

# Alison Fielden & Co.

## Solicitors & Notary Public

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### FACTSHEET

#### Executorship - Answers to Common Questions

##### **I don't want to act as an Executor**

The person who appointed you as their Executor probably did so because they considered you trustworthy. They trust you to do what is best and if, due to a change in circumstances, you feel unable to manage the responsibility of being an Executor yourself you may appoint a professional, such as a solicitor, to assist you with the administration of the Estate. If you decide that, even with professional help, you really don't want to take the role of Executor you can either renounce probate altogether – which can be done, provided you have done nothing to administer the estate, within two months of the death. This is done using an official form and a solicitor can help you with this, or you can appoint an Attorney to carry out the administration for you. Again this needs to be done formally and a solicitor can help you with this.

##### **Does an Executor have to meet "the Family"?**

Contrary to what you may have seen on the television, it is not necessary to meet with the deceased's family. The people benefiting from the Will do not even need to know that they are going to inherit until the administration is nearly completed, although it is usual to inform them prior to that date. Wills are no longer "read" in a formal fashion after a funeral; indeed it is more likely that a photocopy of the Will would be sent to those affected by it, after the funeral has taken place.

##### **How long will it take to complete the Administration?**

There are no strict rules on time limits except that the administration should be completed "within a reasonable period". "Reasonable" depends upon the circumstances and parties to the Will can challenge the length of time the administration takes to complete. It is very important that matters are completed correctly and this takes time.

##### **Do I have to empty the deceased's house?**

If the deceased had no surviving spouse or Civil Partner then it may be that you will have to arrange to clear the deceased's house. It is not a pleasant task and you may instruct professional agents to assist you. It is important to go through the entire property collecting all the financial papers relating to the estate, for example, bank statements and tax coding information. Personal property should then be sorted. It is normal to consult beneficiaries regarding the distribution of personal items. If there are any items that are unclaimed, these can be sold or donated to charity.

**Do I have to obtain a Grant of Probate?**

If the estate is above £5,000, the answer is yes. However some banks and building societies will release funds greater than £5,000 upon receipt of a Statutory Declaration. Each bank or building society varies in their rules. If the deceased owned their own home, then generally a Grant of Probate will be needed in any event.

**What happens if there is a conflict during the administration?**

Most conflicts can normally be resolved between the Executors and the complaining party and, if the Executor is carrying out their role correctly, there should be nothing to fear. If a conflict does arise, it is advisable to consult a solicitor as soon as possible.

We hope that this factsheet is helpful to you. If you need any further advice or assistance, however, please do not hesitate to contact our Wills and Probate Department on 01285 653261.

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