



Executor Checklist



Welcome

This checklist should be used as a source of information only. It is not intended to be a substitute for legal or other professional advice, and if you are unsure of any of the steps contained herein we recommend seeking legal advice.

Please note that this checklist does not contain the steps required to obtain a Grant of Probate or Letters of Administration, and should not be relied upon to assist in obtaining a Grant of Probate or Letters of Administration.

Please also note that copyright in this checklist is owned by Safewill Legal. This document must not be reproduced, republished or replicated in any way without the express consent of Safewill Legal.

What is my role as executor?

The role of an executor is to carry out the instructions and wishes contained in the Will, and to administer the deceased estate.

An executor is also responsible for protecting the assets of the estate until they are distributed to the beneficiaries. At all times, an executor has a duty to avoid conflicts of interest, and to act in the best interests of the estate and the beneficiaries.

Being an executor of a Will comes with legal obligations too. An executor can be held personally liable in situations where:

- assets of the estate are damaged because they are uninsured
- the administration of the estate takes too long
- assets of the estate are not distributed in accordance with the instructions contained in the Will
- the estate does not comply with its tax obligations
- assets of the estate are distributed before debts of the estate are paid

If you are unsure about anything contained in the checklist, please do not hesitate to get in contact with us.

Steps to follow as an executor

| | | |
|----|--|----|
| 1 | Reach out for support | 5 |
| 2 | Locate personal documents | 6 |
| 3 | Review the Will | 7 |
| 4 | Organise Insurance and Storage | 7 |
| 5 | Arrange for the Funeral | 8 |
| 6 | Open a Bank Account | 8 |
| 7 | Make contact with people and organisations | 9 |
| 8 | Make a list of assets and liabilities | 10 |
| 9 | Keep records | 10 |
| 10 | Obtain a Grant of Probate (or Letters of Administration) | 11 |
| 11 | Administer the Estate | 12 |

1

Reach out for support

Carrying out executorial duties can be challenging at the best of times, let alone during a time of loss.

It is important to look after yourself as best as possible. It can be helpful during this time to reach out to family, friends, your GP, or a counsellor if you are finding things overwhelming.

If you need immediate support, please contact:

Beyond Blue on
1300 224 636

Lifeline on
13 11 14

2

Locate personal documents

A good starting point is to try and locate or obtain relevant personal documents of the deceased. Note that some or all of the items in the below list may not be relevant.

| Item | Checkbox |
|--|--------------------------|
| Original Will | <input type="checkbox"/> |
| Original Codicils to the Will (if any) | <input type="checkbox"/> |
| Original Death Certificate (if there is no death certificate yet, the Executor will need to arrange for one) | <input type="checkbox"/> |
| Original Marriage Certificate(s) | <input type="checkbox"/> |
| Original Birth Certificate | <input type="checkbox"/> |
| Property title deeds | <input type="checkbox"/> |
| Nursing home paperwork | <input type="checkbox"/> |
| Life insurance details | <input type="checkbox"/> |
| Superannuation details | <input type="checkbox"/> |
| Bank account details | <input type="checkbox"/> |
| Prepaid funeral plan details | <input type="checkbox"/> |
| Home & contents insurance details and recent bill(s) | <input type="checkbox"/> |
| Telephone provider details and recent bill(s) | <input type="checkbox"/> |
| Internet provider details and recent bill(s) | <input type="checkbox"/> |
| Energy provider details and recent bill(s) | <input type="checkbox"/> |
| Water provider details and recent bill(s) | <input type="checkbox"/> |

3

Review the Will

Reviewing the Will may help the executor to understand the following:

| Item | Checkbox |
|---|--------------------------|
| Identify the guardian of the children (where relevant) | <input type="checkbox"/> |
| Identify any funeral or burial wishes | <input type="checkbox"/> |
| Consider if there are any issues with the location of the original Will or validity of the Will | <input type="checkbox"/> |
| Think about a plan of action for the estate in light of what the Will says | <input type="checkbox"/> |

4

Organise Insurance and Storage

As mentioned above, an executor is responsible for protecting the assets of the estate until they are transferred to beneficiaries. For this reason, it is critical to ensure that appropriate insurances and storage are in place.

| Item | Checkbox |
|--|--------------------------|
| Home and contents insurance for any property owned by the deceased | <input type="checkbox"/> |
| Insurance for any other assets that should be covered for risk such as theft, loss, damage, flood and fire (including cars, motorbikes, artwork or jewellery). | <input type="checkbox"/> |
| Suitable storage for valuable personal items (such as jewellery or artworks) | <input type="checkbox"/> |

5

Arrange for the Funeral

Generally, direct family members will organise the funeral. If there is no family or they are not in a position to make the arrangements, the executor may be required to do so.

If the executor is not yet able to access bank accounts, the cost of the funeral may be at the executor's expense until they can be reimbursed from the estate.

