So You Are the Executor: A Personal Representative's Guide to a Cross-Border Estate

A practical guide for the person named to administer an estate that crosses borders: what you have actually taken on, including your personal liability; the first month, in which nothing should move; the clocks running in two countries and why the banks freeze everything; the estate's two major tax regimes; what the beneficiaries must file themselves; paying taxes in two countries without paying twice; and a list of best practices.

Someone you loved, or someone who trusted you, has died — and named you to settle their affairs. If everything they owned sat in one country, this would already be a serious undertaking. But the estate you have accepted crosses borders: an apartment in Munich and a brokerage account in New York, or a Florida condominium and a French bank account, heirs on two continents, and advisers who have never spoken to one another. This guide is written for you, not for your lawyers, in plain language: what the role actually requires, where the danger to you personally lies, what happens in which order, and the small set of rules that reliably carry a first-time executor through a two-country estate.

Two reassurances before anything else. First: you are not expected to know the law. No one is. This series exists because no single professional commands both countries' systems, let alone a family member doing this once. Your job is not to know; it is to run a process, making sure that every task has an owner, every deadline is on one calendar, and nothing irreversible happens before the advisers have cleared it. Executors get into trouble not by lacking expertise but by acting quickly in the wrong places: wiring money to an heir before taxes were secured, shipping a painting across a border, signing a form in a language they did not read. Second: the frustrations ahead (frozen accounts, months of waiting for a tax certificate, requests for the same document apostilled a third time) are normal. They are the system working, not failing, and this guide will tell you which waits are unavoidable so you can spend your energy on the ones that are not.

One warning belongs in the opening, because everything else in this guide depends on it: in the United States, the executor who distributes estate assets before the government's taxes are paid can become personally liable for those taxes, out of your own pocket, to the extent of what you paid out. Other countries have parallel rules, and the practical rule they add up to is the golden thread of this guide: nothing leaves the estate (no wires, no shipments, no 'advances' to impatient heirs) until the advisers confirm the taxes in both countries are paid or provided for. An executor who holds that one line almost cannot be seriously hurt. Everything else is logistics.

The essentials. (1) Your one inviolable rule: distribute nothing (money, property, objects) until your advisers confirm in writing that both countries' taxes are paid or reserved for; the U.S. can collect unpaid estate taxes from an executor personally, up to what was paid out too early.

(2) You may already have U.S. duties without any court appointment: American tax law treats whoever holds the assets as the 'executor' for its filings; the nine-month U.S. estate-tax clock runs from the day of death, not from your appointment.

(3) The first month is about control, not speed: secure and insure everything, freeze all movements, order death certificates and certified translations in bulk, write to every bank for its requirements in writing, get the estate its U.S. tax number, assemble the advisers, and build one calendar of every deadline in both countries, each with a named owner.

(4) The foreign clocks often run faster than the American ones: a French estate declaration is due at six months, German notices within three, and a German heir who wants to refuse an inheritance may have as little as six weeks, while the U.S. return is due at nine months and the IRS 'transfer certificate' that unfreezes American accounts arrives many months after that. The freeze is normal; plan around it.

(5) The estate leads two tax lives at once: the estate tax on what the person left, and income tax on what the assets earn during the administration. Paying foreign heirs triggers a third machine: U.S. withholding, tax forms from every foreign beneficiary before any wire goes out, and information slips they will need for their own tax credits at home.

(6) The beneficiaries have their own filings: a U.S. heir receiving over $100,000 from a foreign estate must report it to the IRS on a separate form, due at the same time as his or her own tax return. Warning them is your job in practice, because the penalty for their silence is theirs but the blame will be yours.

(7) Two countries will tax; credits prevent doubling, but only if choreographed: file the fast country on provisional numbers, correct it when the slow country's final assessments arrive, and never let one country's filing become final while the other is still open, without advice.

(8) Expect eighteen to thirty months, keep a reserve until the very end, get signed receipts and releases from every beneficiary, and keep every document: you are building the file your own protection will one day consist of.

Part I. What you have actually taken on

The titles vary (executor, personal representative, administrator, Testamentsvollstrecker, or simply the heir whom the family trusts), but the substance is the same: you are the person responsible for gathering everything the deceased owned, paying what the estate owes, and delivering what remains to the people entitled to it, in the right order, with proof at every step. In a cross-border estate that responsibility has a shape worth understanding on day one. You will be dealing with two legal systems that do not know each other: the country where the deceased lived runs the main proceeding, and each country where assets sit runs its own process for those assets (an American court proceeding for the Florida condominium, a German Erbschein for the Munich accounts), and neither system waits for, or even acknowledges, the other. You will hold two kinds of power: real, court-issued authority where you are formally appointed, and practical authority elsewhere, exercised through documents, patience, and the advisers' choreography. And you carry two kinds of exposure: to the beneficiaries, who can hold you to account for waste, favoritism, or delay; and to the tax authorities. They are the sharp edge described in the introduction, and the reason the word 'reserve' will appear in this guide so often.

