

## What to do when a Loved One Dies

### Tasks to be completed immediately:

- Arrange for care of decedent's incapacitated spouse or dependent children.
- If decedent had a pet, make sure this animal is placed with someone who can feed, water, and comfort it, and arrange for its veterinary care.
- Locate decedent's address book:
  - Notify family and friends.
  - Notify home health care aides and other caregivers.
- Make funeral arrangements:
  - Was decedent affiliated with a church, synagogue, or temple?
  - Did the decedent have a prepaid burial or cremation plan?
  - Did he or she purchase a cemetery plot?
  - Did he or she leave instructions re disposal of cremated remains?
  - If decedent was a widow or widower, are the deceased spouse's cremated remains still in the house?
- Prepare an obituary notice.
- Apply for a death certificate. The funeral home may be able to assist you.

- Ask for multiple copies; you will need them to probate the will, to collect on insurance policies, and to close accounts.
- Because of long processing times for duplicates, it is better to have more copies than fewer.
- Secure decedent's home:
  - Does decedent have a roommate or tenant?
  - Delegate someone to pick up the mail.
  - Cancel newspaper delivery.
  - Cancel cable or satellite television service; arrange for return of cable box.
  - Consider having locks changed, especially if there have been caretakers, neighbors, repairmen in and out of the home recently.
  - If necessary, hire someone to mow the lawn, shovel the walk, clean the pool, or otherwise attend to landscaping. If there are existing contracts for these services, make sure responsibility for them is transferred to the Personal Representative.
  - Identify whether there are hazardous or dangerous objects or conditions in decedent's home: handguns, swimming pool, vermin infestation, leaking pipes, leaking roof, overhanging branches, etc.
  - Secure valuable items, but do not begin emptying the home of personal items until the will has been located and a Personal Representative has been identified.
- Clean decedent's home:
  - Empty the refrigerator, freezer, and cupboards of perishable food.
  - Make sure dishes are cleaned and put away.
  - Dispose of unused prescription medicines safely – do not flush them down the toilet.

- Empty the washing machine and dryer, disconnect the hoses to the washing machine.
  - Remove household garbage.
  - Consider putting some indoor lights on a timer or outside lights on a motion sensor.
  - Make sure the house has a general air of being well-kept.
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- Develop a log, spreadsheet, or other system for recording your expenses and your time spent on these and other tasks associated with the decedent's estate.
    - Keep detailed records of what you do and what you spend. Even if you do not intend to seek payment later, this information is much easier to document in real time than it is to recreate.

#### **Tasks to be completed in the short term**

- Ask the Post Office to redirect the decedent's mail. You may not be able to do this until a Personal Representative has been appointed.
- If decedent has a surviving spouse or dependent children, evaluate those individuals' cash needs for the next three months.
- Prepare a list of decedent's creditors and outstanding balances.
  - Some credit card companies will not terminate an account without having a copy of the death certificate. In the mean time, ask the credit card companies to place a freeze on credit cards, to prevent their unauthorized use.
    - Cut up the credit cards. No one can use them after decedent's death, not even to pay for funeral arrangements.
- Do not make any arrangements to repay outstanding debts until a Personal Representative has been appointed.
- Decedent's debts are to be paid out of the estate, and only to the

extent that there are funds available to do so. Friends and family members are not personally liable for the decedent's debts, unless they are a co-signer on the debt. Collection agencies may call you to request contact information concerning the Personal Representative. They must stop calling you, if you tell them to stop.

- Notify the following of decedent's death:
  - Social Security Administration. (If decedent died in a hospital, the hospital may already have made this notification).
  - Department of Veterans' Affairs.
  - Medical Insurance Companies.
  - Life Insurance Companies (you will need a death certificate to collect on life insurance policies).
  - Retirement Plan Administrator and Pension Administrator.
  - Decedent's employer.
  - Decedent's insurance agent.
- Locate the decedent's last will and testament, and read it:
  - Determine who is the Personal Representative of the decedent's estate.
  - Is the person nominated as Personal Representative able and willing to serve in that capacity?
  - If no, does the will nominate an alternate?
  - The likely Personal Representative should contact an attorney to schedule an appointment to discuss probating the estate.
- Look for information about the safe deposit box's location – and the key – among the decedent's personal papers.
  - Arrange for a visit to the safe deposit box:

