

Estate Complexity – Agent for Executor Tool

Agent for Executor services are offered through BMO Trust Company and can assist an executor with their estate administration responsibilities. In many cases the executor may not have the time or expertise to manage the estate administration. By answering the questions below about the executor, beneficiaries and estate assets and ‘scoring’ the answers, it will help you to determine whether the executor could benefit from Agent for Executor services. The Will is a good source of information to assist with answering some of these questions.

	A	B	C	
<p>Does the executor have the time and expertise to deal with all facets of the administration of the estate?</p> <p>A. No B. Not sure C. Yes</p>				A lawyer often is our competitor for the estate administration but the lawyer will leave it to the executor to deal with the appraisers, realtors, cleaners, movers, investment advisors, accountants, etc. Where BMO Trust Company is agent, we can oversee everything.
<p>Where does the executor live in relation to the deceased?</p> <p>A. Same city/region B. In another region within the province C. Outside of the province</p>				The executor is responsible as of the date of death and the early stages of an estate administration require the executor to be available and have the time to focus on the task at hand. Often, an out-of-town executor expects to make several trips for estate business but with BMO Trust Company as agent, these trips become unnecessary.
<p>Is the executor also named as a beneficiary?</p> <p>A. No B. Not sure C. Yes</p>				Sometimes someone such as a friend is appointed as the executor but is not named as a beneficiary of the estate. If so, the only benefit the executor could receive is executor’s compensation which the executor would have to negotiate with the beneficiaries and which would be taxable as income. In such a case, the executor may wish to employ BMO Trust Company as agent.
<p>Is there a potential for disputes among family members or other beneficiaries over the estate?</p> <p>A. No B. Not sure C. Yes</p>				Many individuals have learned through personal experience that acting as an executor is almost always unappreciated by the recipients of the estate. It rarely ends up being the honour that the deceased envisioned it to be. There may be conflicting interests among family members which are best treated with the impartiality offered by BMO Trust Company.
<p>Do any of the beneficiaries live outside of the province or country?</p> <p>A. No B. Not sure C. Yes</p>				Beneficiaries who are left a share of the residue of the estate are entitled to receive a complete disclosure of all assets and liabilities of the deceased as well as a complete accounting of the estate administration. These beneficiaries must approve of the administration before the executor is discharged. Communicating with the beneficiaries can be time consuming particularly if there are a number of them or they do not understand the English language.
<p>Are any of the beneficiaries minors?</p> <p>A. No B. Not sure C. Yes</p>				Where a minor beneficiary is involved, the executor must notify the provincial authority responsible for looking after a minor’s legal and financial interests and provide an accounting of the estate administration. The minor’s share might need to be held in trust for some years and the trustee’s administration monitored on behalf of the minor.

	A	B	C	
<p>Do any charities receive a share of the estate? A. Same city/region B. In another region within the province C. Outside of the province</p>				Many people provide for their favourite charities by leaving them a share of their estate. Because charities are frequently named as beneficiaries they have certain expectations regarding the efficient administration of an estate and will need to be provided with a full accounting.
<p>What is the estimated value of the estate? A. Under \$750,000 B. \$750,000 to \$1,000,000 C. Over \$1,000,000</p>				Remember that the estate is not limited to assets with BMO but includes the deceased’s home and assets at other institutions. Please err on the side of making a referral to the BMO Trust Professional, who is trained to determine whether our services will add value. Our professional services can be of more value with estates over \$1,000,000 but we can accept appointments under this.
<p>Are there assets in the estate that require professional investment management? A. Under \$750,000 B. \$750,000 to \$1,000,000 C. Over \$1,000,000</p>				An executor is responsible for the deceased’s assets from the date of death yet the executor does not have authority to deal with the assets until the Court confirms the executor’s appointment. If the value of the assets decline and the executor is found to have been negligent in obtaining the appointment in a timely manner then the executor can be personally liable. We can review the assets and ensure an efficient administration of the estate.
<p>Does the estate include real estate? A. No B. Not sure C. Yes</p>				If there is real estate, such as a home, then it must be valued, kept secure, and properly insured until it can be sold or transferred to a beneficiary. As well as usually being a major asset of the estate, the marketing and sale of a home often is open to second-guessing by the beneficiaries.
<p>Are any of the estate’s assets located out of the province or country? A. No B. Not sure C. Yes</p>				If assets are situated outside of the province or country then the executor may have to submit the Will to the appropriate Court in that jurisdiction and may have to deal with foreign tax filings and estate taxes. If there are assets in the U.S., the executor may need to obtain an estate closing letter from the IRS which permits the executor to transfer or sell the asset. This can take up to two years to receive.
<p>Sub-Totals: 1 point for each A answer 2 points for each B answer 3 points for each C answer</p>				
TOTAL				

Scoring

- 11-16 points** - The administrative requirements of this estate seem quite straightforward. Our Providing Support at a Time of Loss booklet may help the executor through the process.
- 17-24 points** - This estate is more demanding, and the executor will probably need our help with some or all of the administrative work. Discuss with a BMO Trust Company representative to see if a meeting with the executor should be set up.
- 25 points and more** - This is a complex estate, and the executor will benefit from our professional assistance. A meeting with a BMO Trust Company representative is highly recommended.



We're here to help.™

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