One American peculiarity deserves its own paragraph, because it surprises every European family. U.S. tax law does not wait for a court to appoint anyone: if no executor is formally appointed in the United States, then whoever actually holds or controls the deceased's American assets (the foreign executor, the widow, the heirs collectively) is the 'executor' as far as the IRS is concerned, responsible for the American tax return and its nine-month deadline, which runs from the date of death, not from anyone's appointment. Families who spend a year on the German or French proceeding before 'getting to' America discover the American clock expired months earlier. The practical consequence is simple: the U.S. advisers are engaged in the first weeks, not after the home country's process concludes, even if the American assets seem small, and even if no one has yet decided who will formally serve.

Part II. The first month: control, not speed

Nothing in the first month is about distributing anything; all of it is about control. Secure the assets: confirm where everything is (accounts, properties, safe-deposit boxes, valuables), check that insurance continues and converts to estate coverage, and change locks or custody where prudent. Freeze all movements: no transfers, no shipments of furniture or art across borders, no 'lending' the car to a nephew. An earlier guide in this series explains how a single well-meaning family shipment can create a tax, destroy an exemption, or violate an export law in one afternoon, irreversibly. If a family member has keys and opinions, the freeze is your first hard conversation; have it early. Order paper in bulk: a dozen death certificates, with apostilles (the international certification stamp) and certified translations. Every institution will want one, re-ordering costs two weeks each time, and this small purchase is the cheapest acceleration available. Write to every institution: a short letter to each bank, broker, and property manager, asking in writing what they require to release or retitle the assets. Their answers, not the law books, determine which court proceedings the estate actually needs. Get the estate its identity: a U.S. tax number (EIN) for the estate, filed notices of your role, and an organized file (originals, copies, translations) that will grow for two years.

And build the calendar, the single most protective object you will create. One list of every deadline in both countries: the tax filings, the court dates, the elective windows that close early (in some situations an heir can formally refuse an inheritance or redirect it with major tax advantages, but those windows close within weeks or months of death and cannot be reopened; ask the advisers about them in the first meeting, not the sixth). Every line on the calendar gets a named owner (a specific adviser, or you), because the claims that ruin administrations are almost never exotic: they are the deadline each country's adviser assumed the other was watching. If you take a single management habit from this guide: at every adviser meeting, the last agenda item is the calendar, read aloud, owner by owner.

Part III. The timelines, and why the banks freeze the accounts

The rhythm of a cross-border estate is set by clocks that were designed by different countries for different purposes, and knowing them turns anxiety into planning. The foreign clocks are often fastest: in France, the estate declaration is due six months after a death in France (twelve months where the death occurred abroad), with interest running thereafter; in Germany, the tax office must be notified within three months, and an heir who wants to refuse the inheritance (because of debts, or for planning reasons) may have as little as six weeks. The American clocks are slower but heavier: the U.S. estate tax return is due nine months after death (a six-month filing extension exists, but the payment is still due at nine months), and after the return is filed, the IRS takes months, often the better part of a year, to issue the transfer certificate, the clearance document every American bank and broker demands before releasing a dead foreigner's accounts to anyone. There is no way to meaningfully rush it; there are only ways to avoid restarting it: filing early, filing complete, and requesting certificates for every institution's assets in one pass.

Which explains the experience that most upsets families: the freeze. Within days of learning of the death, the American institutions will lock the accounts: no trades, no withdrawals, sometimes for a year or more, while heirs read headlines about markets moving. Understand what is happening: the bank is personally liable if it hands assets to the wrong person or before the taxes are secured, so the freeze is the system protecting the estate (and you) from irreversible mistakes, not bureaucratic malice. Your management of it is threefold. Liquidity: identify early which money the household and the estate's bills will actually need, and let the advisers use the procedures that exist for exactly that (courts and the IRS can authorize necessary payments). Expectations: tell the beneficiaries in the first month, in writing, that eighteen to thirty months is the normal span of a well-run two-country estate, so silence never reads as mismanagement. Sequence: since everything American queues behind the tax return and its certificate, the worldwide inventory and valuations that feed the return are the true critical path, and every week they slip moves the entire estate's end date.

