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FACT  
SHEET

The Role Of An Executor

One of the first things you have to decide when drafting your Will is who is going to be your executor.

## **What exactly is an executor though, and what are their responsibilities?**

An executor is the person responsible for managing your estate in the event of your death. They are responsible for distributing your assets as per your instructions in your Will.

### **Some of an executor's responsibilities include:**

- Arranging your funeral, including organising it and making the relevant payments;
- Collecting and distributing your assets, as per your Will;
- Filing a tax return for the estate;
- Hiring lawyers and accountants where required;
- Applying for a grant of probate of the Will, where required;
- Undertaking to any other duties, or instructions you leave in your Will.

There is a lot of responsibility that comes with being an executor, so when electing in your Will who will be yours, it's essential that you think long and hard about this and choose someone you trust completely.

Most people will choose a child (provided they are over 18), or a loved to be their executor.

It's a good idea to have an open discussion with them prior to naming them in your Will to ensure they are happy to act as your executor should the worst happen.

Not everyone will be happy to act as an executor and they can elect not to act even when named in your Will.

This could be for a variety of reasons including their own health, they may live interstate or overseas, or they may simply be too busy.

Where your executor chooses not to take on this role, the terms of your Will still apply but the estate procedure is different. A Grant of Letters of administration may be required. Additional certificates of identity and other matters to establish the entitlements of individual family members are required to be filed.

**For more information about the role and responsibilities of an executor, or for assistance in drafting your Will, contact the estate lawyers of Dylan and Inns.**