

Processing an estate as an executor during COVID-19

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Adjusting to the challenges caused by Coronavirus has been difficult for all of us. However, for those dealing with the death of a loved one, the onerous obligations placed on executors may seem overwhelming.

In recent years there has been an increase in the number of claims brought against executors by beneficiaries. Coupled with increased financial hardship because of the Coronavirus pandemic, it is vital that executors understand their duties and obligations to avoid claims.

In this article we set out what is required of executors, and how to ensure you carry out your obligations to the best of your ability while lockdown restrictions and social distancing measures are in effect.

You must act promptly and with reasonable care

Social distancing restrictions and other priorities brought about by the pandemic make it more challenging for executors to carry out their duties in a timely fashion. However, it is vital that you endeavour to do so. As an executor, you are legally obliged to meet any deadlines, such as for payment of taxes. You must also keep in mind that many institutions are experiencing significant delays because of the pandemic, including [HMRC](#) and the [Courts](#). You should ensure you have adequate time to meet these deadlines.

You must protect and maximise the value of the estate

One of the main duties of an executor is to protect the estate and maximise its worth for the beneficiaries. There are several things you may wish to do to make sure you comply with this duty, even while Coronavirus restrictions are in place. You should ensure that any property forming part of the estate is secure, including removing valuables

from any unoccupied buildings and notifying insurers that the property is now empty.

You must stay in regular contact with beneficiaries of the estate

In this confusing and stressful era, beneficiaries may be feeling anxious about the estate. The fear of financial difficulty, combined with concerns about the economy, may also mean that beneficiaries are worried about the value of any property or investments of the estate. By staying in regular contact with beneficiaries you will alleviate these fears and keep them informed about the performance of the estate assets.

You may wish to seek professional advice from an experienced financial advisor, to ensure that you are minimising any losses.

You must keep accounts up to date

It is essential that you keep accounts and records up to date. This may be more challenging because of COVID-19; however, this does not protect you from criticism from beneficiaries if you fail to do so. You must also be responsive when beneficiaries request accounts or information.

How should I deal with difficulty from beneficiaries?

Sadly, even when you endeavour to carry out your duties as executor to the best of your ability, you may face criticism from beneficiaries. The best way to deal with any difficulty is direct action. Take steps as soon as possible to mitigate the situation or contact an experienced lawyer for advice.

What if you do not want to act as an executor?

You should discuss this with the person who appointed you. If they have died, you may still be able to renounce your role as an executor if you have not carried out any actions as an executor. You can do this by signing a deed of renunciation. If you want to do this, you should do it as soon as possible. This is because, save in very limited circumstances, you cannot step down from the role once you have started acting as executor. Renouncing your role as an executor will not necessarily mean you forfeit any legacy left to you in the will unless the legacy was contingent upon you accepting the role.

Call private client lawyers [James McMullan](#) or [Lalita Kauldhar](#) today for advice and guidance.

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