



Hastily Choosing an Executor Can Lead to Problems After Your Death

Choosing the right executor — also known as a “personal representative” — is critical to the smooth administration of an estate.

Sometimes people make this decision without giving it proper consideration. Given an executor’s many responsibilities and complex tasks, it is important to put some thought into the selection.

Job description

An executor’s duties may include:

- Collecting, protecting and taking inventory of the estate’s assets,
- Filing the estate’s tax returns and paying its taxes,
- Handling creditors’ claims and the estate’s claims against others,
- Making investment decisions,
- Distributing property to beneficiaries, and
- Liquidating assets if necessary.

Candidate considerations

Many people choose a family member or close friend for the job, but there are other aspects that need to be evaluated in making this appointment. A person who is close to the selector may not have the acumen to serve as an effective executor.

Also, if the executor stands to gain from the will, he or she may have a conflict of interest — real or perceived — which can lead to will contests or other disputes by other beneficiaries.

If either of these issues is a concern, consider choosing an independent outsider as executor. Some people appoint co-executors — one trusted friend who knows the family and understands its dynamics, and one independent executor with business, financial or legal expertise.

Designate a backup

Regardless of who is chosen, it is prudent to designate at least one backup executor to serve in the event that the first appointee dies or becomes incapacitated before it's time to settle the estate — or turns down the job.

For more information or to discuss carefully choosing an executor, contact your Anchin Relationship Partner or a member of Anchin Private Client at 212.840.3456 or info@anchin.com.



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