

Choosing An Executor: Common Challenges And Solutions

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Choosing the executor of one's Last Will and Testament can be quite challenging. Even a well-drafted estate plan can go awry rapidly if an executor is untrustworthy, misinformed, or disorganized. This article outlines solutions to common problems people face when choosing an executor.

Family Members Whose Opinions Differ On Important Issues

Some people have estates which are challenging for an executor to oversee due to deep disagreements within a family structure. Those who are part of blended families often face hard decisions regarding where they would like to be buried and to whom their assets should pass. In these situations, a professional executor is appropriate because tensions are likely to arise after death. Professional executors do not have a direct stake in the outcome of an estate, and thus are more likely to remain calm and collected as they implement a Will's provisions under the law. Perhaps just as importantly, a professional executor knows how to notify interested parties of his or her actions; even the most disagreeable segments of a family appreciate being kept informed about an estate's administration.

Family Members Who Reside Far Away

Those whose family members reside far away often worry about the impact serving as executor will have on an individual's life. Time away from a job and family members can be taxing, and despite modern technology, some aspects of estate administration, such as qualification, must be handled in person during normal business hours.

Ancillary Probate Concerns

Ancillary probate refers to the probate of assets outside of one's state of residence. For those who own extensive assets outside of their home state, ancillary probate can add extensive fees and logistical costs to an estate. If your executor is a busy professional, it is important to consider avoiding ancillary probate altogether. However, if you do decide to allow ancillary probate to occur, it is important to research a professional fiduciary in the state where your property is located to ensure that the ancillary probate process goes smoothly.

Choosing An Executor: Common Challenges And Solutions – Cont'd

Reasonable Compensation Or Reimbursement

Most executors put extensive time into their duties. It is fair for an executor to receive compensation for this time and effort, but such compensation should be reasonable. In some circumstances, it is appropriate for an executor to receive reimbursement for his or her expenses, but not receive compensation. If you choose to use a corporate executor, it is especially important to discuss payment options. Corporate executors often use a schedule of compensation based upon the assets in an estate. Corporate executors are often part of larger entities, such as banks, trust companies, or investment advisory firms. Thus, these entities often ask to manage assets or provide other services in addition to serving as executor. While these ancillary services can be beneficial, it is crucial that any costs and fees are fully and frankly disclosed to a family.

Managing The Emotional Side Of Serving As Executor

It can be emotionally challenging for a family member to serve as executor. Assets in many estates must be sold or divided. For example, it is common for real estate to be sold during the estate administration process. Therefore, children who serve as executors are often under a duty to sell the home in which they grew up. Frequently, these homes have deep emotional significance to family members. There are often stark differences between the emotional value a family places on a home and its fair market value. Thus, an executor has to have "thick skin" in the face of competing economic and emotional demands.

Conclusion

There are many options one should consider regarding who should serve as executor under a Last Will and Testament. This choice can have a significant impact on a family's grieving process and financial well-being. If you or a family member have any questions regarding this topic, please call the Hook Law Center, P.C.



The Inestimable Value of Animal Shelters....and the Companions You can Find There

Hook Law Center: Kit Kat, what are the values of animal shelters?

Kit Kat: An animal friend can enhance one's life immeasurably. Like many of you, I know from experience. In the mid-1990s, I adopted two dogs, Daisy and Roxanne, from the Washington (DC) Humane Society and they changed my life forever. Following their adoption, I learned about animal welfare issues and cruelty cases, so I began to volunteer at the shelter. After a while, I decided to seek a career helping animals and began a position at the Humane Society of the United States, where I worked for nine years.

Before going to the shelter to adopt, I had been, ignorantly, determined to get a purebred from a breeder listed in the Washington Post classifieds. Shelters were not on my radar screen. I was not educated on humane issues at that time.

When I mentioned the high price of purebreds to a friend at dinner one evening, he suggested I adopt from an animal shelter instead. A lightbulb went off and I could hardly wait for that Saturday to check out the closest shelter. I knew I would find wonderful animals there and I have been interested in sheltering ever since. Shortly thereafter, I adopted Daisy, a wheaten terrier mix. She had been a stray who was covered with grease and grime when I adopted her from WHS's animal control facility. A year later, Daisy and I adopted a shih tzu/Yorkie mix, Roxanne, from WHS. I always called them "The Girls."

During my many years with The Girls, they loved to spend time with their grandparents, adored car rides, traveled to Rehoboth Beach and the Outer Banks, and went to my office.

Unfortunately, Daisy and Roxanne are no longer here with me, at least in a physical sense. They were both euthanized when the appropriate time came, but I was comforted in knowing that there are worse fates for animals than euthanasia and they both lived pleasant lives and brought joy to many.

These days, I have two new dogs I also call "The Girls." They are Ginger and Holly, and they, too, are both shelter adoptees.

I thank animal shelters all around the world for all the good they do for pets in need, like Daisy and Roxanne, as well as Ginger and Holly. These loving creatures deserved a second chance, and I am honored to have had my life enhanced by these wonderful ladies.

My dogs opened my eyes to many animal issues, including the scourge of heartbreaking cruelty and neglect faced by so many loving, unfortunate innocents. They have helped me be a better person. And animal shelters are what made these life-enriching experiences possible. So, I urge you to visit a shelter or rescue group near you today and adopt the companion who will improve your life more than you could ever realize.

I encourage everyone to adopt a shelter animal to enhance and enrich their life. There are so many wonderful, sweet pets who need to find caring forever homes. Don't get your next pet from a breeder or pet store when animal shelters are full of terrific companions who need to find a family.

An Article by Rob Blizard (http://whro.org/index.php?option=com_content&view=article&id=6202:the-ineestimable-value-of-animal-shelters-and-the-compasions-you-can-find-there)

Upcoming Events

- Hook Law Center will be participating in **Senior Advocate's Art of Healthy Aging Series** held at Westminster Canterbury, 3100 Shore Drive, Virginia Beach VA 23451. This series will be held once a month from July through December. HLC Attorneys Andrew H. Hook, Jessica A. Hayes, and Shannon Laymon-Pecoraro will provide an overview of Hook Law Center's Practice Areas at the meetings held on **Tuesday, September 2, 2014 at 10:00 am, Tuesday, October 2, 2014 at 10:00 am, Tuesday, November 4, 2014 at 10:00 am,** and **Tuesday, December 2, 2014 at 10:00 am.** We look forward to seeing you there!
- Andrew H. Hook will be speaking to the Chesapeake Chapter of NARFE (National Active and Retired Federal Employees) on **September 2, 2014 at 12 Noon** at the Chesapeake General Hospital's Lifestyle, Health and Fitness Center.
- **Andrew H. Hook** has been invited to appear on a taping of "**The Forum with Jan Callahan,**" a WHRO-produced public service program, to discuss the importance of attending the **Art of Healthy Aging Convention** at the **Virginia Beach Convention Center** on **November 1, 2014** and to discuss his seminar to be held during the convention. More details to come.
- **Andrew H. Hook** and **Shannon Laymon-Pecoraro** will be presenting a seminar on the Affordable Care Act to the Marcari Law Firm on **November 12, 2014 at Noon.**



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