

THE MANY DUTIES WHEN MADE AN EXECUTOR OF A WILL



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Q: My elderly mother has a just been to her solicitor to make her will. She told me that she named me as her executor. What does this entail and how soon should I contact her solicitor after she passes away?

Being appointed an executor means that you have to extract a Grant of Probate in the estate of your mother when she passes away. Your solicitor will assist you in this process. As an executor, you have both powers and duties which commence on the date of death. Your mothers estate including all of her assets (house, bank accounts, car etc) passes on to you temporarily as executor until such time as a Grant of Probate issues and you can give effect to the bequests contained in the Will. Your solicitor will guide and advise you throughout the process and simplify the process for you as far as possible.

Below are some of the primary duties which fall on you as an executor. This list is by no means exhaustive and particular issues will arise depending on the estate.

- Ensure that the wishes of the deceased are given effect to in so far as they relate to funeral, etc and ensure that a death certificate is obtained by next of kin.
- Ascertain the extent of your mothers estate. Correspondence in your late mothers possession at the time of her death will assist in this regard. It may be necessary to contact various financial institutions to find out if she held bank accounts with them. Additionally, if your mother lived in other countries for periods during her life, investigations may have to be carried out in those countries also.
- You will need to ensure that all debts owed by your mother at the time of her death are accounted for and paid out of the estate. You must also ensure that all funeral expenses are paid.
- You must trace all of the beneficiaries outlined in your mothers Will.
- With the assistance of a auctioneer, you must ensure that a value of your mothers house is arrived at. This is important for Revenue purposes.

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- As executor, you must insure that, pending the Grant of Probate and distribution of the estate, the assets are protected. For example, if the assets include a dwellinghouse or apartment, the executor must ensure that the property is insured in the event of fire or theft.
- When the Grant of Probate has issued, you must distribute the assets in accordance with the Will (which the Grant of Probate has now validated). The executor must also ensure that all taxes due on the bequests are paid.
- When the estate is finalised and all of the bequests have been settled, the Executor must produce a set of Estate Accounts which outlines all money received and paid out. Beneficiaries are entitled to see these accounts under the law.

Don't get overwhelmed with the above list because in practice, it will be your mothers solicitor who will carry out most of these steps but with your assistance. If the solicitor does not, they will assist you in doing so or set you in the right direction.

The following is a list of the information you should bring to your mothers solicitors office when she passes:

1. The death certificate.
2. The receipts of any expenses including funeral expenses.
3. The Original Will and any Codicils that may be available
4. Names and addresses of any beneficiaries or next of kin.
5. The PPS number of all the beneficiaries
6. List of assets of the deceased including property, bank accounts, shares, cars, personal items etc.
7. Date of Birth and PPS Number of the Deceased.

Some people tell their solicitor what their wishes are for their burial and funeral. I will always advise a client who is making a Will with me to inform their families as well as their solicitor of their burial and funeral wishes as very often the family do not



contact the solicitor's office until well after the funeral and therefore, their wishes may not be seen through.

There's no set time when you should contact your mothers solicitor after she passes. Obviously you and your family will be grieving and may not want to face the reality of the situation for a while. However, it shouldn't be left any longer than a month.

If you have any queries regarding this article please feel free to contact Jacquelyn Dunne Solicitor on (086) 1617418. Send your questions for next week's article to jacquelyn@dunnesolicitors.ie or by post to Dunne Solicitors, Ballyshonock, Kildorrery, Co. Cork

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