



YOUR GUIDE TO APPOINTING EXECUTORS, GUARDIANS, TRUSTEES, AND ATTORNEYS





About Us.

Introduction to SLS Wills and More

SLS Wills and More was set up by Sara Sheppard in 2017 after over 35 years in private practice in a number of specialist solicitors across East Kent. As soon as Sara set up SLS Wills and More she became a fellow of The Society of Will Writers. Since becoming a fellow of the SWW, Sara now sits on their Professional Standards Board as is now a fellow member of the SWW.

“The reason I began SLS Wills and More was to provide a friendly caring service in the comfort of my client’s own homes. During the course of my career, I have found that a lot of people, particularly those that the most vulnerable, prefer to remain at home, where they feel more comfortable than in a solicitor’s office which can provide logistical difficulties, be difficult to get to and can sometimes feel overbearing.

I like to spend time with my clients, to get to know them, and their family circumstances before discussing their requirements as this helps to ensure that the advice that I give is tailored to their unique situations – it is not a one-size-fits-all all solution!”

SARA SHEPPARD – FOUNDER SLS WILLS AND MORE

GOT A QUESTION, FEEL FREE TO REACH OUT...



INTRODUCTION TO ESTATE PLANNING

Estate planning is the process of making important decisions about what should happen to your assets, your family, and even your own care, both during your lifetime and after your death. It involves creating a framework of legal documents—such as Wills, trusts, and Lasting Powers of Attorney—to ensure that your wishes are clearly expressed and legally binding.



By being proactive, you can help protect your loved ones from unnecessary stress and legal complexities, reduce the risk of family disputes, and potentially save on tax liabilities. Estate planning is not only about safeguarding what you own; it's also about providing peace of mind, knowing that when the time comes, your affairs will be managed with care, sensitivity, and in accordance with your wishes.

When it comes to ensuring your affairs are managed according to your wishes, choosing the right people to fulfil key legal roles is essential. Executors, guardians, trustees, and attorneys each play distinct roles in handling different aspects of your estate and personal welfare, both during your lifetime and after your death. By making informed decisions and receiving proper guidance, you can secure peace of mind for yourself and your loved ones.

At SLS Wills and More, we take pride in offering a personal, caring service in the comfort of your own home. Our founder, Sara Sheppard, has over 38 years' experience in private practice with specialist solicitors across East Kent. Sara became a Fellow of the Society of Will Writers upon establishing SLS Wills and More in 2017 and now sits on their Professional Standards Board. Her dedication and wealth of expertise ensure that every client's unique circumstances are carefully considered and that you are supported every step of the way.

This guide will help you understand the roles, responsibilities, and liabilities involved in appointing executors, guardians, trustees, and attorneys. We will also consider the emotional impact, highlight the importance of keeping your documents current, and provide practical guidance on what to consider and prepare before your meeting with us. By working with SLS Wills and More, you are making a wise choice: we are here to ensure you receive tailored advice, delivered in a friendly and reassuring manner.



What's included in this GUIDE:

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Appointing Executors

Executors are the individuals or professional parties you name in your Will to administer your estate after your death. Their responsibilities include identifying and valuing your assets, settling any liabilities, ensuring that any Inheritance Tax due is paid, and distributing the remaining estate to your beneficiaries as set out in your Will.

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Appointing Guardians

If you have children under 18, it is vital to consider appointing guardians who will care for them if both parents die before the children reach adulthood. Guardians step into the parental role, providing a stable home, education, and general welfare.

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Appointing Trustees

Trustees are responsible for managing any trusts you set up. This might be a trust established by your Will to hold funds for your children until they reach a specified age, or a more complex arrangement designed to protect assets or support vulnerable beneficiaries.

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Appointing Attorneys

Attorneys are individuals you appoint under a Lasting Power of Attorney (LPA) to make decisions on your behalf if you lose the capacity to do so yourself. This can include managing finances and property, or making decisions about your healthcare and welfare.

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Key Considerations

We'll also share some things to think about before your meeting.



Appointing Executors

Who Are Executors?

Executors are the individuals or professional parties you name in your Will to administer your estate after your death. Their responsibilities include identifying and valuing your assets, settling any liabilities, ensuring that any Inheritance Tax due is paid, and distributing the remaining estate to your beneficiaries as set out in your Will.

Key Responsibilities:

- **Administrative Duties:** Gathering all relevant paperwork, collecting in assets, and paying off debts and taxes.
- **Distribution of Assets:** Ensuring that each beneficiary receives the correct entitlement.
- **Legal Compliance:** Working within the law and meeting key deadlines for probate and tax returns.

Legal Liabilities and Considerations:

Executors have a legal duty to act in the best interests of your estate and its beneficiaries. They may be held personally liable if they fail to perform their duties correctly, for example, by distributing assets before settling all outstanding liabilities. For this reason, it is wise to choose executors who are competent, trustworthy, and organised. In some cases, it may be prudent to appoint a professional executor, such as a solicitor or a trust corporation, who can shoulder the administrative burden and ensure all requirements are met.

Emotional Considerations:

Your executors may be close family members or friends who will be dealing with your affairs whilst they are grieving. Selecting someone who is resilient, patient, and capable of seeking professional guidance can help ease this emotional weight. At SLS Wills and More, we can offer ongoing support to your executors, guiding them through the process and helping them honour your wishes while minimising stress.

