



“Let’s choose Executors and talk of Wills:”



By Miranda Marshall – Director at
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Shakespeare’s Richard II is in a crisis and in his doom-laden speech (Act 3 Scene 2) thinks about making his Will. Paying a solicitor for legal advice or assistance is often described as a ‘crisis purchase’; in other words, it is something that is bought by the ‘consumer’ out of necessity rather than by choice.

Few of my clients decide only to make their Wills when they are about to go off to war!; even so, they often tell me how much better they feel when they have signed their Will, in the knowledge that it means that their family and other ‘significant’ persons have been provided for, and using the protection of the law and in a tax-efficient manner.

As Richard II realised, making a Will includes making a decision as to the appointment of an executor. The role of an executor is to administer the estate of a deceased person. It is a time-consuming and demanding role and not one that can be undertaken half-heartedly.

There are many benefits to having a solicitor as a professional executor to your Will. We offer independence, experience and knowledge. We remain dispassionate and neutral at an emotionally-heightened time.

A professional executor, of course, needs to be paid for the work that is done. The additional cost of their role in the administration of the estate can be modest, in the general scheme of things. The basis of charging is agreed at the start of the estate administration with the other executors and/or the beneficiaries.

Situations where the benefit of an appointment of a professional executor should be carefully considered include the following:

- the administration of an estate will be highly complex; examples include an estate which includes private company shares and other business interests.
- potential conflict amongst the beneficiaries and a neutral arbiter is required
- one or more of the beneficiaries is under age 18 or is disabled, so that their interests can be protected
- an on-going trust arises in an estate
- there are different beneficiaries with different interests, without any conflict necessarily arising. A good example might be a life interest for a second wife with the remainder benefit for the children of an earlier marriage
- the testator has no family or close friends
- complex HM Revenue and Customs compliance obligations are likely to arise and the professional executor will ensure these are settled properly.

It remains that the choice of the right executors can often be the most important decision of all when making a Will.

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If you require advice on this matter please contact Miranda on 01328 710210. If you require advice on any other legal matter please telephone our Wells office on 01328 710210 or email law@hayes-storr.com.

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