



In a professionally drawn Will a number of alternatives are available. The initial role of executor may be filled by 2 or more people; for example if 3 people are nominated as your executor and 1 has died the remaining 2 can carry on.

Perhaps you do not wish to appoint someone else alongside your spouse to administer your estate upon your death, what then?

You may appoint any number of substitutes to the role of executor. For example you may appoint your spouse as your executor but in the event they fail to survive you then you wish to appoint your friend/neighbour/accountant/solicitor as your executor.

There are some important drafting tips when considering a substitute clause and lawyers advice is essential.

If, however, you die and your chosen executor has died before you (and let's assume that no substitute or alternative executor has been nominated in your Will) then your estate will need an administrator (similar to the situation you would encounter if you had no Will at all).

The risks however, are that the South Australian State Parliament have set out, in priority, who will be your administrator. This may of course not be who you would have chosen and may not even be a family member with the Public Trustee often being appointed. Alternatively, you may be happy with someone, anyone, administering your estate but in certain cases the costs and delay created by there being no executor will disrupt the administration of your estate and the ultimate benefit received by your beneficiaries.

The moral of this blog is to seek experienced advice from a solicitor who practices in estate planning, when drafting your [Will](#).

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*Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to South Australian legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.*