

## Who Should Your Executor Be?

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If you have ever served as an executor (also known as estate trustee) for a friend or family member, then you will understand what a difficulty and demanding job it is. The executor is responsible for making an inventory of the estate, communicating with beneficiaries, selling and disposing of assets, filing a final tax return on behalf of the deceased and keeping records of all transactions. When you are choosing an executor for your own estate, you will want to pick someone who is capable of handling all of these tasks. You are looking for someone who is honest, intelligent, tough and willing. If you don't have someone like that in your family, you may need to call on a friend or colleague. A professional trust company is also an option but it is expensive. It would not be practical to use a trust company to manage a small estate.

Ideally your executor should be younger than you so that he or she will be around when needed. You should name an alternate executor in your Will just in case the person who was your first choice predeceases you or is unable to act due to poor health. You also need to consider where your executor lives. If an executor is not resident in Ontario he or she will be required to post a bond, equal to the value of the estate, in order to obtain probate from the Courts. An executor who does not reside in the province may also find it difficult to administer the estate from a distance.

You may wish to appoint more than one executor. Having several executors to share the work can make the task of administering your estate easier and less stressful for those involved. Keep in mind; however, that multiple executors must work together as a team. So you don't want to appoint several executors who cannot get along. If your children don't get along with each other then you might exacerbate their differences by naming all of them as executors.

While it is an honour to be chosen as an executor, not everyone is happy to be chosen. A person may decline to act as an executor. Before naming someone in your Will, you should talk to them to make sure that they will agree to take on the role of executor. Also you may wish to make special provisions in your will to compensate your executor(s). Executors can claim compensation from the Estate, even if the Will does not contain such a provision, provided that they have their accounts reviewed by the Courts. The guideline used by the Courts for awarding compensation is: 2.5% of capital receipts; 2.5% of capital disbursements; 2.5% of income receipts and 2.5% of income disbursements.

If you prepared your Will long ago, you should review it to make sure that the person you named as your executor is up to the task and available to act.