre tax funds required	€2m	€1.33m
Tax cost	€1m	€0.333k
Saving using company		€666k

- Key point - big tax savings available if client can arrange debt to be repaid via company

TAX SAVINGS

- FOR €100 REPAYMENT REQUIREMENT:

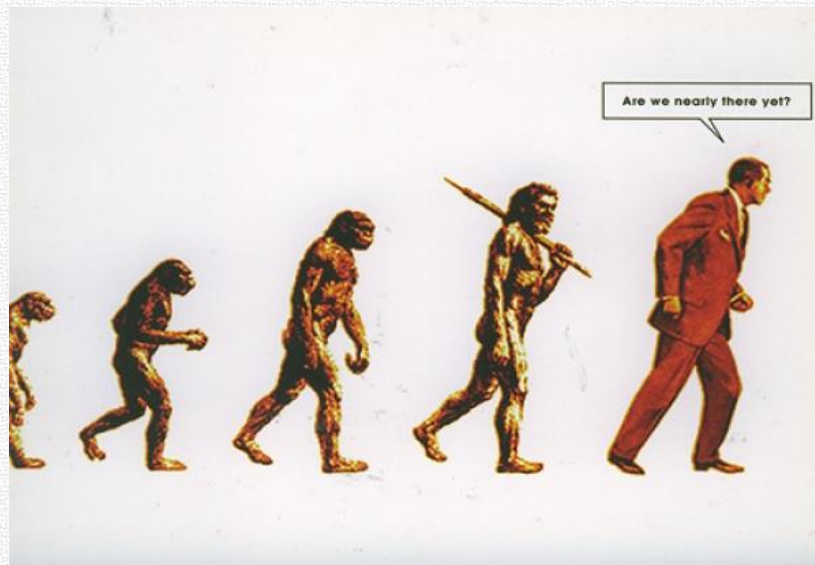
• INDIVIDUAL	COMPANY
• €222	€133

- Key point - big tax savings available if client can arrange debt to be repaid via company



Individual v Company ownership

- Complex interaction of different circumstances – no right or wrong answer
- Need to evaluate each person's circumstances
- Manage the close company surcharge for a company to be viable
- If property prices are increasing, consider the impact of CGT
- Costs of set up and running a company/companies
- Other commercial considerations
- e.g. other investors, limited liability, value of property, availability of capital losses, level of debt etc



Capital Gains Tax

-
- **Overview**
-
- The taxable capital gain is calculated as follows;
-
- Determine the Proceeds (actual or deemed)
- Deduct the costs of sale
- Deduct the costs of acquisition as indexed for inflation
- (Withdrawn in 2003)
- Deduct any enhancement expenditure as indexed for inflation

CGT Example

Purchase Price in 1991		56,320.00
Indexing Rate	1.442	81,213.44
Fencing		3,175.00
Auctioneers Fees		3,314.25
Solicitor Costs		3,261.00
Advertising		<u>195.00</u>
Total Purchase Cost		91,158.69
Sales Proceeds		165,000.00
Gain		73,841.31
Annual Exemption		<u>1,270.00</u>
Taxable		72,571.31
Rate	33%	23,948.53

Capital Gains Exemption

- Property purchased in EEA from 6 December 2011 and 31 December 2013 (extended to Dec 2014)
- Held for at least seven years, CGT for the seven years is exempt
- Holding period reduced to 4 years
- Bought at market value (not less than 75% of MV)



Capital Gains Exemption

- Disposal between 4 – 7 years full exemption
- If disposed of after 7 years partial exemption
- If disposed of before 4 years no exemption

Inheritance tax

- Best to have a will in place.
- Where is a will there is a relative
- Reduce family disagreements
- No CGT or Stamp duty on property passing on death
- Beneficiary liable to CAT depending on value of property

Inheritance tax

- Group A:
 - A son or daughter of the person giving the gift or inheritance (the disponent).
- Group B: A parent, brother, sister, niece, nephew, grandparent, grandchild, lineal ancestor or a lineal descendant of the disponent.
- Group C: People with a relationship to the disponent not already covered in Groups A or B.

Inheritance tax

Thresholds for inheritances or gifts			
	Group A	Group B	Group C
On or after 10/10/2018	€320,000	€32,500	€16,250
12/10/2016 - 09/10/2018	€310,000	€32,500	€16,250
14/10/2015 - 11/10/2016	€280,000	€30,150	€15,075
06/12/2012 - 13/10/2015	€225,000	€30,150	€15,075
07/12/2011 - 05/12/2012	€50,000	€33,500	€16,750

Inheritance tax

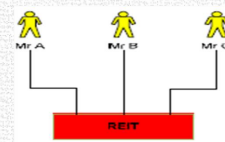
- Current tax rate is 33%
- Valuation date is key date to determine the threshold and payable dates for tax
- Consider S72 insurance policy.
- Enduring power of attorney best practice
- Like a living will.

