

# THE MAKOFSKY MINUTE

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## Executor vs Administrator

What is the difference and why does it matter?



## What is the difference between an Executor and an Administrator?

**Q:** What is the difference between an Executor and an Administrator?

**A:** An **Executor** is the person or persons named in one's Will to administer and settle the deceased person's estate according to the deceased person's wishes set out in his or her Will.

An **Administrator** is the person or persons appointed by a judge (typically the local Surrogate in NY) to administer and settle a deceased person's estate when the deceased person died with no Will, or if all of the named Executors in the deceased person's Will are deceased.

**Bottom Line:** An Executor is chosen by you; an Administrator is chosen by a judge.

**Why does the difference matter?** It is better to have a Will naming who you trust and want to administer and settle your estate than to leave that important decision to a judge. In addition, there are typically more costs involved with having an Administrator appointed rather than an Executor – for example, the court often requires an Administrator to post a bond; whereas, most Wills contain a provision waiving the need for a bond.

If you don't have a Will, consider having one drafted. If you have a Will, but haven't looked at it in a while, take some time to review it to make sure the Executor you named is still able to act as Executor. Of course, if you have any questions, we are only a phone call or [e-mail](#) away.

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