

I've been named executor — what should I do? (decision tree)

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If you have been named as an executor, this tree helps you decide your options. The key question is whether you have already started dealing with the estate.

Work through the tree

Step 1. Have you already started dealing with the estate (collecting assets, paying bills) — i.e. 'intermeddled'?

- Yes → You generally must continue. Once you have intermeddled you usually cannot renounce. To step back you would need to apply to the court.
- No → go to step 2

Step 2. Do you want to take on the role of executor?

- Yes → Apply for probate and administer the estate. Value the estate, report to HMRC, apply for the grant, pay debts and tax, then distribute. Keep clear accounts throughout.
- No → go to step 3

Step 3. Are there co-executors named in the will?

- Yes → Have 'power reserved'. The other executors can act now while your appointment is reserved, letting you step in later if needed.
- No → Renounce the role. Sign a deed of renunciation. A beneficiary can then apply for letters of administration with the will annexed to administer the estate.

Possible outcomes at a glance

- Already intermeddled: you generally must continue, or apply to court to step back.
- Willing to act: apply for probate and administer the estate.
- Unwilling, with co-executors: have power reserved.
- Unwilling, sole executor: renounce, and a beneficiary applies for letters of administration.

Sources

- Senior Courts Act 1981; Non-Contentious Probate Rules 1987 — legislation.gov.uk
- GOV.UK — Applying for probate
- Administration of Estates Act 1925 — legislation.gov.uk