

## FRIEND OR PROFESSIONAL: WHO SHOULD FULFILL MY PLAN? *Choosing a Personal Representative for Your Will or Trust*

Your personal representative (otherwise known as an “executor” of your will or “trustee” of your trust) is the person you choose to carry out your final wishes for handling your estate and the distribution of your resources.

Almost anyone over the age of 18 can serve as a personal representative, but of course, you will want to select someone who is capable, aligned with your values and has the time available.

Should you consider an individual or should you turn to a professional? Both options have advantages and disadvantages.



You may want to choose a friend or family member as your personal representative because you know each other well. You trust their judgement, capabilities and commitment to follow your wishes based on your shared history and personal values. A friend or family member has a fiduciary duty to follow your wishes for handling your estate and making distributions as you have decided. They may hire an attorney, CPA, and/or other professional advisors to help them through the process.

On the other hand, consider whether there are family dynamics that will make this role more difficult for someone that you know. Additionally, determine whether the time commitment and obligations of this important role will overwhelm your friend or loved one, in light of their other responsibilities.

Many people, for one reason or another, turn to a professional instead, such as a bank trust department or a professional fiduciary. Since professionals are independent from your family, they're not swayed by any complicated relationships. They have a thorough understanding of their fiduciary responsibility, and you know beforehand exactly what their costs are going to be. Furthermore, since this is their business, they will likely have adequate staffing and appropriate systems in place.

One potential downside is that professionals may not have contextual knowledge about your values or past behavior. This may become important if decisions need to be made about discretionary payments to beneficiaries or other gray areas in your plan.

Regardless of who you choose, it's important to communicate this important decision, both to your family and of course, to the personal representative you've chosen. Taking time now to clarify your desires and the location of your legal documents will ultimately save time, hassle and heartache for all the loved ones affected by your plan.

*What are the other important roles that should be filled for your completed estate plan? Click here to receive your free copy of "The People in Your Plan."*