



A Professional Corporation

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### FREQUENTLY ASKED QUESTIONS ABOUT ESTATE AND TRUST ADMINISTRATION

The goal of estate and trust administration is to make sure that the deceased's intent, as written in their estate planning documents are carried out. In both cases the individual appointed to handle the administration is considered a "fiduciary" under the law. A fiduciary is someone appointed to carry out the wishes of another individual and follow the terms of the documents and the laws in doing so. A fiduciary is held to a higher legal standard and can be personally liable for any wrongdoing. This is why it is important the fiduciary understands their legal duties and carries them out as required. As attorneys for the fiduciary, we will advise the individual on how to carry out those duties properly.

An estate administration is what is referred to as probate and the Last Will and Testament names a personal representative, or an executor, to carry out the duties and responsibilities of administering the estate. The purpose of probate is to transfer the decedent's assets to the named beneficiaries. With probate, a petition must be filed with the court to request the Will be probated and the personal representative be appointed to do so. There are laws that must be complied with by the personal representative relating to probate. Our firm will represent the personal representative and guide them through the process of determining the assets; fulfilling requirements to make sure creditors are notified; paying debts, expenses and taxes; liquidating assets; filing all necessary documents with the court; communicating with beneficiaries and making final distribution and handling any other issues which may arise.

A trust administration is similar to an estate administration except the trustee usually does not need court involvement. The trust document itself names the trustee and they follow the terms of the trust document as set forth by the individual who established the trust. With a trust administration, the person who established the trust may be living or deceased. Our firm will advise and assist the trustee in carrying out their duties.

Other areas where fiduciary responsibilities exist and the fiduciary may need advice are guardianships and being named and acting as someone's power of attorney. We represent clients in these capacities too, in order to protect them from personal liability as well.