Appointing Guardians

Who Are Guardians?

If you have children under 18, it is vital to consider appointing guardians who will care for them if both parents die before the children reach adulthood. Guardians step into the parental role, providing a stable home, education, and general welfare.

Key Responsibilities:

- **Day-to-Day Care:** Meeting the emotional, physical, and educational needs of your children.
- **Decision-Making:** Making decisions about schooling, healthcare, and upbringing in line with what you would have wanted.
- **Financial Management (If Also Trustees):** If your guardians are also appointed as trustees for your children's inheritance, they must manage funds wisely on their behalf.

Legal Liabilities and Considerations:

Whilst guardians do not face the same financial liabilities as executors, they take on the legal responsibility of raising your children. You should discuss this role thoroughly with potential guardians to ensure they fully understand the responsibilities, including the financial and emotional implications. A formal appointment of guardians, usually through your Will, is crucial.

Emotional Considerations:

Appointing guardians is as much an emotional decision as a practical one. Consider the relationship your children have with the chosen individuals, and whether the proposed guardians share your values and lifestyle. It can be helpful to have open discussions to ensure everyone is comfortable and understands the commitment involved.

Appointing Trustees

Who Are Trustees?

Trustees are responsible for managing any trusts you set up. This might be a trust established by your Will to hold funds for your children until they reach a specified age, or a more complex arrangement designed to protect assets or support vulnerable beneficiaries.

Key Responsibilities:

- **Asset Management:** Overseeing investments, property, or savings held in trust.
- **Acting in Beneficiaries' Best Interests:** Making distributions as appropriate and in accordance with the trust's terms.
- **Compliance with Trustee Duties:** Keeping clear records, preparing accounts, and ensuring transparency to all beneficiaries.

Legal Liabilities and Considerations:

Trustees have a strict fiduciary duty to act in the best interests of beneficiaries. They can be held personally liable if they mismanage the trust's assets, fail to follow the trust's terms, or breach their duties. It is important to choose people who understand these responsibilities and can seek professional advice when necessary. You can also appoint a professional trustee, which can provide reassurance, neutrality, and professional oversight.

Emotional Considerations:

Being a trustee can be a long-term commitment. Trustees may be required to make difficult decisions, balancing immediate needs against long-term goals. Consider trustees who are fair-minded, financially astute, and capable of managing complex family dynamics.

Appointing Attorneys

Who Are Attorneys?

Attorneys are individuals you appoint under a Lasting Power of Attorney (LPA) to make decisions on your behalf if you lose the capacity to do so yourself. This can include managing finances and property or making decisions about your healthcare and welfare.

Key Responsibilities:

- **Financial Decisions:** Paying bills, managing bank accounts, collecting benefits, and handling property transactions.
- **Health and Welfare Decisions:** Deciding on medical care, daily living arrangements, and end-of-life treatments (if you have chosen to give them these powers under a Health and Welfare LPA).
- **Acting in Your Best Interests:** Attorneys must always consider your wishes, feelings, beliefs, and values before making decisions.

Legal Liabilities and Considerations:

Attorneys are legally obliged to act in the best interests of the donor (you). They can be removed by the Court of Protection if they fail in their duties. Your attorneys must be trustworthy, responsible, and willing to take on the role. By working with SLS Wills and More, we can ensure your LPA is correctly prepared, registered, and safeguarded, providing clear guidance for your attorneys.

Emotional Considerations:

Choosing attorneys can be sensitive, as it involves entrusting someone with significant authority during what could be a vulnerable stage in your life. It is often reassuring to discuss your wishes with your chosen attorneys in advance, so they understand what matters most to you.

Keeping Your Documents Up to Date

Wills, trusts, LPAs, and guardianship appointments should not be considered ‘set and forget’ documents. Your circumstances, as well as those of your chosen representatives and beneficiaries, can change over time. Significant life events —such as marriage, divorce, the birth of a child or grandchild, changes in financial circumstances, or the death of a chosen representative—may mean you need to review and update your documents. By reviewing your arrangements every few years, or whenever a significant change occurs, you can ensure that your affairs remain aligned with your current wishes and that the right individuals are in place to act for you.

At SLS Wills and More, we can help guide you through the review process, ensuring your documentation remains current and reflects your evolving circumstances. We strive to build long-term relationships, supporting you and your family across the years.

What to Think About Before Your Meeting:

Prior to meeting with SLS Wills and More, it can be beneficial to spend some time reflecting on the following:

Your Assets and Liabilities:

Consider the nature and approximate value of your assets—properties, savings, investments, personal possessions—and any existing debts or liabilities.

Your Chosen Representatives:

Think carefully about who you trust to serve as executors, guardians, trustees, and attorneys. Are they willing and able to take on the role? Do they understand your wishes and values?

Your Beneficiaries:

Who do you want to benefit from your estate, and in what proportions? Consider their current circumstances and any specific needs they may have.

Long-Term Considerations:

Reflect on the longevity of your plans. Is it likely your chosen representatives and beneficiaries’ circumstances will remain stable, or might you need flexibility in your arrangements?