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A LEGAL AND PROCEDURAL GUIDE TO ESTATE ADMINISTRATION FOR PERSONAL REPRESENTATIVES

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Abstract The personal representative's lack of knowledge in how to properly administer the deceased's estate has been attributed as one of the factors of delay in distributing the deceased's assets to the rightful beneficiaries. Thus, this paper aims to provide the guidelines to the personal representatives and the knowledge

they may need in order to prepare themselves to be able to carry out their duties and obligations as the agents of the deceased. Several fiduciary duties of personal representatives are highlighted which are owed to the estate as well as to the beneficiaries. The technical process of administering a deceased's estate, from the identification of the estate heirs and assets to the distribution of the estate, and the relevant governing laws are also discussed. This paper employs library-based research by referring to past literature including journal articles and books, recent case laws and news articles to further support its claims. The paper highlights the differences between the jurisdictions of each relevant administrative body in estate administration. Findings also show that among the essential fiduciary duties of the personal representative are the duty to avoid secret profits, the duty to render proper accounts and the duty to avoid self-dealing. In addition to further efforts to strengthen public awareness in understanding the estate administration process, the article recommends that a system be devised by the courts to determine the ability and capability of the individual applying to be the personal representative of the deceased's estate in adequately handling the administration process before granting the letter of representation.

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