

## **PARTIAL POST MORTEM CHECKLIST**

After someone passes on, the Trustee and/or the Executor, is authorized and empowered to carry out all duties and responsibilities to wind up the decedent's affairs and thereafter distribute assets. Be prepared to demonstrate to third parties with whom you deal that you are in fact authorized and empowered to act.

The following checklist is a guide to help you in the first few weeks of administration. Please note, this is a guide only. It covers most but not all of the more common tasks Trustees and/or Executors must complete. Some of these tasks will apply to your situation and others will not. For example, many of these tasks occur only after the surviving spouse passes on, but not before that event. Please feel free to contact me with questions.

### **GENERAL GUIDE**

- Arrange the funeral.
- Review the Will and Trust. Determine if a probate estate needs to be filed. For example, if there was a trust but it was not funded. You can use a Small Estate Affidavit in lieu of probate if the decedent has \$100,000 or less in "probatable" assets.
- Determine if a federal estate tax or a State inheritance tax must be paid.
- File the original Will with the Probate Court. Any person in possession of the decedent's Will must file it with the Probate Court within 30 days of the decedent's death. Failing to do so is a felony.
- Transfer all jointly held property to the joint owner.
- Distribute all Payable on Death (POD) accounts and Transfer on Death (TOD) accounts.
- Obtain an EIN number from the IRS for all trusts and estates as soon as possible after the decedent's death.
- Remove valuables from the residence and store safely.
- Consider changing locks on any property not occupied by the spouse or a primary beneficiary.
- Determine immediate cash needs for any beneficiary; identify accounts where cash is immediately available; determine if any immediate expense must be paid.
- Cancel credit cards, charge accounts, and magazine subscriptions and ask for refunds, if possible.
- If you have personal access to a safe deposit box with the decedent do not remove contents; the box should be inventoried in the presence of a bank officer and only then should contents be removed.
- Gather personal records, including checkbooks and statements for at least three years; obtain copies of income tax returns for last three years.
- Contact individuals who owe money to the decedent and arrange for continued collection.

- Gather all life and accident insurance policies; do not forget to check travel clubs, alumni associations, credit cards companies, trade associations and any organization that might make life insurance available to its members. Notify all insurance carriers of the death.
- Contact Social Security and VA if applicable.
- Hold any Social Security received after date of death.
- Make certain that property and casualty insurance coverage continues on personal effects, automobiles, real estate, and any goods in storage.
- Check for Fire insurance on dwelling (does it cover if dwelling vacant?)
- Employment of domestic help, security guards, or any other type of assistance that might be required for dependent or beneficiary.
- Prepare and distribute to beneficiaries the final trust accounting.

## **GUIDE FOR PROBABLE ESTATES**

### **1. Open a Checking Account**

You should open a checking account in the name of the estate. You should take copies of the letters of office and death certificate with you. You will also need to provide the bank with the employer identification number (EIN) of the estate, which is. You will sign checks as [executor] [administrator].

### **2. Keep Good Records**

The record of each receipt and payment will be used in an accounting. You need to keep detailed records about each check written and amounts received. List each item separately.

### **3. Receipts**

- a. All receipts should be deposited into the estate checking account.
- b. Excess cash in the checking account should be invested in an interest-bearing account or investment.
- c. Checks in the decedent's name should be reissued in the name of the estate. Some checks such as social security or pension checks may need to be returned.

### **4. Payment of Debts and Claims**

- a. Debts and expenses will be paid from the estate checking account.
- b. You may pay small routine bills after letters of office have been issued to you by the court and the estate checking account is established.
- c. Creditors of the estate have six months to file claims. If there is a question as to whether all creditors will be paid, then it is improper to pay claims before the expiration of the claims period.

### **5. Distribution to Heirs and Legatees**

- a. Personal property should be distributed according to the terms of the Will. Personal property not specifically disposed of by the Will may be sold.
- b. Distribution of estate assets other than personal property to heirs or legatees should be made only after consultation with your attorney.
- c. Life insurance proceeds may be paid to the designated beneficiary.

## 6. Information Gathering

You will need to gather a complete list of the assets owned by the decedent, any trusts established by the decedent or in which the decedent had any interest or involvement, and any life insurance owned by the decedent or insuring the decedent's life.

**Documents to be gathered Include:** Original Will, Original Trust(s), Deeds and other documents assigning assets to the trust, Vehicle titles; Most recent title insurance policies for real estate, Insurance policies (life, house, vehicle, etc.), Certified copy of Death Certificate; Any business agreements, leases, promissory notes, etc.; the most recent property tax statements on real estate, any appraisals on real estate that have been completed in recent years; Statements for bank accounts, investment accounts, and like assets; Mortgage statements; Tax returns, if any have been filed; **Personal checkbook(s), and any outstanding bills that arrive.**

## 7. Estate Management

- a. Utilities that are no longer needed, such as phone and cable television, should be disconnected. Ask for a refund of any deposit and keep a record of any refunds.
- b. A change of address for the decedent should be filed with the post office listing your address.
- c. Insurance should be obtained to protect the assets of the estate. Automobiles owned by the estate should not be driven unless insurance coverage is available.
- d. Unneeded insurance policies should be cancelled and refunds of earned premiums should be obtained.
- e. Sometimes a beneficiary will disclaim (refuse to accept) assets from the estate for tax reasons. Disclaimers must be made within nine months of the date of death and before the beneficiary has accepted any of the benefits of ownership of the assets.

## 8. Financial Management

- a. You will need to determine whether the estate's investments should be liquidated. An executor or administrator may be liable for any decrease in value of the investments unless the Will permits the investments to be held.
- b. The decedent's credit cards and debit cards should be destroyed and the accounts closed.

c. You should notify all banks and investment firms of the change of the decedent's mailing address to your address.

d. Social Security may provide a burial benefit. Many funeral homes will help you apply for this benefit. Otherwise, you may contact the Social Security Office to obtain the necessary forms. You may receive the payment from Social Security upon proof of payment or you may direct that the benefit be paid to the funeral home.

#### 9. Income Tax Returns

a. Final federal and state income tax returns will need to be filed for the period from January 1 of the year of the decedent's death until the date of the decedent's death. The due dates for the returns are April 15 of the year following the year of the decedent's death; normally joint, with surviving spouse.

b. Fiduciary income tax returns (IRS Form 1041) will need to be filed for income received after death.

#### 10. Estate Tax Returns

a. A federal estate tax return will be required to be filed within nine months after the date of death. An automatic six-month extension is available if requested during the nine-month period, but any estate tax due must be paid within the nine-month period. The State of Illinois also has an estate tax return with the same deadline.

b. The personal property (everything that is not considered real estate) might need to be appraised.

c. An IRS Form 712 should be obtained for each life insurance policy insuring the life of the decedent, or owned by the decedent insuring someone else's life.

Cordially,

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Attorney & Counselor at Law