



BLOG

Can anyone see the contents of a Will?

When someone dies, often loved ones would like to see the document that they have left outlining their wishes and stating who is to benefit from their estate. We look at who is entitled to see the contents of a Will.

Immediately following a death, the only people initially entitled to read the Will are those who have been appointed as executors under its terms.

If the document is held by a firm of solicitors or a bank, they will be able to let you know who the executors are and will also let you know if there is anything in the Will or in an accompanying letter regarding the deceased's funeral wishes.

The executors are responsible for the winding-up of the estate, to include listing all of the deceased's assets, obtaining valuations of them, selling assets, which may include property, accounting for any tax liabilities, preparing estate accounts and distributing the estate to the beneficiaries named in the Will.

They should also contact all of the beneficiaries and advise them of the date of the deceased's death, the names of the executors and what they are to inherit.

Who is entitled to see the Will?

Small estates do not need a Grant of Probate, and in that case, the Will does not have to be shown to anyone other than the executors.

If all of the executors agree, then it is possible to show the Will to another party.

Where a Grant of Probate is needed, then once this has been issued by the Probate Registry anyone can apply for a copy of the Will.

If Probate is not required, then you can make a formal request to the executors to see the Will. If they refuse to provide a copy and you suspect that you may be named as a beneficiary, you may wish to take legal advice as to how to proceed. The executors might then be compelled to apply for a Grant of Probate, making the Will a matter of public record.

Appointing an executor

The role of executor is an important one, not just in respect of the fairly onerous tasks involved in winding-up the estate, but also in the care and consideration provided to the deceased's beneficiaries.

You should take this into account when choosing who to appoint. Carrying out the administration can be lengthy and time-consuming and there is personal liability for dealing correctly with the estate and accurately accounting for tax and estate funds.

If you do not have anyone willing or able to take on the role, you can consider appointing a professional executor. This would usually be a solicitor who is experienced in the administration of estates and who could prepare the necessary accounts and distribute the funds to the named beneficiaries.

If you would like to speak about the issues raised in this blog, email Victoria at victoria@ewps.ch for a no cost, no obligation chat.