


ILM FACTSHEET

Document checklist for lay executors

This factsheet
has been
prepared by
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This factsheet outlines the documents a charity might ask you for if they have been left a share of an estate and where these can be sourced from.





Document Checklist for Executors and Personal Representatives

This checklist outlines the documents a charity might ask you for if they have been left a share of an estate and where these can be sourced from.

If the will specifies that the charity should receive a gift of a fixed sum of money, then the process is very straightforward, and you can simply get in touch with the relevant charity and make payment whenever you are ready to do so. They will send you a receipt and a letter of thanks.

Please make sure that you contact the team that deals with gifts in wills before you make payment, because only that team can give you a valid receipt for the legacy. Please do not make payment over the charities website or hand a cheque into a shop or to a local fundraiser. Our members are required to account specifically for legacies, and they may not be able to do so if payment has been made to another part of their organisation.

If the will specifies that the charity should receive a share of the estate, or a more complicated gift, and you would like some assistance, please read on.

The checklist is divided into three categories: Essential Documents, Documents to provide if possible, and Documents that may be required dependent upon circumstances.

Our members and charities work together very closely in this area, so to save you time we recommend you contact one of the charities named in the will and ask them to act as a 'postbox', distributing correspondence to the other charities. This is known as the 'Lead Charity' system.



Essential documents

Failure to hold these documents may result in the file being questioned by auditors.

Document	Best source	Notes
Will, Codicils and Grant of Probate	Smee and Ford or Probate Registry	To save you time our members can access these directly from the Probate Registry.
Estate Accounts with distribution schedule	Executor	<p>A charity is unable to sign a receipt and discharge for a legacy until it has seen and approved the final estate account. This does not need to be complicated – it just needs to show all the transactions that have occurred, and the amount payable to the charity.</p> <p>Please send these to the charities before you pay the legacies. This way, if the charity has any questions these can be resolved before the legacies have been paid out.</p>
Tax Reclaim Form R185	Executor	<p>This enables the charity to reclaim any tax paid on their proportion of income during the administration period.</p> <p>ILM has guidance on this if you are in doubt about how to complete the form.</p>



Documents to be provided if possible

We advise our members to hold these documents in their files but this is not a legal requirement and it shouldn't result in the file failing audit. Please do not worry if you cannot access these documents easily.

Document	Best source	Notes
Schedule of Assets and Liabilities	Executor	This just needs to be a brief listing of the assets and any debts or other liabilities. It will help the charity to identify if there are any issues where charitable regulations apply.
Property Valuations	Executor	The property is often the single biggest asset in the estate, and therefore the property valuation is helpful in reassuring auditors that full value has been obtained.
Property Marketing details	Internet	We recommend our members print these off the internet themselves.
Agent's letter recommending acceptance of an offer	Executor	You will only be asked for this if you are accepting a low offer or there are other circumstances which might cause an auditor to raise a query on the file.



Documents that may be required dependent upon circumstances

You will only be asked to source these documents if they are relevant to the circumstances of the gift.

Document	Best source	Notes
Copy of any IHT calculation, or IHT400	Executor	<p>This is an audit requirement where Inheritance Tax is being paid because of the various charity exemptions.</p> <p>Inheritance Tax can be extremely complicated so if you are in any doubt about the calculation, please contact ILM members who will be able to assist you.</p>
Any additional writings, or letters of wishes where relevant	Executor	These are useful to receive if they potentially affect the value of the residue.
Deed/Memo of Appropriation	Executor	<p>Where capital gains tax is a possibility, appropriation of the relevant assets should be considered, and a Deed or Memorandum provided to the charity. Depending on the terms of the will, the Deed/ Memorandum may need the consent of the charity(s).</p> <p>The charities will be able to supply you with this.</p>
A surveyors' report under S119 of the Charities Act, relating to the disposal of 'charity land'.	Executor	<p>This is legally required where there is a sole charity beneficiary or where appropriation for the avoidance of Capital Gains Tax has occurred, and the land is deemed charitable.</p> <p>If you are unsure, ILM or the charities will be able to advise you about how to obtain the report.</p>

How we can help you

The Institute of Legacy Management (ILM) is here to help in whatever way we can. We are the professional body for charity staff who deal with the administration of gifts left in wills. With more than 600 members working in more than 400 charities, we have a wealth of knowledge and experience.

If you have a question or need support, please don't hesitate to contact us at ceo@legacymanagement.org.uk