

Executor Expenses: What Can You Claim and How Much?

If you have been named as an executor in a Will, or if you've been appointed as an administrator for someone who has died intestate, you will have a lot of responsibilities. Dealing with these responsibilities will likely result in out of pocket expenses.

An executor should not be left out of pocket for completing their duties and, in many cases, you will be able to claim these expenses back from the estate.

What expenses can an executor claim for?

It may not be possible to access money belonging to an estate before a grant of probate has been issued. This means that any costs that have arisen as part of administering the estate before this point may have to be covered by an executor or administrator.

If you have been appointed in this role, you might have to cover costs including:

- Costs associated with the funeral
- Probate Registry fees
- Estate agent fees
- Costs for appointing professionals such as valuers or solicitors
- House clearance fees
- General house or garden maintenance
- Postage costs
- Travel costs
- Inheritance tax that becomes due before probate has been granted

If you've had to cover these costs, you should be reimbursed for them from the estate.

It's important to note that any claims for reimbursement must be considered reasonable. For example, if you were claiming for expenses relating to travelling by car, you would only be able to claim at the accepted HMRC rate of 45 pence per mile.

What expenses can't an executor claim for?

Though it is clearly stated that an executor should not be left out of pocket by their responsibilities, this does not extend to paying non-professional executors for their time.

As an executor or administrator, you cannot claim an hourly rate for the time you've spent working on the matter. You are also unable to claim any remuneration for time you've had to take off work.

This can be confusing as if the person who has died chose to appoint a professional executor in their Will – such as a solicitor or accountant – those individuals would be paid for their time. If you believe you have been appointed as an executor based on your profession and expertise, we'd recommend seeking specialist advice from a probate solicitor.

What if there's a charging clause?

Some wills include what is known as a 'charging clause.' This is when the person who has written the Will has made it clear that they do want their executors to be paid for their time. This is not always a straight-forward endeavour as charging clauses are often open to interpretation and may not be legally sound. If you are a lay person named as an executor in a Will with a charging clause, we recommend taking legal advice to determine your position.

What about if an executor will be left significantly out of pocket due to time commitments?

If you feel that you would be left significantly out of pocket because of the time you would need to invest in administering the estate, there is another option. You could consider appointing a solicitor to administer the estate on your behalf. The solicitor's fees would be paid for by the estate.

What if the beneficiaries believe an executor has claimed for unreasonable expenses?

It's important to remember that any money you claim from the estate to cover your executor expenses then reduces the amount that's left to distribute among the residuary beneficiaries.

If the residuary beneficiaries believe that an executor has claimed unreasonably for their expenses, they may be able to take legal action.

How Roche Legal can help

Dealing with legal issues can be confusing and stressful. We understand this, and we're always on hand to untangle jargon and offer support.

If you need advice on any of the issues raised in this help guide, please don't hesitate to [get in touch](#). Roche Legal is an award-winning legal practice, offering practical and caring advice.

Roche Legal ©