



Executors

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Executors' responsibilities are nothing to be laughed at. First of all, one has to remove the emotion attached to role and secondly dispatch one's duties with a skill of a surgeon.

The task is unlike any other and it is fraught with snags, pitfalls, numerous processes. There are funeral, legal issues, taxes, identifying beneficiaries, cataloguing of assets, financial, personal documents, submitting wills and documentation to the Supreme court, taking note of beneficiary wishes, making decisions in accordance with the deceased last will and testament and dealing with bereaved relatives. These are merely the tip of the iceberg.

There will be a few relatives of the deceased if related to the Executors, the beneficiaries that will judge the Executors on the slightest error of judgment, action, behaviour and decision-making process. The Executors on their part must try and divorce themselves totally from any internal and external influences that will or may place them in a poor light.

There are times when the best of intentions can be seen as favouritism, nepotism and even sycophantic in nature and yet the Executors are following procedures and practices in accordance with the Wills Act of each particular state. In such cases, beneficiaries may squabble, bring legal action to intimidate others and in doing so reduce the integrity of a deceased estate.

Those who try and extract some form of leverage by the employment of legal representation do so out of fear, lack of trust in the Executors, feeling loss of control and power and compensation for their grief. Whatever the case maybe, there is no room for immature, haphazard and ill-timed discussions, ill will, negative body language, remaining mute, deceptive practices, distancing one's self and making life difficult for the Executors.

An Executors role can be satisfying, fulfilling and yet attract unwarranted criticism, legal and financial hardships which make the responsibilities of Executors difficult indeed. The best method or practices to follow are those laid down in the Wills Act of each state, using commonsense, logic and advice from a Probate Lawyer. Beneficiaries may make suggestions, but ultimately the final decisions are that of the Executor who may at times refer matters of contention or grey areas to the Probate Lawyer.

The staff of the supreme court in each state have much experience in such matters and will do what is in the best interest of the deceased and therefore will not hesitate to question any matter that may appear out of place or unusual. I have heard of relatives who were once very close become bitter enemies on the death of a relative, sibling rivalry is common, friends became estranged and the Executor may also be seen as the enemy.

In our case, our parents made the decision to make my brother and I executors of their last will and testament for they knew well our strengths and weaknesses and realised that together my brother and I would balance out any matter that required analysing, extraction and the application of a good decision-making process. I must say that I was pleasantly surprised to find that our parents knew my brother so well and, that in their wisdom, selected my brother and I to act on their behalf.

Losing one parent is bad enough, losing both is a terrible blow, no matter at what age the deceased or that of the Executors and siblings. Even today, despite their absence and their candles no longer alight, I feel the presence of both parents and do not feel alone. I do not believe that we as the Executors will rest until all of our duties have been fulfilled and feel that we have carried out to the best of our abilities the wishes and instructions left behind by our parents.

I have written this article mainly out of pain and sorrow and to somehow fill the void left behind by our parents. Since my returned from an enforced exile overseas due to the pandemic, I have been advised by many individuals close to my mother that she waited until my return to finally hand over the responsibilities before she finally took her last breath. She did in my arms and the that memory will last me for a lifetime.

Grief is a difficult emotion to describe for it is a conglomeration of many emotions including anger and despair. This is my way of compensating for the sorrow felt by the passing of two beautiful people who did what they had to do to survive in their adopted country, a place we all call home - Australia. Still life goes on and the world is still a beautiful place and we who are left behind must do what we must do to live life accordingly.

As always, be of good cheer, laugh, be happy, remain vigilant, fight the good fight, never have fear as a companion and never ever give up.

Peter Adamis is a (not for profit) Journalist/Commentator. He is a retired Australian military serviceman and an Industry organisational & Occupational (OHS) & Training Consultant whose interests are within the parameters of domestic and international political spectrum. He is an avid blogger and contributes to domestic and international community news media outlets as well as to local and Ethnic News. He holds a Bachelor of Adult Learning & Development (Monash), Grad Dip Occupational Health & Safety, (Monash), Dip. Training & Assessment, Dip Public Administration, and Dip Frontline Management. Contact via Email: abalinx@gmail.com