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## WHAT IS THE DIFFERENCE BETWEEN A TRUSTEE AND AN EXECUTOR?

By: Sabrina Winters, Attorney at Law

This is a great question and it is often asked at my consultations.

An **executor** is a person named in a Last Will and Testament. This person's role is to submit the original Last Will and Testament to the Probate Court in the county where the person died and request authority from the Clerk to collect and distribute the assets according to the Will.

A **trustee** is a person named in either a Last Will and Testament or a Revocable Living Trust. (This person is also named in various other types of Trusts, but we are focusing on the more known and used Revocable Living Trust.) If this person is named in a Will, then he or she is named to be appointed the Trustee of a Testamentary Trust. A Testamentary Trust is one which is created after death and included within the language of a Will. The most common example I can provide is a parent whom leaves assets to a child but if the child has not reached a certain age, then it is put into a Trust, managed by the Trustee according to the requirements of the Trust.

If a Trustee is named in a Revocable Living Trust, he or she essentially is named to manage the Trust and the assets within the Trust either while the person whom created the Trust is incapacitated or has passed away. This Trustee could also be managing a Trust for a child, similar to the above where it is created via a Will.

The Executor and Trustee can be the same person; there is no requirement that different individuals be named. They just have different roles, sometimes being held at the same time.

If you do not have a Will or Trust in place, call our Wills and Trust Firm in Charlotte, North Carolina at 704-843-1446 and we can help you in choosing the best person for either role.

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