

Being an Executor

An **executor** is the administrator for the estate of a **deceased** person who left a will or trust. In general, the executor's duties are to care & administer the assets of the estate.

- ✓ Responsible for keeping the Probate process moving
- ✓ Ensures completion in a timely manner
- ✓ Has a fiduciary duty to care & administer estate assets
- ✓ Personally liable to the beneficiaries



Note: If the person named in the will declines, the next competent person in the lineal descent is selected by the court.

What are the Qualities of an Executor?

Most people name their spouse or a child as executor without ever stopping to think about what an executor actually does. The role of executor can be demanding and stressful, especially for a grieving family member. When choosing an executor, it may be difficult to think with your head and not your heart.

Fair with sound judgment
Honest and trustworthy

Organized and detail-oriented
Able to rise above any conflicts of interest

Duties of an Executor

Marshals the Decedent's assets	<ul style="list-style-type: none"> ▪ Collect money in bank accounts titled solely in the decedent's name ▪ Notify financial institutions ▪ Notify creditors and credit bureaus to avoid identify theft ▪ Secure personal property ▪ Collect amount due from others such as rents or life insurance
Processing payments to valid creditors	File a notice to the creditors in newspaper for a time period of 6 months. If no response after this time, the executor determines claims validity.
Manage tax obligations	<ul style="list-style-type: none"> ▪ File estate returns ▪ Gift tax returns (if needed) ▪ Generation skipping returns (if needed) ▪ Federal income tax return for decedent in the year of death ▪ Pay property taxes

Duties of an Executor (cont'd)

Manage estate assets until the estate is closed	<ul style="list-style-type: none">▪ Insure against loss▪ Invest assets prudently▪ Manage business of decedent▪ Maintain & repair assets▪ Protect the estate from damage or theft
Distribute estate assets	<ul style="list-style-type: none">▪ Executes and delivers real property to the beneficiaries▪ Personal property (executes and document receipt)▪ Cash (draws checks for beneficiaries)