

Being an executor

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This briefing is produced as part of the Ageing Well in Aylesbury Vale Project by AVDC's Lynne Maddocks. Contact on 01296 585364 or lmaddocks@aylesburyvaledc.gov.uk for more information.



If someone has appointed you as an executor for their will, you may be flattered but also wondering what you will have to do. It can involve a lot of work and responsibility, which may go on for months or even years, so think carefully before agreeing. You can act as an executor even if you stand to inherit something from the will. The person making the will can appoint up to four executors (the standard is two).

Being an executor is a role for life – if any claims come up in the future, you will have to deal with them and you must carry out your duties correctly. You cannot step down once you have started carrying out any actions as an executor. If you have accepted the role but change your mind, talk to the person who has appointed you about your decision as they'll need to change their will. If you change your mind after the person has died, write to the Probate Registry who will ask you to complete a formal document called a letter of renunciation.

Solicitors and other advisers can also help you to carry out your role as an executor. You can find a solicitor who specialises in this and other areas by searching the Law Society website, or calling its office - <http://solicitors.lawsociety.org.uk> 020 7320 5650

Local advice may be available from;
Age UK Bucks 01296 431911 <http://www.ageuk.org.uk/buckinghamshire/>

Society of Later Life Advisers 0845 303 2909

Citizen Advice Bureaux;	Aylesbury	0844 499 4714
	Buckingham	0844 245 1289
	Thame	08444 111 444

Checklist of an executor's key duties

- If necessary, register the death. Consider how many copies of the death certificate to order, as they cost less if you ask for them when registering the death. Unless you are employing a solicitor to deal with the estate, you'll need one for each company that holds money or other items of value that belonged to the person, e.g. the bank, TV Licensing, insurance providers and landlord. These are sometimes known as asset holders. Send an original death certificate to any asset holders. Ask for direct debits to be cancelled, and find out all account balances and investment values.
- Find out where the most up-to-date version of the person's will is held and get the original. You may need to provide a death certificate and proof of your identity. Any other executors must confirm they are happy for you to have the original will.
- Make copies of the will for co-executors, financial institutions and beneficiaries and then put them away in a safe place. Don't tamper with them or the original will in any way (this includes adding staples or paper clips).
- If necessary, arrange the funeral. Check the will for any funeral wishes. If the person had a funeral plan, contact the provider immediately.
- Inform family, friends, and work colleagues of the death. This can include putting a notice in the local or national newspapers with funeral details so people can attend.
- If there is an unoccupied property, secure it and inform the insurers immediately. Make sure the mains services (gas, electricity and water) comply with insurance terms. The property must be kept in a decent state of repair, since the insurance policy may have minimum requirements as to maintenance or occupation. Also check what coverage the insurance provides after the death, as the estate may have to replace the deceased person as the policy-holder after a certain amount of time. Stop any deliveries and redirect the post.
- When you receive an invoice for the funeral, you can take it to the deceased person's bank or building society along with a death certificate, the will and your identification. You will be issued with a cheque for the amount due, made payable to the funeral director.
- Stop the payment of salary, pensions and state benefits. Advise the issuers of credit cards, passport, driver's licence, TV licence and act on their instructions. The service, Tell Us Once, allows

you to tell the government just once about the death. Once you have informed the service they will contact all the relevant departments on your behalf (housing, Pension Service, Passport Service and DVLA).

<https://www.gov.uk/after-a-death/organisations-you-need-to-contact-and-tell-us-once>

- Request information on any debts the deceased person had, and any overpayments made to them.
- Check whether a grant of probate is needed. Sometimes there is no need to apply for one because, for example, the value of the estate is very small (usually less than £5,000). In this case you need to write to whoever is holding the money, and ask whether they will make a payment to you without receiving a grant of probate.
- The grant of probate or confirmation is a legal document that confirms the will is valid and allows you to deal with the estate. It is issued by the local Probate Registrar. Get several copies as you will need them for asset holders. Call the Probate and Inheritance Tax Helpline on 0845 30 20 900 for more information.
- If the will states a specific item of personal property is to be given to someone ('bequeathed'), you can do this before probate is granted. If the estate is likely to be taxable, you should get a valuation of the item to include in your Inheritance Tax (IHT) return.
- Work out the value of any assets and debts, and make a full inventory of everything the deceased person owned and owed. If you are going to apply for probate yourself, complete the PA1 application form and the relevant Inheritance Tax Form, even if no IHT is payable. Arrange to have an interview at the Probate Registry, or consult a solicitor to do this on your behalf.
- Contact the deceased person's tax office to find out whether any other tax, such as Income Tax, is owed.
- Open a separate executor account into which you can transfer any money paid into the estate. This will stop estate money getting confused with your personal finances.
- When you receive a grant of probate or confirmation, send an office copy with instructions to asset-holders. When the assets are released, pay them into the special estate account (except anything that has been specifically bequeathed to someone).
- Pay any outstanding tax and bills. It is advisable to put up a 'statutory notice for creditors' in the press, allowing two months for claims to be made. If you don't, you will be personally responsible for any claims that arise. Putting up the notice means any future claims will be made against the beneficiaries instead.
- Get clearance from HMRC for any IHT, Administration Income Tax (tax on income that has accumulated since the date of death) or Capital Gains Tax liability.
- Distribute the estate in accordance with the terms of the will, making sure at least two trustees have been named for any gifts left to children under 18.
- Draw up estate accounts for each beneficiary, accounting for all the assets collected, income accrued, and any liabilities paid.
- Give each beneficiary an R185 tax form (ask the Probate and Inheritance Tax Helpline for more information) for their share of estate income.

Inheritance Tax (IHT) may have to be paid on the estate if it is worth more than £325,000. Even if the deceased person's estate is over the IHT threshold, tax may not be due if gifts are passing to a spouse, civil partner or charity. Also, if the deceased person was a widow, widower or surviving civil partner, the estate may be able to use the tax allowance of the deceased's spouse or civil partner. If there could be IHT to pay, get a professional valuation on high-value items, such as a house or stock market investments, as you will need to give HMRC a detailed account along with valuations. List any major gifts made by the deceased person in the last seven years, as these may be liable for IHT. You can order an IHT form by calling the Probate and Inheritance Tax helpline, or download one from www.hmrc.gov.uk/inheritancetax. IHT will have to be paid before probate is granted. If necessary, arrange an executor's loan account with a bank to pay IHT.

Probate and Inheritance Tax Helpline

Help and advice from HMRC following a death. You can order paper copies of forms via the helpline.

Tel: 0845 30 20 900

www.gov.uk

Probate Service

Information and advice on dealing with an estate and contact details for local probate registries.

Tel: 0845 30 20 900

www.hmcourts-service.gov.uk

There is much more information on this complex area – the above is intended purely as a starting point when considering appointing executors or agreeing to become an executor.

The main message is to seek professional information and advice.