



# WILLS

## Matter

### WHO'S IN CHARGE AFTER ME?

Choosing someone to take charge of your Estate after you pass away is an important decision. The Executor is the person you name in your Will to handle your Estate after you die. Any person can be your Executor, but here are some points to keep in mind when you are making your choice:

1. Appoint someone willing to act.

Being an Executor is not an easy job; it is a lot of work and responsibility. For example, an Executor is often required to: obtain the death certificate, locate the Will, make funeral arrangements, notify family and beneficiaries, gather paperwork and assets, inventory and value all property and debts, apply for probate, distribute your assets, and deal with property, debts and investments pending distribution of the Estate.

Make sure you talk to the person you wish to name as your Executor. Find out if they are willing to take on the job.

2. Choose someone who is familiar with your Estate. The more you tell your Executor about your Estate, the easier their job will be. Make them aware of your wishes.
3. It is preferable if you pick someone who lives in B.C. Since the law in each province regarding Estates is slightly different, it is easiest on your Executor if they are a resident of B.C.
4. Pick someone who is young enough to outlive you. This point speaks for itself. It may not be wise to pick someone twice your age to be your Executor.
5. Also, you should appoint an alternative Executor just in case the first Executor refuses to act or is unable to act. Your Executor has the option upon your death to "renounce" being your Executor under the *Estate Administration Act*.
6. Make sure your Will is properly drafted. Your Executor has a hard enough job to begin with and should not have to deal with a confusing or incomplete Will. Always use the services of an experienced Wills lawyer when drafting your Will to make sure it is clear and complete.

It is important to take care when choosing your Executor. Talk with your Wills & Estates lawyer about your choice of Executor when you are drafting your Will.

### Contact *Fulton & Company's Wills & Estates Team*

if you have any questions regarding wills or estate matters.

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