

# Responsibilities of an Estate's Executor

## Before filing for probate in New York, get advice from an estate law attorney

When someone dies, their estate goes through the probate process in surrogate court to ensure that the estate is divided according to the wishes stated in a will and/or other estate plan document. The person named as executor in the will or estate plan has a legal duty to accurately and carefully ensure that the will and estate plan are carried out according to the decedent's wishes.

The will must be filed in court and admitted for [probate](#). Probate is the legal process of transferring property ownership when someone dies. Probate takes place in a surrogate court in the county where the decedent lived. This process helps ensure that all property in an estate is identified and appraised, debts and taxes are paid and property is distributed to beneficiaries. Because probate proceedings can be very complicated, executors usually seek help and advice from an estate administration attorney.

## Executors have a fiduciary duty to the estate

As an executor, you have a legal obligation (fiduciary duty) to act in the interest of the estate and carry out the wishes of the person who died as stated in the will. The first step is to obtain the original will and a certified copy of the death certificate. You must then file the will, death certificate, probate petition (which includes a list of heirs) and other supporting documents with the surrogate court. [Check this list](#) to see if you can use the New York State Courts Electronic Filing system to file the documents online.

Generally, the main responsibilities of an executor include:

- **Collecting, inventorying and appraising the estate's assets.** The executor must investigate the estate, review the estate plan and create a list of possessions, assets, accounts and other documents and valuables owned by the deceased. The executor may also need to get appraisals from specialists who can verify the value of the estate.
- **Pay the estate's bills, taxes, expenses and creditors.** Taxes, creditors, court fees and other expenses will need to be paid and/or deducted from the value of the estate. Be sure to pay them on time or the estate may incur additional interest charges.
- **Transfer property to heirs.** The remaining assets and wealth of the estate that are not part of any trust get distributed to the heirs according to the wishes stated in the will.
- **Final accounting.** When all the assets have been distributed, the executor creates a report that accounts for everything that was paid or distributed. A final tax return for the estate is prepared and filed by the executor.

An experienced [estate administration attorney in New York](#) can help ensure that you have fulfilled your legal obligations as an executor.

## The lawyers at Lissner & Lissner LLP help executors fulfill their fiduciary duties

The estate administration attorneys at Lissner & Lissner LLP provide skilled legal counsel to ensure that the provisions of the will or trust are fulfilled. Located in midtown Manhattan, we have been helping executors for more than 65 years. We help protect executors from legal challenges and trust disputes. Call [\(212\) 307-1499](#) or [contact us online](#) today to get help with the challenges of being an executor.