

What is the Difference Between an Executor and Administrator?

When a person dies with an estate, the deceased person's property is distributed as expressed in their will, *if* a will existed. If there is no will, assets and debts will be handled according to state law.

If the deceased person had a will, he/she likely named a trusted person to ensure that any property would be distributed according to their wishes. This trusted person is known as the executor. When there is no will, however, the probate court will appoint its own version of an executor, known as the administrator.

Duties of an Executor

Any person can be named executor; there is no requirement for special training or a background in finance or law. The primary factor in choosing an executor for your will is that the individual is someone you trust to carry out your wishes upon your death. You also want to choose someone who is competent, as more complex estates can involve significant work. If you are unsure of how to proceed, a NYC estate planning lawyer can help you navigate the process of drafting a will and selecting an executor.

The duties of an executor vary widely depending on myriad factors, including the size and complexities of the estate. However, some of the most common duties include:

- Obtain a copy of the will, determine who inherits what property, and file the will with the probate court.
- Notify banks, government agencies (Social Security Administration, etc.), and creditors of the decedent's passing.
- Determine if probate is necessary.

- File a petition to be appointed as executor, *if* probate is necessary.
- Appear in court on behalf of the decedent's estate.
- Open a bank account to manage incoming funds and outgoing bills.
- Ensure that the decedent's property is maintained until it is sold or distributed to heirs.
- Pay any outstanding debts and taxes.
- Distribute assets according to the decedent's wishes.
- Dispose of any remaining property.

If you have been named executor of a will, and you are unsure of your responsibilities, a [NYC estate planning attorney](#) can help you determine how to proceed.

Duties of an Administrator

When an individual dies without a will, or if the will is deemed invalid, the state will appoint an administrator to handle any assets and debts. In some cases, an individual may die with a valid will but *without* having named an executor, or a named executor may be unable or unwilling to perform the required duties. In these cases, an administrator may also be appointed.

An administrator, who is often the deceased's spouse, next of kin, or close friend, is generally required to:

- Take inventory of the decedent's property.
- Pay any debts from the estate's proceeds.
- Distribute any remaining proceeds according to state law.
- Account for how property was distributed.

The duties of an administrator are similar to those of an executor. The estates are generally less complex, but exceptions certainly exist.

Contact Lissner & Lissner LLP Today

If you are unsure of your duties as an executor or administrator, you need to select an executor for your estate, or you have any estate planning questions, the skilled legal team at Lissner & Lissner LLP can help. Contact us today at [\(212\) 307-1499](#) for a consultation about your case.

