

# Advice for a non-professional (lay) executor



Thank you for taking on the role of executor. It can be a challenging task, but helping to tie up the affairs of your relative or friend and seeing that their wishes are granted is an important job.

The first point to mention is that you are well within your rights to seek legal help. Any costs incurred by solicitors when dealing with a Will can be claimed on the estate. For advice, you can also contact the Law Society: [www.lawsociety.org.uk](http://www.lawsociety.org.uk).

## CHARITY GIFTS

Legacies are so important to charities; they enable us to continue our vital work. When dealing with charities, it's worth remembering that unlike an individual beneficiary, we are bound by legal obligations. It is the obligation of our Trustees to ensure that the funds are used for the purpose they were given and that Send a Cow benefits in full from the generosity of the supporter. We have specialised staff that ensure these guidelines are followed.

### Step 1 – Contact the charity

Let the charity know about the legacy; so that they can update their records, stop any mailings being sent out incorrectly and offer you help right from the beginning.

### Step 2 - What type of legacy is it and what to give the charity

A specific item:

This could be a painting or an antique for example. We need to have a copy of that page of the Will when you get in touch. It is also helpful to let us know when you expect probate to be granted or if you expect any unreasonable delays.

A specific amount (pecuniary):

This specified amount will be paid out with other legacies. We need to have a copy of that page of the Will when you get in touch. It is also helpful to let us know when you expect probate to be granted or if you expect any unreasonable delays (if pecuniary legacies aren't paid within 12 months of the date of death, beneficiaries are due interest on the monies)

A share of what is left (residuary):

Once all specific legacies, debts and expenses have been paid, the residue may be split between a few beneficiaries. In this instance, The Charity Commission asks the charity to obtain certain documents as the administration unfolds:

- A photocopy of the entire Will as soon as possible. We will keep this stored in confidence.
- A schedule of Assets and Liabilities. Assets include property, shares and personal items. Liabilities included debts, funeral costs and solicitors.
- Valuations of specific assets, such as property.
- Estate Accounts when all income has been collected and costs and legacies have been paid. This is required by law; it shows all the income and expenditure in the estate.
- Tax deduction certificates (Form R185 from HMRC)



Lifting African communities out of poverty

### Step 3 – Arrange sales of the estate

Any property or belongings that haven't been gifted in the Will, need to be sold to make up the residue of the estate.

### Step 4 – Pay any outstanding taxes and debts

This includes Income Tax, Capital Gains Tax and Inheritance Tax. You can advertise for any creditors in the area to see if there are any outstanding debts you don't know about.

### Step 5 – Pay pecuniary legacies

Any specific amounts listed in the Will, to both individuals and charities. You may also pay interim amounts for residuary legacies if necessary.

### Step 6 – Draw up estate accounts

These can be requested by all beneficiaries, not just charities. To ensure the estate is clear, be sure to include:

- Assets and liabilities at date of death.
- Expenditure accounts. This should reflect everything that has been paid out from the state.
- An income account. This should show any interest, sales, dividends etc.
- A distribution account. This should show how the estate has been paid to the various beneficiaries. Estate accounts should be sent to residuary beneficiaries for approval before sending final payments, particularly where Inheritance Tax is involved.

### Step 7 – Pay final distributions on residuary legacies

Once estate accounts have been approved, you can make final payments to residuary beneficiaries.

## THINGS TO REMEMBER

### Keep beneficiaries up to date

Charities will often follow up outstanding legacies if they have not heard anything for a while, not to chase payment, just to check progress. If there are any problems, do let us know; we may be able to help.

### Make the most of funds

Put funds in an interest-bearing account until they are distributed.

### Get help with tax issues

Payments to charities are exempt from Inheritance Tax. But Inheritance Tax and Capital Gains Tax can be very complicated. With larger estates, we recommend seeking legal help to avoid you being liable for any mistakes later down the line.

### Claim expenses

You are entitled to claim reasonable expenses that you have incurred whilst proving the Will. But you have a legal responsibility to ensure that you do not 'profit from a position of trust'.

### More than one charity

If the Will is split amongst many charities, you can contact the main or largest to be the 'lead charity'. They will be your main point of contact and keep the other charities up to date, meaning you have fewer letters to write.

### If in doubt, seek help.

If you need help or advice, you can hire a solicitor (whose fees will be paid from the estate), contact the legacy officer at the charity or contact the Institute of Legacy Management who can offer more detailed advice and support.

Thank you for acting as an executor. We hope that you've found these notes helpful. If you have any questions about leaving a gift in your Will please contact:

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