



DUTIES OF THE EXECUTOR

A HERITAGE GUIDE



DUTIES OF AN EXECUTOR

You may find yourself responsible for dealing with someone's estate if they have chosen you as the executor or joint executor in their will, or if you're legally entitled to be their administrator.

Administrators act when someone dies without a will or when the appointed executors can't act for some reason.

Should you be appointed as an executor in somebody's Will, you are being asked to act as a personal representative to administer the estate of the person in accordance with the terms of their Will after their death. Your appointment as an Executor is one of trust and responsibility and whilst you are not required to do anything now, we would like to make you aware of a few important points.

Your role begins upon the death of whoever appointed you in their Will and your first job is to locate their last Will. Most of our clients store their documents with us and if this is the case you simply telephone the Heritage office where there will be an up to date and easy to understand legal Will, along with any other of their important documents in storage.

HELP WHEN YOU NEED IT

At Heritage if storage is in place, as the executor you have the peace of mind in knowing that valuable help and guidance is available to you free of charge when you need it most, so don't worry today all we would like to do is make you aware of the following important immediate actions;

- A. Don't Panic, help is at hand.
- B. Telephone Heritage to begin the process.
- C. The death must be registered within 5 days.
- D. Get several copies of the death certificate.
- E. Ensure the deceased's assets are secured.
- F. Contact a Funeral Director.

LET HERITAGE TAKE THE WEIGHT

If the role of executor proves inconvenient or impossible when the time arrives, again at Heritage we can help. Our own probate department is available to help you with either one specific task or we can take the entire weight off your shoulders by dealing with the complete process from start to finish.

Whilst this service is not included as part of the storage agreement, our Probate service is available at a fixed hourly fee. Our knowledge and experience at recovering payments to the estate can often cover these costs. The estate and not you the executor pays these fees.

DOING IT YOURSELF

Executors and administrators are collectively known as personal representatives (PRs). They gather in everything the deceased owned, pay any debts and distribute the rest to the beneficiaries.

There are advantages to administering an estate yourself, above all, you could

save the estate money. It will also mean you're in control and not reliant on someone else. You can still seek legal advice at any time if you want help. However administering an estate can be time consuming, and you won't receive anything in return apart from your expenses. You could also be held personally liable if you make a mistake.

There are some estates, which are too complex to tackle yourself – and for these you'll need professional advice, we are able to help you with specific aspects of administration or we can take the weight off your shoulders completely.

EXAMPLES OF SOME OF THE TASKS OF AN EXECUTOR

1. Collect the Will and register the death.
2. Secure any property or valuables of the deceased.
3. Make arrangements with a local funeral director.
4. Check to see if the funeral has been pre paid.
5. Get valuations of all assets at date of death.
6. Collect all the forms from the probate registry.
7. Return the completed forms with the Will and death certificate.
8. An appointment is set for you to swear an affidavit.
9. The Grant arrives and you can begin cashing in all assets.
10. Pay off any outstanding debts, funeral bill etc.
11. Pay any legacies and give any gifts mentioned in the Will.
12. Distribute the residuary estate.

WHAT IS THE GRANT?

Normally you will need a grant of Probate before the organisations holding the deceased's assets will release them to you. The grant acts as proof that you are the person entitled to deal with the assets. You won't always need one though. For example, National Savings, some pension funds and friendly societies may release sums of up to £5000 if you simply show them the death certificate. Ask the companies holding the deceased's money if they need to see a grant of representation.

SMALL ESTATES

If the whole estate comes to less than £5,000 it may be possible for monies to be released without the need to apply for a grant of probate.

DEBTS OF THE DECEASED

Normally debts, including funeral expenses, are paid out of the deceased's estate. Relatives do not have to pay them out of their own income or savings. One example of a claim, which may arise, is if Social Security finds they have paid too much Income Support and ask for the overpayment back.

WHAT ABOUT INHERITANCE TAX?

Once you have the estate values, you can fill out the Probate Registry forms. These include forms that are used to work out if inheritance tax (IHT) is due. If the estate is worth more than £285,000 (which is the tax free limit for 2006/07), IHT is generally charged at 40 per cent on the amount, which is above the limit. There are exemptions – for instance, a spouse can inherit from their deceased partner without paying any IHT. If you're dealing with an estate where IHT is due, consult Heritage to see if there are ways of saving this tax. Failing to look into this could mean the beneficiaries could sue you for the amount you didn't save.

USEFUL TIPS

1. Open an executor account to keep monies separate from your own.
2. Keep a diary of all visits, letters and phone calls.
3. Make photocopies of all letters and documents.
4. Keep the original Will safe and don't attach anything to it.
5. Obtain several sealed copies of the grant from the probate registry so all claims can be dealt with at the same time. Photocopies are not valid.
6. Ask for help if you need it.

GLOSSARY OF TERMS

BENEFICIARY

A person entitled to inherit under a Will

CODICIL

A supplement to a Will which makes an alteration to it

EXECUTOR

The person nominated in the Will to deal with the administration of the estate after death

ESTATE

The assets and debts left behind when someone dies

GRANT OF REPRESENTATION

The document proving that you are the person entitled to administer the estate

LEGACY

A gift made in a Will of either a specific item or money

LETTERS OF ADMINISTRATION

Type of grant of administration where the deceased died without a Will

PROBATE

The process of officially proving the validity of a Will

RESIDUE

Everything that is left in someone's estate after all the debts, taxes, costs and legacies have been paid

SEALED COPIES

Copies of the grant which have been sealed by the court

TRUST

An arrangement where a person (trustee) holds property for the benefit of another

SOME USEFUL CONTACT NUMBERS

HERITAGE EXECUTORS HELPLINE: 01603 430099

Help available between 9am to 9pm Monday to Friday

PROBATE REGISTRY

Oxford District Probate Registry, The Combined court Building,
St Aldates, Oxford OX1 1LY

Tel: 01865 793050

(for your local office see the telephone directory)

REGISTRATION OF BIRTHS & DEATHS

NORWICH Churchman House, 71 Bethel Street, Norwich NR2 1NR

Tel: 01603 767600

(for your local Registrar see the telephone directory)

THE CAPITAL TAXES OFFICE

Fewers House, PO Box 38, Castle Meadow Rd,
Nottingham NG2 1BB

Tel: 0115 974 2400.

HELP LINES

Inland Revenue. - Personal Representatives Help line Tel: 0845 3020900

State Pension / Benefits. - DWP Help line Tel: 0845 7123456

Available upon request **“THE EXECUTORS HANDBOOK”**

- £10.00 each



HERITAGE LEGAL & FINANCIAL

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