In arranging the funeral, the executor and/or the family should try to pay regard to any wishes of the deceased communicated during their lifetime or in their Will. The executor may need to contact the following people:

| Item | Checkbox |
|---|--------------------------|
| Contact funeral home | <input type="checkbox"/> |
| Contact family and friends | <input type="checkbox"/> |
| Contact preferred funeral director | <input type="checkbox"/> |
| Contact minister of religion or civil celebrant | <input type="checkbox"/> |

6

Open a bank account

We recommend that an executor opens a bank account in the name of the Estate. It may be that the bank requires the executor to attend a branch in person and produce the original Death Certificate, original Will and other identification documents.

We recommend that this bank account is used to collect all money payable to the Estate before making any distributions.

| Item | Checkbox |
|--|--------------------------|
| Open Estate Bank Account (needs to be opened in the name of "Estate of the late [name of deceased]") | <input type="checkbox"/> |

7

Make contact with people and organisations

In addition to the above, an executor should contact the following people and organisations where relevant, to notify them of the deceased's passing:

| Item | Checkbox |
|---|--------------------------|
| Landlord | <input type="checkbox"/> |
| Centrelink or veteran affairs | <input type="checkbox"/> |
| Medicare | <input type="checkbox"/> |
| Australian Taxation Office | <input type="checkbox"/> |
| Utilities providers (e.g. gas, electricity, water, internet, telephone) | <input type="checkbox"/> |
| Local council for rates accounts | <input type="checkbox"/> |
| Transport department (for motor vehicle registration and drivers licence) | <input type="checkbox"/> |
| Bank(s) | <input type="checkbox"/> |
| Australian Electoral Office | <input type="checkbox"/> |
| Accountant (if known) | <input type="checkbox"/> |
| Legal advisors (if known) | <input type="checkbox"/> |
| Superannuation Fund(s) | <input type="checkbox"/> |
| Insurance companies | <input type="checkbox"/> |
| Visiting nurse services | <input type="checkbox"/> |
| Grocery or other regular delivery services | <input type="checkbox"/> |

8

Make a list of assets and liabilities

It will help if the executor waits until they receive a response from some or all of the organisations contacted in Step 7, as they will likely provide correspondence setting out what the deceased owned and what money they owed.

| Item | Checkbox |
|--|--------------------------|
| Make a list of all of the assets owned by the deceased (e.g. bank accounts, shares, property, cars, cash, bonds, jewellery and anything else they owned) | <input type="checkbox"/> |
| Make a list of all of the liabilities of the deceased (e.g. bills, credit card debt, mortgage, and any other money owing to any person or organisation) | <input type="checkbox"/> |

9

Keep records

An executor should keep records of all transactions they have carried out, including all bills they have paid, and all other transfers they have made. It's easier if these records are kept from the start of the estate administration process, rather than trying to remember everything at the end. These records should be kept for 7 years.

| Item | Checkbox |
|--|--------------------------|
| Keep records of all important information and all transactions | <input type="checkbox"/> |

The executor must consider whether a Grant of Probate is required. This will depend on the type and value of assets in the estate.

If there is no Will left by the deceased, they may instead need a Grant of Letters of Administration.

If you, or someone you know, needs a Grant of Probate or Letters of Administration, Safewill Legal is able to assist.

| Item | Checkbox |
|--|--------------------------|
| Contact a law firm for advice about Probate or Letters of Administration | <input type="checkbox"/> |

If a Grant of Probate or Letters of Administration is required, the executor should not distribute any part of the estate until that Grant has been made by the Supreme Court, and they have waited the required period of time to protect themselves from personal liability. Depending on the state or territory, there may also be statutory notices to lodge.

We strongly recommend obtaining legal advice in relation to this step.

If a Grant of Probate or Letters of Administration is required, an executor must not undertake this step until they have received a Grant of Probate or Letters of Administration and waited the required period of time (usually 6 months).

| Item | Checkbox |
|---|--------------------------|
| Sell assets where required (continue to insure and/or safely store assets until sold) | <input type="checkbox"/> |
| Manage remaining assets (this may include transferring money to the estate bank account, closing other bank accounts, etc.) | <input type="checkbox"/> |
| Pay all liabilities of the estate (this includes all money owing by the deceased at date of death, and generally includes all costs incurred by the Executor that were required for the administration of the estate) | <input type="checkbox"/> |
| Arrange for preparation of the estate tax return (an Accountant will need to be engaged to assist with this process) | <input type="checkbox"/> |
| Distribute the assets of the estate to the beneficiaries in accordance with what the Will says (but not until the Executor has waited the required amount of time - if in doubt, they should obtain legal advice) | <input type="checkbox"/> |
| Make sure original documents are safely stored or returned to correct family member or beneficiary | <input type="checkbox"/> |
| Continue to keep records of everything they have undertaken during the administration process | <input type="checkbox"/> |

How can Safewill Legal help?

We're here to offer you practical advice about your appointment as executor, and to do whatever we can to help you through it.

Safewill Legal is Australia's most affordable, fixed-fee Probate service. We charge one fixed fee to obtain a grant of probate or letters of administration, regardless of the size of the estate.

Our team is local and ready to provide you with complimentary guidance about where to start. Start a live chat or call us on 1300 942 586