

## **Executor Services**

The person named in a will to administer an estate is called the executor. Only individuals or trust companies, or a combination of the two, can act as executors.

Solus Trust will act as the executor of estates of individuals residing in British Columbia. We are willing to act as the sole executor of those estates or as co-executor in combination with one or more individuals. We are also willing to act as the alternate executor where the individual named first as executor is unable or unwilling to act. The services that we would provide as executor would include the following:

- completing and overseeing the funeral arrangements as instructed in the will or, where no such instructions exist, in consultation with surviving family members and/or friends;
- applying to and obtaining from the Court a Grant of Letters Probate, the legal document which provides the executor with the power to administer the estate;
- gathering and accounting for all of the assets of the estate and re-registering them into the name of the estate;
- ensuring that the estate assets continue to be properly managed while the estate is being administered by hiring, if need be, experts such as investment managers or real estate property managers;
- arranging, where necessary, for insurance on the estate assets;
- publishing advertisements for creditors of the estate;
- evaluating and paying proven debts of the estate;
- filing the various income tax returns relating to the estate and applying for income tax clearance certificates;
- distributing specifically-identified items to named beneficiaries;
- liquidating other estate assets in a prudent manner in order to satisfy any cash legacies described in the will;
- making interim distributions, where appropriate, to remaining beneficiaries;
- dealing with any legal claims against the estate such as under the Wills Variation Act; and
- upon receipt of the income tax clearance certificates, making the final distribution of the remaining estate assets to the named beneficiaries.

In some cases, a trust is created under the terms of a will. This type of trust is called a testamentary trust and Solus Trust will act as trustee of these trusts. Please see the description of Trustee Services for more details.

## Trustee Services

A trust is a legal relationship created when an individual (called the “settlor”) sets aside some of their assets to be managed by another person (called the “trustee”) for the benefit of others (called the “beneficiaries”). A trust can be created during the individual settlor’s lifetime (an “inter-vivos trust”) or through their will (a “testamentary trust”). Only individuals or trust companies (or a combination of the two) can act as trustees.

Solus Trust will act as trustee of both inter-vivos trusts and testamentary trusts. The services we would provide for each of those types of trusts would include the following:

### Inter-Vivos Trusts

- working with the client and their advisors to determine whether a trust is suitable for them and, if so, what terms the trust should have;
- once the structure of the trust has been determined, working the client and their advisors to ensure that the trust is established with precisely the terms as instructed by the client and their advisors;
- gathering the assets that comprise the trust and re-registering the legal ownership to the trust;
- protecting the trust’s assets by ensuring that they have the proper amount of insurance;

- prudently administering the assets of the trusts which may involve hiring experts (such as investment managers or real estate property managers) to manage the assets;
- evaluating the performance of any hired experts on a regular basis;
- collecting the income earned on the trust’s assets;
- paying any bills or expenses related to the administration of the trust’s assets;
- distributing income to the named beneficiaries;
- filing income tax returns for the trust and paying any tax liabilities;
- providing periodic reports to the beneficiaries on the administration of the trust;
- passing accounts of the trust before the Court where necessary; and
- when the trust is terminated, distributing the remaining assets to the named beneficiaries.

## **Trustee Services (Cont.)**

### **Testamentary Trusts**

- working with the client and their advisors when the will is being prepared to determine whether a testamentary trust is appropriate for the client and, if so, on what terms;
- after the client has passed away and the testamentary trust is to be created, working with the executor of the estate and the advisors to the estate to ensure that the trust is established as described in the client's will;
- arranging for the transfer of the specified assets in the estate to the trust;
- protecting the trust's assets by ensuring that they have the proper amount of insurance;
- prudently administering the assets of the trust which may involve hiring experts (such as investment managers or real estate property managers) to manage the assets;
- evaluating the performance of any hired experts on a regular basis;
- collecting the income earned on the trust's assets;
- paying any bills or expenses related to the administration of the trust's assets;
- distributing income to the named beneficiaries;
- filing income tax returns for the trust and paying any tax liabilities;
- providing periodic reports to the beneficiaries on the administration of the trust;
- passing accounts of the trust before the Court where necessary; and
- when the trust is terminated, distributing the remaining assets to the named beneficiaries.

