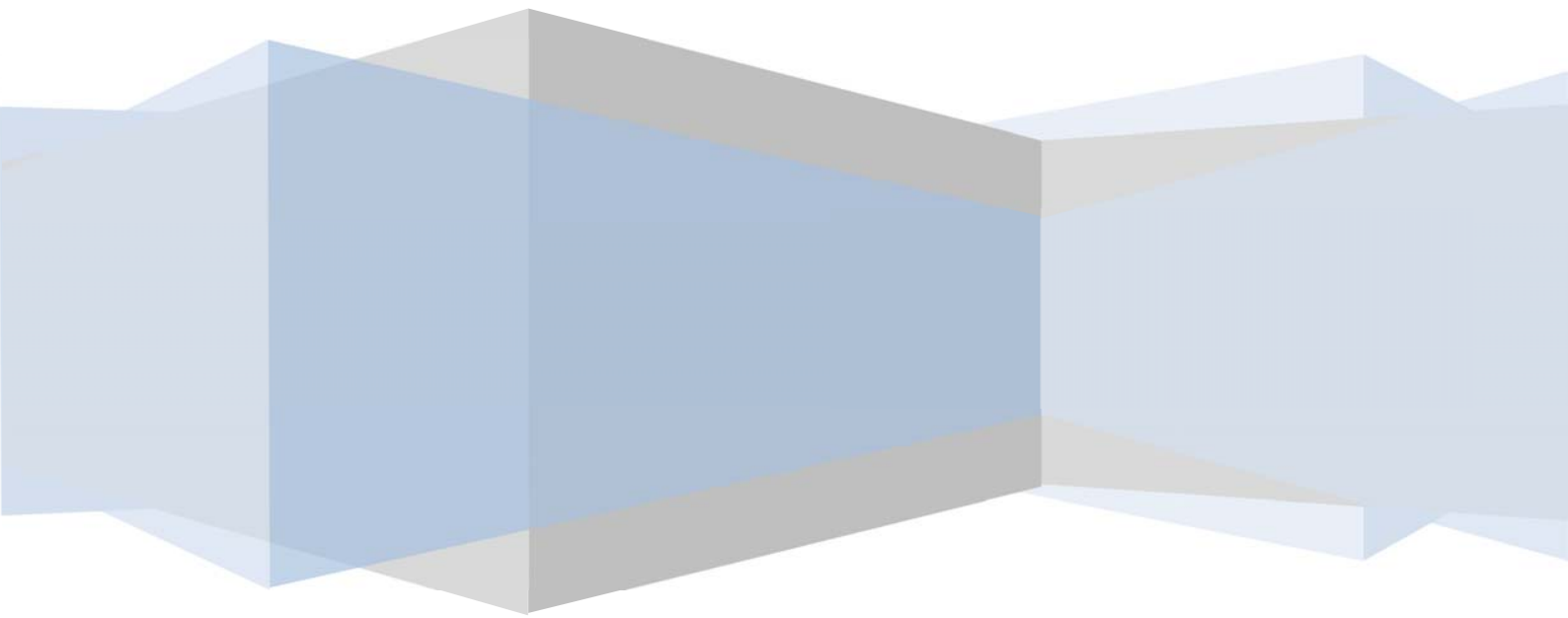


Download a Will

Executors of Estates

The role of the Executor in your Will



Executors

Executors of Estates

Executors need to be appointed to Act for every Will and you need to nominate a minimum of 1 and a maximum of 4 Executors in your Will.

Your Executors need to be an individual or individuals aged 18 or above and they need to be an individual person(s) or Professionals that you can trust. For most Estates the role of the Executor can be performed perfectly well by a lay person, though many people prefer to appoint a professional like an accountant, solicitor or a Trust Corporation, however, should you decide to appoint a professional you need to be mindful of the costs involved for their Professional fees as and when they Act as Executors of Estates.

