

## **FIDUCIARY ROLES**

Independent Executor. The Independent Executor of an Estate is the Decedent's representative for the purposes of terminating the Decedent's affairs. As such, you will be required to locate and assist in the valuation of Decedent's assets; prepare an Inventory listing those assets; pay the debts, expenses of administration, and taxes; and distribute the remaining assets to those beneficiaries named in Decedent's Will. Your first duty should be to take possession of Decedent's assets, valuable papers, and records and safeguard Decedent's property.

Death tax returns must be filed - and death taxes paid - when the value of Decedent's gross estate (all of Decedent's separate property and one-half of the community property plus the value of certain lifetime transfers) exceeds the tax-free amount (currently \$2,000,000). The returns and taxes are due nine months after the date of death.

The Executor will file the final income tax return for Decedent and any income tax returns necessary for the Estate to file.

Trustee. The Trustee invests and manages the trust assets and distributes income and principal in accordance with the terms of the trust and the Texas Trust Code. In the absence of any contrary terms of the trust instrument or contrary provisions of the Texas Trust Code, in administering the trust the trustee shall perform all of the duties imposed on the trustees by the common law. The trustee is responsible to all of the beneficiaries, and to the terms of the trust and sets appropriate policies and procedures. If the trustee has not set up adequate procedures and policies with regard to the trust estate, however, or has not followed the policies and procedures that are in place, the trustee is likely to find that he is in effect personally guaranteeing the success of the decisions made. The Trustee is responsible for all record keeping associated with the trust and the filing of the necessary trust income tax returns.

Trust Committee. The Trust Committee will appoint successor Trustees in the event the named Trustees all fail to serve. In addition, the Trust Committee will, upon the request of a beneficiary, determine whether to remove a Trustee and appoint a successor Trustee.

Statutory Durable Power of Attorney. Agents under a statutory durable power attorney have broad powers to act on your behalf, either immediately or only on your disability.

Limited Durable Power of Attorney. Agents under the limited durable power of attorney are authorized to place assets in the Family Trust for management.

Medical Power of Attorney and Directive to Physicians. Agents under these documents have the power to make medical decisions on your behalf in the event you are unable to do so.

Designation of Guardian. The Designation of Guardian expresses a person's desires on who should be appointed guardian, if the need for a guardian arises.

HIPAA Release. HIPAA Release allows you to name in advance the persons you wish to have access to medical information.