

CHOOSING THE RIGHT ESTATE TRUSTEE

Your estate trustee (or executor) is the person you choose to handle your estate after you die. This position carries a lot of responsibility.

It's important to choose your estate trustee with care. An estate trustee should possess certain qualities. Some of them are outlined below.

The person you name as estate trustee should ideally be located **close** to where you live, so that duties can be performed efficiently and without undue expense. When naming an executor, always choose an alternate in the event that the first person you name dies before you or is not able to act.

Ensure your estate trustee is a **capable** person. That does not mean that your estate trustee must do everything alone. However, that person must understand that guidance may be needed from proper sources, such as a lawyer on legal matters, an accountant on tax questions and a financial advisor on investment matters.

The estate trustee should be **sensitive and caring**. If that person is not a member of the family, she should be someone to whom your heirs can turn for direction and understanding. It helps if it is someone your beneficiaries know and trust.

The estate trustee should be **reliable**. An estate trustee may require business judgment in the areas of selling assets, dealing with insurance and other financial matters. Because of this, you should not choose an estate trustee solely on the basis of friendship or affection. Your estate trustee will have to make a number of decisions, some of them difficult. Skill and honesty will be required.

An estate trustee should be **financially responsible**. She will be dealing with your assets and investments. If you have any doubts as to a person's ability to handle

money, you may want to seriously consider someone else.

Always ask a person whom you are considering as estate trustee whether she would be willing to act. It is common courtesy. In addition, it is a prudent business decision. After all, if one agrees in advance to do something, that person is less likely to refuse when required to act. If you ask someone to be your estate trustee, and that person is reluctant to do so because she is too busy, plans to move or is otherwise hesitant, consider another option.

It's important to understand that not everyone wants to be an estate trustee. Try not to take a declined request personally. Being an estate trustee is a big responsibility, and can be overwhelming for many.

Some people will name a trust company as an estate trustee. One of the advantages of having a trust company as estate trustee is the experience of the staff. Another advantage is the availability of investment, tax and accounting expertise. As well, you can be certain that the trust company will not die before the administration of your estate has been completed. A trust company is particularly appropriate where there are issues involving dissension in the family, or where the estate is complex and special expertise is required. In some cases, it will cost more money. Also, some trust companies will not take on the role of estate trustee in a modest estate.

You may have asked someone to be your estate trustee a number of years ago. At that time, she agreed to act. But what about now? How might lifestyle changes and personal feelings impact on this decision? Have her circumstances changed? Has she moved far away from you? Is she not well? Are you as close to her as you were when you first asked her to be your estate trustee?

Ask yourself these questions on a regular basis, perhaps every three to five years. If circumstances have changed, consider someone else as estate trustee.

When naming or changing an estate trustee, you should obtain legal advice from your lawyer. Your lawyer is best qualified to advise you on the duties of an estate trustee and who might be the best person or company to act for you.