Executors can include your spouse or partner, and you can nominate your Executors to act jointly or on their own. One of the more common appointments for Executors is when you choose an individual such as your spouse or Civil Partner to Act as a your first choice of Executor and then appoint another individual or Professional to Act as substitute if your first choice is either unable or unwilling to Act in the event of your death.

Either way, it would be wise to appoint Executors who are likely to outlive you. For example, we would suggest that you do not appoint your parents or older siblings. Also, from a practical viewpoint, it would make sense not to choose a relative or friend to Act for your Estate should they live in Timbuktu or some other far flung place, as they may well need to spend some considerable time in the UK in order to carry out their role as Executors of Estates. If they are acting jointly with another Executor, considerable time may also be lost should documents need to be posted across the world for an non UK based Executors signature.

Beneficiaries of your Will can be nominated to Act as Executors and it makes sense to appoint someone that knows you and has an idea of your wishes in advance. If you are married or in a relationship living as a partner and making a Mirror Will it is normal for you to appoint the surviving spouse or partner as first Executor. Your adult children may also act as Executors.

If you are in a situation where you do not feel that you have anybody who you feel suitable to act as your Executors, or if you would prefer not to use someone who knows you, then you should instruct a professional.

The Executors Duties

Your Executors are the person(s) who are named in the Will to deal with the estate after death. When an individual dies the Executors role broadly twofold:

Primarily, the Executors role is to distribute the deceased's Estate as per the wishes outlined in the Will, but before assets can be distributed to the beneficiaries, the Executors will need to establish exactly what property and money that the Estate is comprised of. The Executors will need to write to any financial institution that holds assets or liabilities on behalf of the deceased and notify them of the death. To prove the death, the Executors will normally need to provide an original or certified Death Certificate. Any debts the deceased may of had, for example unpaid tax, mortgages or loans, need to be accounted for and settled and the Executors will also need to establish if there were any outstanding sums due to the Estate, such as life assurance, deferred or unpaid pensions etc.

When all assets have been ascertained and liabilities for the Estate have been paid, the Executors next duty which is normally to obtain a legal document called a **Grant of Representation** from the Probate Registry.

Grant of Probate

There are 4 stages to applying for a Grant of Probate

Step 1. Obtain the required forms from your nearest Probate Registry.

- Form PA1P the Probate Application form if there is a Will or the PA1A form if there is no Will - both can be downloaded from <https://www.gov.uk/government/collections/probate-forms>.
- Forms IHT205 if there is no Inheritance Tax due - download from: <https://www.gov.uk/government/publications/inheritance-tax-return-of-estate-information-ih205-2011>
- If there is an Inheritance Tax liability you will need to complete form IHT400 (and any furth schedules required from: <https://www.gov.uk/government/publications/inheritance-tax-inheritance-tax-account-ih400>

Step 2. Complete the relevant forms and tick the checklist on form PA1P or PA1A to confirm that you have enclosed all the necessary paperwork and accompanying documents along with:

- An official copy of the death certificate issued by the Registrar of Births Deaths and Marriages or a Coroner's certificate.
- The original Will and any codicils or any document in which the deceased expresses any wishes about the distribution of his or her estate.

Step 3. Return the forms along with a cheque for the fee payable plus all accompanying documents to your local Probate Registry

Step 4. Attend an Interview

- You may need to attend an interview at the Probate Registry.
- The purpose of the appointment is to confirm the details that you have given on the forms and to answer any queries you or we may have.
- You will be asked to sign a form of oath and to swear or affirm before the interviewing officer that the information you have given is true to the best of your knowledge. The interview should last no more than ten to fifteen minutes.

When the Executor has obtained the Grant of Probate

When the Grant of Probate has been obtained, any inheritance tax due will need to be paid and then you are able to liquidate the deceased's Estate and distribute it to the beneficiaries as per the Wishes stated in the Will.

Most financial institutions that are holding money in the deceased's name need to know to whom that money should be paid and the **Grant** is proof that the person named in it may collect the money.