When	What happens	What you do
Weeks 1–4	Secure, freeze, and inventory; death certificates and translations ordered; letters to every institution; estate tax number; advisers engaged in both countries.	Distribute nothing; build the one calendar with named owners; ask about early elective windows (refusals, disclaimers) before they close.
Months 1–6	Home-country proceeding runs (grant, Erbschein, notarial file); U.S. court proceeding opened if real estate requires it; fast foreign tax filings made on provisional numbers.	Feed the advisers documents and decisions promptly; keep beneficiaries informed in writing; do not let the U.S. wait for the home country to finish.

When	What happens	What you do
Month 9	The U.S. estate tax return is due, filed with treaty positions, worldwide values, and certificate requests for every institution; payment (or its treaty answer) is due now even if filing is extended.	Ensure liquidity for the tax was planned months earlier; sign nothing you have not had explained in your language.
Months 9–18	The IRS reviews; the transfer certificate arrives; accounts unfreeze and are collected; property is sold or retitled (with withholding at closings); local bills and claims are paid.	Maintain the reserve; collect the beneficiaries' tax forms (W-8s) before any cross-border payment; warn U.S. heirs about their own $100,000+ reporting.
Months 12–30	Both countries' taxes are reconciled: credits claimed, provisional filings corrected on final numbers; distributions are made; receipts and releases signed; accounts closed.	Distribute only against signed releases; hold the reserve until the final clearances; archive the complete file: it is your protection.

Part IV. The estate's two tax lives

It helps to understand that you are running two different tax stories at once, because different professionals will handle them and you are the only person in every meeting. The first is the estate tax, the tax on what the person left, computed once, on the values at death: this is the nine-month return, the treaty questions, the transfer certificate, and (in the states that levy their own death taxes) a separate state return on its own schedule. The second is income tax during the administration: from the day of death until the final distribution, the estate itself is a taxpayer. The dividends, interest, and rents its assets earn, and the gains on anything sold, are reported on the estate's own annual returns in each relevant country, with real planning choices (which tax year the estate uses, when distributions are timed) that the advisers will make but you will sign.

The second life has a wrinkle that catches nearly every cross-border executor: paying the heirs is itself a tax event. When an American estate (or the American side of one) distributes to beneficiaries who live abroad, U.S. law may require the estate, meaning you, to withhold tax from the payment, at rates set by law or reduced by treaty, and to file the withholding forms the following spring. The mechanics are the advisers' problem; the discipline is yours: before any money crosses a border, every foreign beneficiary completes the U.S. tax form (the W-8 family) that establishes who they are and what treaty protects them. No form, no wire, no exceptions, however impatient the beneficiary. And after the year closes, each of them receives the information slip showing what was withheld, which they will need to claim credit in their own country. A beneficiary who pushes you to skip this machinery is asking you to assume their tax risk personally; the guide's answer is no.

Part V. What the beneficiaries must do themselves

Some filings belong to the heirs rather than to you, but an executor who stays silent about them inherits the resentment when penalties arrive, so treat beneficiary education as part of the job. The big American one: a U.S. citizen or resident who receives more than $100,000 in inheritances from a foreign estate must report the receipt on a separate form (Form 3520), due at the same time as his or her own income tax return. It is a disclosure, not a tax, but the penalties for not filing are severe and mechanical, and the heir who 'didn't know' will say no one told her. A one-page memo from the estate's advisers to each beneficiary (what you will receive, what your own country will want from you, which slips to keep for your accountant) costs little and prevents the most common after-the-fact grief. Two further habits protect everyone. Geography of handovers: as earlier guides in this series explain, where a thing is handed over can decide its tax treatment (jewelry and art especially), so physical objects move only per the advisers' instructions, never as souvenirs from a visit. And paper for the future: heirs receive, with their distribution, the valuation records establishing what the assets were worth at death (the basis on which their own future sales will be taxed), because the appraisal that is easy to copy today is unfindable in fifteen years.

Part VI. Two countries will tax; pay once, not twice

Both countries will likely assert taxes: the home country on the worldwide estate, the United States on the American assets (softened, often dramatically, by a treaty). The system's answer to double taxation is credits: one country counts the tax genuinely paid to the other. But credits are claimed, not automatic, and they run on documents with mismatched timing: the fast country's declaration is due before the slow country's numbers exist. The choreography your advisers will run (and you should recognize) goes like this: file the fast country on provisional values, flag it as provisional; obtain the slow country's final assessment and proof of payment; then correct the fast country's filing and claim the credit with the final documents attached. Your role has two parts. Never let one country's filing become final while the other is still open without the advisers confirming the credit is preserved. Bureaucratic momentum, not law, is how estates end up paying twice. And keep the reserve: because assessments can be corrected and questions can arrive for years, a disciplined executor holds back a cushion, sized by the advisers, until the final clearances from both countries, distributing the rest and the reserve last. The heirs will grumble at the holdback; they would litigate the alternative.

