

## **DUTIES OF AN EXECUTOR**

### Initial Duties

1. Register the death of the Testator. Obtain copies of the death certificate - several may be required not only before the funeral takes place but also for each of the funds that may have to be released or transferred e.g. bank accounts, insurance policies, shares and other equities. Try to gauge how many copies are needed. Many organisations will need sight of an original Death Certificate before releasing funds. Copies obtained from the Registry of Births Deaths and Marriages are regarded as 'originals' as opposed to a photocopy of the certificate.
2. Arrange the funeral. The cost will usually be the first expense paid for from the deceased's estate. Make enquiries about the existence of a prepaid funeral plan - these are becoming increasingly popular amongst people wishing to guard against the effects of inflation.
3. Apply for a Grant of Probate via the nearest Probate Registry.
4. Arrange to open a Personal Representative's bank account. This will be used for the receipt of money due to the Estate and any loan arranged to pay an Inheritance Tax bill and/or probate fees.
5. Inform all relevant persons and organisations - banks, building societies, life assurance companies, employers, local authorities, Inland Revenue, benefit agencies etc.
6. Arrange for a valuation of the Estate. This will include the house and its contents, other personal effects, investments in savings plans, equities, life policies, building societies etc. Draw up a detailed schedule of all the Testator's assets.
7. Draw up a full schedule of debts that must be paid from the proceeds of the Estate. These will include mortgages, income and capital gains taxes, bills, credit cards, loans and overdrafts.
8. Complete the forms required by the Inland Revenue Capital Taxes Office so that it can be established whether any Inheritance Tax is due.
9. Complete the probate forms and send or take them to the Probate' Office along with the original Will, The death certificate and the Inland Revenue account.

### Subsequent Duties

1. Provided that the case is fairly straightforward, an appointment will be made for the personal representative to swear the papers within about 5 to 6 weeks of receipt at the Probate Office

- 2      When Inheritance Tax is due the Executor's account of the Estate is passed to the Inland Revenue and the Grant of Probate cannot be issued until the tax is paid. There will be circumstances where part of the Estate has to be sold to pay Inheritance Tax and if this is the case banks can arrange loan facilities to pay the tax straight away.
- 3      Copies of the Grant of Probate should be sent to everyone who owes money to the Estate The Executors now have a legal authority to pursue any debts owing to the Estate.
4.     When the Grant of Probate is received, the Estate can be divided according to the terms of the Will. The Executor must prepare and sign accounts showing who has received what from the distribution. They must be able to show that they acted in accordance with the terms of the Will in case there is any dissent from the family of the deceased.
- 5      All Papers, including the Grant of Probate and the accounts must be stored for a period of 12 years.