## **Substitute Decision Maker Services**

When an individual becomes mentally incapacitated, they require someone to continue to manage their financial affairs. While they have capacity, they can select that person by naming them under an enduring power of attorney. If they have not chosen someone before they become incapacitated, then an application must be made to the Court to have what is called a committee of estate appointed to manage the individual's financial affairs.

Solus Trust will act under an enduring power of attorney. In addition, where necessary, Solus Trust will make an application to the Court to be appointed committee of estate. These situations can be broadly described as acting as a substitute decision maker for the client. The services provided by Solus Trust when acting as a substitute decision maker include the following:

- working with the client and their advisors to determine whether the client requires a trust company to act as their substitute decision maker and, if so, then ensuring that the terms of such appointment are accurately reflected in the enduring power of attorney;
- when the client becomes incapacitated, ensuring that the formal requirements under the substitute decision making document are met before assuming responsibility of the client's financial affairs or where no such documentation exists, working with the client's advisors to apply to the Court for formal appointment as committee for the client;
- after appointment as substitute decision maker for the client, gathering and accounting for all of the client's financial assets;
- ensuring that the assets have proper insurance, where necessary;
- arranging for the professional management of all of the client's assets, which may require the hiring of experts such as investment managers or real estate property managers;
- monitoring on a regular and periodic basis the management of the client's assets and the performance of any third parties hired to manage those assets;
- collecting the income earned on the client's assets;
- payment of all the client's proven debts and expenses;
- filing income tax returns and paying any outstanding tax liabilities;
- representing the client in any legal proceedings;
- providing accounting to the family or Public Guardian and Trustee on a regular and periodic basis to demonstrate proper and professional management of the client's financial affairs; and
- completing the final distribution of the assets back to the client upon their recovery or to their estate upon their passing.

## Agent Services

In some cases, an individual is appointed executor of an estate or trustee of a trust. Subsequently, they may find that they do not have the time or the expertise to fulfill the obligations of those roles. It is possible for them to continue in the legal capacity of executor or trustee but delegate the administrative responsibilities to an agent.

Solus Trust is willing to act as agent for an executor of an estate or for a trustee of a trust. We will also act as agent for an administrator of an estate of someone who passed away without a will. The services that Solus Trust would provide as agent include the following:

### **Agent for Executor/Administrator**

- assisting with the funeral arrangements;
- working with the client and their lawyer to apply for the Grant of Letters Probate or Letters of Administration;
- assisting with the gathering of the estate assets and then ensuring that they are properly insured, if need be, that legal title is re-registered in the name of the client and that the assets are professionally managed during the administration of the estate;
- arranging for the advertisement for creditors and then payment of any proven debts;
- filing all tax returns and applying for tax clearance certificates for the estate;
- in the case of acting as agent for executor, arranging for distribution of any bequests of specific property and payment of any cash legacies;
- determining whether an interim distribution is appropriate and, if so, arranging for the proper liquidation of assets to make the distribution;
- dealing with any legal claims against the estate such as under the Wills Variation Act;
- in the case of acting as agent for administrator, determining the entitlement of heirs to the estate and then locating those heirs; and
- arranging for final distribution of assets from the estate upon receipt of tax clearance certificates.

## **Agent Services**

**(Cont.)**

### **Agent for Trustee**

- assisting with the establishment of the trust pursuant to the terms of the trust document;
  - arranging for the transfer of assets to the trust by re-registering legal title to those assets;
  - ensuring that those assets are properly protected with insurance, if need be;
  - making arrangements for the professional management of the trust assets by hiring appropriate experts such as investment managers or real estate property managers;
  - monitoring the performance of those professional managers on a regular and periodic basis;
  - collecting the income earned on the trust assets, paying the proven debts and expenses of the trust and then paying income to the named beneficiaries;
  - filing all applicable income tax returns;
  - arranging for final distribution of assets from the trust upon receipt of tax clearance certificates.
- arranging for the approval of accounts by the beneficiaries or, if necessary, the passing of the accounts before the Court; and
  - assisting with the final distribution of the trust assets to the named beneficiaries when the trust is terminated.