

When might a conflict of interest arise between an Executor and a beneficiary?



Executor disputes are increasing. One common scenario which can lead to a dispute with beneficiaries is where an Executor's personal interests are inconsistent with the interests of the beneficiaries creating a conflict of interest.

An example of a conflict is where an Executor wishes to purchase a property from the deceased's estate. In this situation, to comply with his duties, an Executor must look out for the interests of the beneficiaries and achieve the best price for them. However, in their personal capacity, they will be interested in acquiring the property at the lowest price. Where there is potential for a conflict of interest to arise, Executors should keep in mind that they are expected to show the highest standards of conduct and are not permitted to derive any unauthorised personal advantage from their position.

It is important to note that an Executor will not be in a position of conflict merely because they are they are entitled to a share of the Estate under the Will. An Executor who fails to act in accordance with his duties can be held personally liable for losses sustained by the beneficiaries and may be removed from his position by the Court.

How we can help

If you would like to discuss your particular circumstances in more detail, please contact Philip Youdan at philip.youdan@cripps.co.uk.



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