

deceased's lawyer when you call to see if there are any instructions left. Also, you should check with your lawyer before ordering a Department of Vital Statistics Death Certificate, as it may not be necessary. Finally, if you have any doubts about the ability of the deceased's estate to pay, you might wish to make some inquiries before finalizing arrangements for an expensive funeral.

What are my risks as an Executor or Administrator?

The main risk is that you may be personally financially liable to beneficiaries if you make a mistake. For this reason, you should make sure estate assets are secure and insured. In addition, you should never distribute estate assets or money until you have met with your lawyer and have ensured you first, have authority, and second, will not make a mistake. If you distribute the estate and a creditor is entitled to be paid, they can claim the money from you unless you do certain things to protect yourself.

What if there are problems?

If problems arise, you should contact your lawyer as soon as possible. This is part of the reason why money is not released to the beneficiaries right away.

Are there other things I need to deal with?

Ultimately, you may need to arrange for sale of estate assets, tax returns,

investigations into family trees, and so on. You will need to go through any important documents of the deceased and bring in anything that you are not absolutely sure about. You may need to make insurance, pension and other claims. You must keep detailed and clear records of any money handled. Your lawyer will be able to advise you in respect of all of these matters and more.

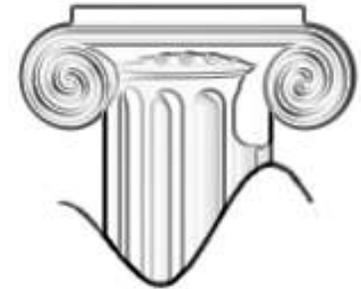
I'm the Executor, don't I get to decide who gets what?

The simple answer to this question is "No." As an Executor, you must see to it that the deceased's wishes, as expressed in the Will are carried out and, if there is no Will, as an Administrator, you must see that the remainder of the estate is distributed according to law. Sometimes you may be given power to decide what is to be sold and what may be given as is to someone who wants it, or you may be allowed to decide between rivals who gets something. Before you do so, however, you should seek the advice of your lawyer.

How long will it take?

The time needed to settle an estate depends entirely upon how long it takes to go through the steps involved and how quickly information is provided to your lawyer. Generally there is an initial distribution once most assets are gathered in, bills paid, and Income Tax Returns done. The final step, and the final distribution, can take as much as a year or more after the last Income Tax Return has been done and assessed by the Tax Department.

Settling an Estate



ALEXANDER JACKSON LAW OFFICE
BARRISTER ! SOLICITOR ! NOTARY PUBLIC
P. O. Box 1800 ! 110B Main Street South
MINNEDOSA, Manitoba, Canada, R0J 1E0
☎ (204) 867-3981 ! Fax (204) 867-5008
email: ajaxlaw@cybersmith.mb.ca
website: <http://www.ajaxlaw.ca>