REIT new kid on the block

- Introduced in Finance Act 2013 (1)
- Listed company used to hold rental properties
- Internationally recognised standard
- Provide risk diversification allied to an after-tax
- return for investors similar to direct investment in property
- Eliminates double taxation which can occur when holding
- property through a company
- Required to distribute majority of its profits to investors
- annually
- Must have diverse ownership – no one person or group of
- connected persons can control

REITs Summary

- Unregulated investment product for property
- Set up costs may make REITs only viable for large scale
- property investment , i.e. €100m+
- Green REIT, Hibernia REIT, Others
- Makes property investment accessible to small scale
- investors
- One layer of income and capital gains tax



Taxation of Investors – Irish residents

- Irish residents subject to tax at normal rates with credit for
- DWT
- - Individuals taxed at marginal rates of income tax plus
- USC/PRSI (up to 55%)
- - Companies taxed at 25% (plus surcharge for close companies)
- Certain exempt investors, e.g. Pension funds, regulated funds, etc.
- Disposal of REIT shares subject to CGT (33%) and stamp duty (1%)

Taxation of Investors – non Irish residents

- Treaty residents can benefit from reduced rate of
- WHT under treaty
- Reduced treaty rate must be claimed as a refund
- Disposal of REIT shares subject to stamp duty at 1%

- **Benefit – capital gains do not have to be distributed and non resident can dispose of REIT shares free of Irish CGT**

Private landlord vs Irish REIT

	Irish Resident investing in Irish Property	Irish Resident investing in REIT
Rental Profit	€7825	€7825
Tax on rental	€5775	
85% distribution @55%		€3658
7825*15%*33% Unrealised gain		€387
Total tax on realised & unrealised	€5775	€4045
After tax income (€7825-€5775)	€2050	
After tax income (€7825*85%-€4045)		€2606
Effective tax rate	73.8%	51.7%
		Deloitte

Rent a Room

- Tax relief on income up to €14,000
- Must be in own home
- Must be reported in tax return
- Income over €14,000 subject to tax
- Does not apply to AirBnB (S216a min period of 28 days)

Air BnB

- Revenue determined this is trading income
- Vat registration may be required
- Expenses wholly and exclusively laid out for the business
- Capital allowances are allowable
- Revenue wrote to 12,000 AirBnB recipients

TAX RETURN

Required to be completed by:

- Company directors
- Landlords
- Collection agents for non resident landlords
- Self employed
- On request of Revenue
- Opening an overseas bank account





Rental Income Accounts example

Mr Landlord
Consolidated Rental Accounts

	2A Main Street	15A The Close	11 Anywhere	20 Rosalee	66 Hilltop	32 The Park	32A The Park	148 Main Road	74 The View	Total
Income	11797	12250	11663	8956	7023	19584	36649	0	21933	129853
AIB Bank	0	12250	0	8536	3400	12770	22063	0	20313	79331
PTSB Bank	0	0	0	0	0	5554	8924	0	0	14478
Credit union Oct-Dec	5583	0	3434	0	2061	0	1510	0	1200	13789
Ulster bank Jan-Oct	6214	0	8228	420	1561	1260	4152	0	420	22256
Deposits							450		1150	1600
	4452	6991	5537	10873	7115	13190	16660	12922	21989	99730
Expenditure										0
Repairs & Maintenance	1855	2078	1319	4695	830	3689	6057	112	5439	26074
ESB						451	831		410	1692
PRTB	140	280	140	280	140	680	840		560	3060
Advertising	0	0	0	0	0	0	0	0	0	0
Mortgage Interest 75% only	1752	3928	3374	3940	3959	5061	5623	12810	12303	52748
Insurance	567	567	567	0	451	644	644	0	738	4177
RSA DD Insurance	0	0	0	0	0	805	805	0	805	2415
Management Charges	0	0	0	1820	0	0	0	0	0	1820
Agent fees	0	0	0	0	1597	1597	1597	0	1597	6388
Professional Fees / Valuations / IPO						125	125			250
Accountancy	138	138	138	138	138	138	138		138	1106
Surplus/Deficit	7345	5259	6125	-1917	-92	6393	19990	-12922	-57	31723

Rental Income Accounts example

A landlord lets two furnished dwellings. The furnishings cost €2,400 and €8,000 in Dwelling 1 and Dwelling 2 respectively and Wear & Tear is due for both premises*. The rental income for tax purposes is calculated as follows:

	Dwelling 1 €	Dwelling 2 €
Gross Rent	4,000	18,000
Less:		
Insurance	800	1,100
Ground Rent	300	
Electricity/Heating	1,200	2,100
Repairs	900	1,700
Interest**	1,000	2,000
Total deductions	4,200	6,900
Surplus		11,100
Deficiency	(200)	
Rental income for tax purposes		10,900
Less: Wear & Tear		1,300
Amount chargeable under Case V		9,600

* Wear & Tear allowances are €1,300 (€2,400 @ 12.5% + €8,000 @ 12.5%)

** The deduction for interest accruing on loans used to purchase, improve or repair rented residential property is restricted to 75% of the interest accruing on or after 7 April 2009. For the purposes of the restriction, the interest is treated as accruing on a daily basis. The date the loan is taken out is not relevant.

TAX DUE & DATES

- Rental income on actual basis
- Paye on actual basis
- Accounts to December 2018
- Filing date 31 Oct 2019
- Payment 90% of current year or
- 100% previous year
- Interest on late filing



Be Tough – Help Others – Survive Out There



HOW WE CAN HELP

- Accounts Preparation
- Auditing Service
- Tax Planning
- VAT Advice
- Tax Returns for Landlords with Irish & International Properties
- Bookkeeping & Payroll Services



Part of Your Team

Brendan Allen

C.T.A. F.C.C.A. F.C.P.A.

- Scarton House,
- Priory Court,
- Kildare, Co. Kildare

E-mail: brendan.allen@okellysutton.ie

PHONE 045 530777

THANK YOU FOR YOUR TIME TODAY!

