

Getting Organized

The purpose of this chapter is to discuss what needs to be done soon, but not necessarily immediately after a death.

Going Into the Home

A distinction should be made between things a friend, neighbor or relative might do to be helpful and things which need to be done by the personal representative in an official capacity. When a personal representative (or executor) is appointed by the court, that person assumes an official capacity to manage the estate. One of the first steps taken by the personal representative will be to locate documents.

There will be necessary actions such as care of pets and plants which should be done by anyone who is willing to help. It is appropriate to pick up mail, newspapers, milk, etc. and inform the deliverers of the person's death. Mail should be given to the personal representative as soon as possible. It may be appropriate for someone to go into the deceased's home and look for address books or telephone directories so the relatives can be contacted.

When entering the deceased's home, try not to remove items. Keep a written list of any items that you feel have to be removed, indicate on the list where these items have been placed. This list should be turned over to the personal representative at the earliest possible time. If you find important papers in your search for phone numbers and addresses, make note of what papers you found and where you found them. Do not remove any important papers. Make sure the residence is securely locked when you leave.

What to Look For

The following are items which you should locate and place in a safe location:

Final Instructions of the Deceased

Often, the deceased will leave instructions for his or her estate. These instructions tell where other documents may be located. This could be a letter (often sealed) or a more formal document.

Will

Locate a signed copy of the will. An unsigned copy may be used to determine the law firm which may have a signed copy. If the executor named in the will is available, deliver the will to the executor. The will should be read immediately as it may give the deceased's preference for funeral arrangements or organ/tissue donation.

Trust Documents

These may be trust instruments in which the deceased is either named as a beneficiary or a trustee.

Insurance Policies

Life, health, medical, property and casualty. More information will be further discussed in the article regarding life insurance benefits.

Deeds and Titles

Property deeds, mortgage documents and other loan agreements, vehicle registration and title, stock and bond certificates, membership certificates, property appraisals and property tax statements.

Personal Documents

Social security card or social security number, birth certificates of all family members, marriage license, prenuptial and other marital property agreements, military discharge papers, divorce papers, citizenship papers, adoption papers for children.

Occasionally some of this information is recorded in the family religious book.

Financial Documents

Business financial statements and business agreements, bank account numbers and bank certificates, canceled check and bank card statements, income tax returns (up to six years), and gift tax returns (all years).

Unpaid bills

When looking through personal papers and records, be very careful not to destroy or lose papers that may seem unimportant initially. Often, seemingly unimportant information may be used to find other very important information.

Who to Contact

The following are people to contact in order to start working on the financial affairs of the deceased. Some may be contacted by friends or family (F/F) while others should be contacted by the personal representative (PR).

The attorney who wrote the deceased's will or represented the deceased, or an attorney experienced in probating estates. (F/F) (PR)

Any person holding the deceased's power of attorney. (F/F)
(PR)

The deceased's tax preparer or certified public accountant.
(PR)

The trustee of any trust in which the deceased was a beneficiary.
This should include pension, IRA, or other retirement plan trustees.
(PR)

The deceased's bank. Ask about accounts you are aware of as well
as additional accounts and certificates that you may not be aware
of, including joint accounts and safe deposit boxes. Also inquire
with the bank if any accounts including mortgages carried life
insurance to pay off balances. (PR)

The successor trustee or co-trustee of any trusts of which the
deceased was a trustee. (PR)

The personnel department of the deceased's employer. Remember
to inquire about sick leave pay, vacation pay, and other wages as
well as any death benefits from life insurance or retirement plans.
(F/F) (PR)

The Social Security office should be contacted. When speaking
with the Social Security Administration, have the deceased's Social
Security number as well as those of any spouse or dependents of
the deceased. You may need birth certificates, marriage licenses,
self-employment tax returns (if appropriate), and a recent Form W-
2. (F/F)

Contact any known insurance agents used by the deceased,
including life, medical, disability, automobile, homeowners, etc.
Request claim forms for any benefits which are due. Request
termination of coverage that are no longer needed and return of any
unearned premiums. (F/F) (PR)

If the deceased was a veteran, contact the Veterans Administration.
(F/F) (PR)

Contact all credit card companies. Those cards issued in the deceased's name alone should be canceled immediately. Any cards issued in joint names may be usable, however, the company will probably wish to discontinue the account and reissue new cards. Remember to ask whether there was credit card insurance which may pay the outstanding balance or perhaps may have an additional life insurance benefit. (PR)

If the deceased worked with any stockbrokers or financial planners, contact them. Request information on stock, bond, and mutual fund account balances. Also inquire in whose name these accounts appear and ask about life insurance death benefits associated with these accounts. (PR)

Contact the state department of motor vehicles to ask for forms needed to change vehicle titles. (PR)

Contact any clubs or business organizations in which the deceased was a member and request refund of unpaid dues. (F/F) (PR)

Contact any magazine, book, tape, cable, or other organization to which the deceased subscribed to cancel subscriptions and accounts. (F/F) (PR)

It is common for things to be overlooked or forgotten. Make a list of who was contacted, when they were contacted and what was discussed.

Bills to Pay and Bills not to Pay

After the deceased's death, all unpaid bills should be collected and given to the personal representative if one is appointed.

Debts of the estate should be paid by the personal representative from an account set up for the estate and not out of a personal checking account.

Mortgages and other loan agreements which are signed by the deceased and his or her spouse are joint debts. Property taxes, household expenses, and credit cards authorized by both spouses are joint debts. Legal and accounting fees from work related to the estate, funeral expenses, doctor and hospital bills are examples of bills of the deceased. The attorney for the estate should be able to help identify which bills belong to whom and to make sure that the proper creditor claim procedures are used.

If there will be no personal representative, the surviving spouse can pay the bills as soon as funds are available. Well meaning friends and relatives should not pay the bills or funeral expenses unless they have obtained assurances that they will be reimbursed. In all cases, review past check registers to be sure the bill has not already been paid.

If in doubt, you will encounter few problems by waiting sixty days while the affairs are getting organized before paying major bills. Certain bills should be paid regularly until the estate is settled: utilities, phone, insurance on home and cars, etc., residential fees, mortgages. Rented medical equipment should be returned for refunds.

Checks, cash, or other payments meant for the deceased should be turned over to the personal representative. The personal representative should deposit these in an account set up in the estate's name.

Scams and Con Artists

Be very careful that bills you pay are legitimate. At the time of a person's death, con artists may appear who may bill you for things that were never ordered. They may pose as city inspectors or other officials requiring you to make expensive repairs to the property. Ask for signed purchase orders. Ask for identification. Check identification through sources other than those provided by the suspected con artist. If you are not sure the person is legitimate, ask them to submit a bill or request in writing to your attorney. Do not allow yourself to get rushed into paying a bill. Take your time to scrutinize all creditors' claims.