



ROLE OF THE EXECUTOR OF A WILL

The duties of an Executor include:

1. Locate the will
2. Make funeral arrangements and advise family and friends.
3. Make a list of all the assets owned or entitled to by the deceased including business and personal interests.
4. Obtain a grant of probate from the Court (usually with the assistance of a solicitor).
5. Attend to any legal formalities required including the payment of any taxes and other liabilities owed by the deceased.
6. Sell belongings and assets as necessary to raise cash and enable the distribution of funds according to the wishes of the deceased.
7. Manage assets of the estate between death and distribution to the beneficiaries.
8. Distribute all assets according to the will.

Responsibilities of an executor

An executor is the person selected by the testator (deceased person) and named in the will to manage the deceased person's estate within the terms of the will and to protect the assets of the estate. The executor of an estate must comply with various laws and rules that govern the administration of deceased estates.

The law requires the executor to follow a rigid list of things to do. Achieving all of these things requires patience and attention to detail. It can be an emotionally charged and highly pressured task and the assistance of a solicitor is often necessary.

Who is usually appointed executor?

You can appoint anyone to the role of executor. It is usually a family member and/or beneficiaries of the will. Executors must be people trusted by the testator and they need good business and organization skills. Sometimes, other people such as legal practitioners and Public Trustees are named as executors of the will.

An executor can renounce the role (through the Court) even after the testator's death. If beneficiaries are dissatisfied with the way an executor is handling an estate they can complain to the Courts. Executors are accountable for their handling of an estate.

How you can help your executor

It is a good idea to tell your executor that you are naming them in your will for this important role. Some people may not want to take on these responsibilities.

It is also a good idea, as part of estate planning, to prepare a detailed list of your assets and the location of the paperwork (titles, certificates, bank statements etc) and give the list to your executor. Consider giving them a copy of the will and advice where the original of your will is kept. The original of the will should be kept in a safe place, usually in a solicitor's office or a bank.