Part VII. An executor's rules of thumb

1. **Distribute nothing until taxes are secured.** The one rule that protects you personally: no wires, no shipments, no advances until the advisers confirm in writing that both countries' taxes are paid or reserved.
2. **Run one calendar with named owners.** Every deadline in both countries on a single list, each owned by a named person, read aloud at the end of every adviser meeting.

3. **Start the American side immediately.** The nine-month U.S. clock runs from death, not from appointment, and the transfer certificate behind it is the longest wait in the whole estate.
4. **Ask about the closing windows in the first meeting.** Refusals and disclaimers that can fix a flawed plan expire within weeks or months of death; by the time they come up naturally, they are gone.
5. **No form, no wire.** Every foreign beneficiary completes the U.S. tax forms before any payment crosses a border; every recipient gets the withholding slips for their own tax credit at home.

1. **Warn the heirs about their own filings.** The $100,000 reporting for U.S. heirs of foreign estates, the local receipts taxation, the valuation records to keep: a one-page memo per beneficiary, from the advisers, early.
2. **Sign only what has been explained in your language.** You are entitled to a translation and an explanation of every document; the signature is yours, and so is the liability that rides on it.
3. **Keep the reserve, get the releases, archive everything.** A holdback until final clearances, signed receipts and releases with every distribution, and a complete file (inventory, appraisals, returns, correspondence) kept for the long term. That file is your defense, and you build it now or never.

Conclusion

Somewhere in the second year, this ends well: the certificate arrived, the accounts were collected, both countries were paid exactly once, the heirs signed their receipts, and the reserve, finally, went out last, with a letter closing the estate. Between here and there lies less drama than you fear and more paperwork than you imagine. The role you have accepted is, at bottom, a stewardship of sequence: secure first, inventory second, file third, collect fourth, reconcile fifth, distribute last; and at every step, the discipline of the named owner, the written confirmation, and the reserve. You will not master two countries' tax law, and you do not need to; you need advisers who own their pieces in writing, beneficiaries who hear from you before they wonder, and one calendar that nothing escapes. The person who named you chose someone they trusted to hold a line under pressure from people they loved. Hold the line about distributions, hold the calendar, keep the file, and you will hand over, at the end, not just the assets but the thing a good administration actually produces: a family with nothing left to argue about.

Contact

If you have been named executor, personal representative, or Testamentsvollstrecker of an estate with assets in the United States and another country, or if you are the family member who has simply ended up holding the process, the road is manageable, but it runs on clocks and clearances that reward early, coordinated help. **Ashford International Law PC guides personal representatives through cross-border administrations end to end**: the first-month canvass and calendar, the U.S. court and tax filings, the transfer certificate, the withholding machinery for foreign beneficiaries, coordination with the estate's notaries and advisers abroad, and the credit choreography that ensures the estate pays each country once.

The firm serves as U.S. counsel, as coordinating counsel across borders, or simply as the adviser who owns the American deadlines in writing.

The firm is led by attorney **Caroline Ashford, PhD, JD**. A graduate of Columbia University Law School, her practice focuses on international estate planning and the cross-border taxation and administration of estates and trusts. Dr. Ashford has also been licensed to practice law in Germany since 2009, and advises in French and German as well as English.

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This guide is intended for general educational purposes and does not constitute legal or tax advice, nor does it create an attorney–client relationship. The matters described here include the duties and personal liability of executors and personal representatives (including under 31 U.S.C. §3713 and the tax law's definition of executor); U.S. estate and income tax returns, deadlines, extensions, transfer certificates, withholding on distributions to foreign beneficiaries, and beneficiary reporting (including Form 3520); foreign proceedings, declarations, notices, and renunciation deadlines, which vary by country; treaty relief and foreign tax credits and their timing; and state-level taxes and procedures. All of them depend on the specific facts, countries, and states concerned and the law in effect at the relevant time, and deadlines and procedures change. The deadlines stated are approximate and illustrative. Nothing here is advice on any particular estate. If you serve or expect to serve as a personal representative, please obtain advice from qualified counsel in each relevant country promptly: the earliest weeks matter most.

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