



## CIBC TRUST CORPORATION AGENT FOR EXECUTOR SERVICES

When an individual names you as Executor<sup>1</sup> in their Will, they are entrusting you with their final wishes. While this is an honour, it is also a major responsibility that should not be taken lightly.

Administering even the simplest estate can be a lot of work and can take a long time. It is likely that an Executor will have to deal with lawyers, accountants, financial institutions, government agencies, as well estate beneficiaries.

Typical estate administration lasts about 18 months and more complex estates can take several years to complete. Distance may also create challenges for Executors who travel frequently or live far away from the deceased.

As Executor, your basic responsibility is to identify all estate assets and distribute them according to the provisions of the Will. You are required to maintain full accounting of all assets and transactions, ensure funds are available to cover any estate liabilities and file all necessary income tax returns. If there are any errors made in the administration of the estate, you may be held financially liable for any losses suffered by the estate beneficiaries, even if unintentional.

Executors may also have to manage complicated family dynamics, including multiple marriage relationships, step-children or feuding between family members. Dealing with an estate can also put Executors in a difficult position with their own family members.

### CIBC TRUST CAN HELP

Executors who lack the time or expertise to administer an estate can hire CIBC Trust as their Agent.

Our experienced team of industry professionals has administered thousands of estates, and has expertise in all aspects of estate administration, including tax filing, investment management, property management, and estate law. When appointed as an Agent for Executor, CIBC Trust can take care of the day-to-day administrative responsibilities, while you remain in complete control of key decisions.

As a neutral third-party, CIBC Trust can help to navigate conflicts between beneficiaries in a transparent manner. We remain objective and impartial to ensure that everyone is treated fairly in accordance with the Will. Our representatives across Canada ensure the professional, timely and accurate administration of estates with assets in single or multiple Canadian or international locations.

The table on the reverse lists some of the common duties of an Executor and explains how CIBC Trust can help an Executor to complete them. When you engage CIBC Trust as Agent for Executor, you can be confident that the estate in your charge is receiving the attention it deserves.

To provide you with peace of mind, our experienced team is committed to handling your administrative duties as Executor with care, sensitivity and expertise. To learn more about our services, please contact your CIBC advisor.



# THE ROLE OF A EXECUTOR

## YOUR DUTIES AS EXECUTOR

## CHALLENGES YOU MAY FACE

## HOW CIBC TRUST CAN HELP

### Immediate

- Find and review will
- Consult with family and/or beneficiaries
- Assess immediate financial needs of dependents
- Complete funeral arrangements

- Dealing with overwhelming grief
- Understanding provincial legislation
- Maintaining impartiality with family members residing out of town, province or country
- Lack of time or expertise for administrative tasks
- Keeping beneficiaries informed

- Relieve you of administrative tasks
- Provide personal attention and regular estate up dates
- Act as an impartial third party

### Protection of Estate Assets

- Identify and record estate assets
- Ensure safe custody of valuables
- Secure real estate and arrange for property management and suitable insurance coverage
- Assess investment risk

- Securing real estate premises
- Ensuring security and protection of special collections
- Managing complex investments
- Contacting former employers, insurance companies and government agencies to obtain benefits

- Value estate assets and prepare complete inventory listing
- Ensure adequate and current insurance coverage
- Manage estate assets and monitor properties
- Arrange storage of valuables
- Provide guidance regarding complex investments

### Assembling and Valuation of Assets

- Receive proper valuation of all estate assets (investments, real estate, vehicles, jewelry, art)
- Apply for government and employer survivor pensions or benefits

- Finding qualified professionals to value assets
- Locating assets in other provinces or countries
- Limited business experience

- Arrange for professional appraisal of assets, including those out of province or country
- Arrange for valuation of private company holdings

### Application for Probate<sup>2</sup>

- Arrange for application to the courts for probate

- Lack of knowledge as to how to initiate process

- Provide guidance for probate application and arrange for payment of fees

### Liabilities

- Identify and settle all estate debts and liabilities

- Establishing, substantiating and settling claims
- Potential for conflict of interest

- Act as an impartial third party when reviewing claims
- Arrange to pay, settle or dispute all liabilities

### Managing Estate Assets

- Close accounts and safety deposit boxes, and open estate accounts
- Manage, sell or transfer real estate holdings
- Claim insurance proceeds
- Manage and dispose of investments, as required

- Lack of time for administrative duties
- Inexperience in managing investments
- Possible conflict among beneficiaries

- Collect all estate assets
- Manage investments and assets, and provide guidance regarding provincial trust legislation (Civil Code in Quebec)
- Arrange for disposition of real estate, household items and personal effects
- Maintain records of all assets, liabilities, income and payments throughout the administration

### Estate Tax Matters

- Determine capital gains and income at date of death
- Determine tax implications
- Prepare and file required income tax returns
- Obtain tax clearance certificates

- Inexperience with tax matters, particularly estate taxation and estate-related tax forms
- Dealing with outstanding tax returns from previous years

- Minimize taxes by filing appropriate returns and elections
- Access to CIBC Trust tax specialists who focus on the preparation of estate tax returns
- Review and provide guidance on Canada Revenue Agency's Notice of Assessment

### Distribution of Estate

- Distribute funds and deliver legacies to beneficiaries
- If instructed by will, set up testamentary trust(s) and manage trust assets
- Submit a final report and account statement to beneficiaries for approval

- Distributing numerous assets to beneficiaries
- Uneven distribution among beneficiaries (potential conflict)
- Lack of familiarity with establishing and managing testamentary trust(s)

- Arrange for distribution of assets to beneficiaries to avoid having to deal with possible family conflict
- Establish and manage testamentary trust(s)
- Provide recommendations regarding any discretionary trust matters
- Provide ongoing accounting to beneficiaries

<sup>1</sup> Provincial legislation regarding Wills and the distribution of estates varies as does the terminology. For example, an "Executor" is known as an "estate trustee with a Will" in Ontario and a "liquidator" in Quebec. For consistency and clarity, we have used the term "Executor" throughout. <sup>2</sup> May not be applicable to Wills in the province of Quebec. May also be known as obtaining a Certificate of Appointment. This article is provided as an information service only, and the information is subject to change without notice. The information is believed to be accurate at the time of writing, but CIBC does not represent or guarantee accuracy, completeness or suitability. The opinions expressed herein do not necessarily represent the views of CIBC. Please consult your own professional advisors for further advice concerning your particular situation. CIBC Private Wealth Management consists of services provided by CIBC and its subsidiaries.