- Have at least two people present when the box is opened.
  - Prepare a list of contents, and have all those present sign the list.
  - Remove assets that will be sold at once.
  - Remove life insurance policies, will and trust.
  - Replace everything else.
  - If you anticipate a will contest, conflict of interest among family members, beneficiaries, and the Personal Representative, or any other problems, do not open the box without an attorney present.
- Begin to assemble a list of bank accounts, brokerage accounts, retirement accounts, life insurance policies, and other assets:
    - Search for deeds to real estate, titles to automobiles, boats, and recreational vehicles.
    - If decedent had oil and gas leases, mineral rights, royalties, or copyrights to intellectual property, identify those assets, where they are located, and how they are maintained.
  - If decedent was renting or leasing living quarters, locate and review a copy of the lease. Likewise, if decedent was living in a continuing care community or assisted living facility, locate and review the admission contract.
    - If decedent has a surviving spouse, determine whether he or she can remain in the unit. Some assisted living facilities and continuing care communities require a widowed spouse to relocate to smaller quarters within the community.
    - Make sure you understand what terminating the lease entails – the kind of notice you must give to the landlord or leasing office, and what monetary penalties may apply.
    - Arrange for a thorough cleaning of the apartment. Remove personal items and furnishings and place them in storage.

- Request a final walk-through with the landlord or leasing agent, so that you can challenge any assessment for damages or cleaning fees.
- Determine whether decedent was entitled to the return of a security deposit or other funds.
- If decedent was employed at the time of his or her death, contact the employer to enquire about employment benefits:
  - Accrued vacation pay.
  - Employer-provided death benefit.
  - Final paycheck.
  - Information concerning Individual Retirement Accounts and Retirement plan death benefits.
  - Outstanding medical reimbursements (like a flexible savings account).
  - Deferred compensation.

### **Tasks to be completed in the longer term**

- Check to see whether decedent is current or delinquent in filing income tax returns.
  - If decedent employed a CPA or tax preparer, schedule an appointment with that person. Make sure you understand the tax returns that must be filed, and what the deadlines are.
  - An income tax return must be completed for the period from January 1<sup>st</sup> until the date of death.
  - An estate tax return (Form 706) must be filed within a requisite period after the decedent's death
- Confirm the status of the following:
  - Are property taxes and assessments (condo fees, homeowner's

association fees, etc.) current?

- Are insurance policies (home, fire) current?

### **Tasks associated with probate**

- Locate last will and testament and trust, confirm that these are the most recent documents, and have them admitted to probate.
- File petition for probate and appointment of the Personal Representative.
- Locate and identify financial assets: bank accounts, brokerage accounts, retirement accounts, life insurance policies, annuities, etc.
  - Determine whether these assets are jointly owned, have been made "transferable on death" to another person or persons, or whether they have beneficiary designations.
  - Determine whether assets are titled to the trust, or should be transferred into trust.
  - Establish a value for each asset.
  - Arrange for the collection of these assets, either by the designated beneficiaries, or by the Personal Representative.
- Confirm title to real estate:
  - If real estate is held in joint tenancy with right of survivorship, arrange for transfer to surviving tenant(s).
  - If property was subject to a Beneficiary Deed (for Arizona real estate), arrange for transfer to Beneficiary (ies).
  - Arrange for management of property while probate is pending.
- Prepare decedent's home for sale:
  - Hire listing agent.
  - Arrange for cleaning, landscaping, and repairs, as needed.

- Remove furniture and home furnishings from the home, if this has not already been done.
- Did the decedent own a business at the time of his or her death?
  - Locate succession plan, if any.
  - Locate business records, including Articles of Incorporation, stock certificates, and tax records.
  - If decedent employed an attorney or an accountant to assist with the creation or operation of the business, schedule an appointment with this person.
  - Determine whether business taxes are current or owing.
  - Determine whether corporate filings are up to date.
  - Determine whether the business will be sold, or continued.
  - Establish a value for the business.
- Beneficiaries and survivors must evaluate whether they want to disclaim their inheritances, and what the consequences of disclaimer are. There is a 9 month time limit for making this election.