

SURVIVOR'S CHECKLIST

The death of a loved one is a trying time that can make the details of settling the estate overwhelming. This checklist will help organize the steps you need to take. Keep in mind that every estate is different and there may be additional issues that are not addressed in this checklist.

STEP ONE. GATHERING INFORMATION. Before contacting the necessary parties to administer the estate, you will need to collect the following information:

1. Order Certified Copies of the Death Certificate. These can be ordered through the funeral home or from the Health Department of the county where the decedent died. Florida has 2 types of death certificates: the "Long Form," which includes the cause of death, and the "Short Form," which does not show the cause of death. Any death certificate filed in the public records of the State of Florida cannot, by law, contain the cause of death. You should order one short form for each county in which the decedent owned real estate and one for filing in the probate proceeding.
2. Full Name of the Decedent.
3. Social Security Number of the Decedent.
4. Locate any Pre-Paid Funeral Arrangements.
5. Locate all Statements and Check Books for any accounts jointly owned by the decedent and a third person.
6. Locate any Burial Instructions or writings related to the decedent's funeral and memorial service preferences.
7. Biographical Information of the Decedent for composing the obituary.
8. Locate the Decedent's Estate Planning Documents. - Last Will and Testament, Revocable Trust or any other type of trust (such as Irrevocable Life Insurance Trust, Charitable Trust or Asset Protection Trust).

STEP TWO. INITIAL CONTACTS.

1. Contact Social Security. You will need to inform them of the death. If monthly benefits were being paid by direct deposit to decedent's bank account, do not remove any funds received for the month of death. Social Security will remove any excess payments. The local Social Security Administration office will usually schedule an appointment with the surviving spouse to determine if he or she is entitled to additional benefits as a result of the death.
2. Contact the Funeral Home and persons conducting the memorial service to make arrangements.
3. Contact Relatives and Close Friends to inform them of the death.
4. Contact Decedent's Attorney for help regarding estate matters.
5. Contact Life Insurance Companies. Determine the beneficiary (some insurance companies will not give any information to anyone unless they are the beneficiary or they have been appointed as personal representative by the probate court), request the forms necessary to apply to receive the death benefits. If there is no living beneficiary or the beneficiary is listed as decedent's estate, distribution of the death benefit will likely require probate.
6. Contact Decedent's Employer or former employer for possible group insurance, pension or other benefits.
7. Contact the Veterans Administration or Civil Service Office of Personnel Management if decedent was a veteran or an active or retired employee of the Civil Service. If the decedent was retired military, also contact the Defense Finance and Accounting Service Casualty Assistance Line to report the death and check for survivor annuity. Surviving Spouse will need to provide a copy of the marriage certificate.

STEP THREE. GATHER INFORMATION REGARDING ESTATE ASSETS AND LIABILITIES.

This is usually undertaken by the personal representative of the decedent's estate or the successor trustee of the decedent's revocable trust, although a substantial portion of this information may be obtained prior to appointment.

1. Obtain Contents of Safe Deposit Box. If the box is titled in joint names, the survivor has an immediate right of access. If only the decedent owned the Safe Deposit Box, an interested party may have to petition the court to gain access. If this is the case, the law will only allow the person to initially remove the Will, a deed to a burial plot or burial instructions, and life insurance policies (may be given to the named beneficiary only). The person granted access may examine the contents of the box and make an inventory.
2. Statements and records of bank accounts (including checkbook).
3. Brokerage Account Statements. You should obtain the most recent statement and the last year-end statement for each account, including IRAs and retirement plans.
4. Deeds, property tax bills and printouts of the County Property Appraiser for any real property the decedent owned. If any of the properties are encumbered by a mortgage, you should obtain a copy of the mortgage and the most recent payment statement or coupon book.
5. Any Stock or Bond Certificates in possession of the decedent.
6. Insurance Policies on the life of the decedent.
7. Automobile Title Certificates or if there is a loan, the vehicle registration.
8. A List of Personal Property and any insurance policies on valuable items such as jewelry or art.
9. Income Tax Returns for the last 3 years.
10. Any Gift Tax Returns (IRS Form 709) filed by the decedent.
11. The most recent credit card statement for each credit card.

12. Any Promissory Notes or other evidence of loans or debts owed by decedent.

13. Medical Bills.

14. Funeral Bill and evidence of payment (receipt or cancelled check).

STEP FOUR. IDENTIFY AND VALUE THE DECEDENT'S ASSETS.

1. You should make a list of all of the decedent's assets and determine their date of death value.
2. You should determine the ownership of each of the assets: Individual, joint tenancy with right of survivorship (or tenancy by the entireties if owned with a spouse), assets owned by the decedent's trust, and assets with designated beneficiaries (life insurance policies, IRAs, annuities, transfer on death, etc.).

STEP FIVE. OPEN ADMINISTRATION PROCEEDINGS.

1. You should retain a probate attorney and file a petition for probate for any property owned solely by the decedent in his or her individual name and without any contractual method of transferring title (such as a beneficiary designation). The type of petition you file will depend on the circumstances of the estate including the total value of the assets in the probate estate, whether the will directs formal administration, and whether there are outstanding debts of the decedent at the time of his or her death.
2. If the decedent had a revocable trust, the successor trustee as named in the trust, must be appointed and obtain authority to manage and administer the assets of the trust. This is usually accomplished by the successor trustee presenting the trust (plus all amendments) to the relevant parties with a written statement that he or she has accepted the appointment of trustee. The first action of a newly appointed successor trustee should be to file a Notice of Trust in the county where the decedent resided or owned property.

STEP SIX. PRESERVE THE ASSETS OF THE ESTATE.

The Personal Representative or Successor Trustee must take action to preserve the value of the assets of the probate or trust estate. Some actions include:

1. Take possession of personal property, stock and bond certificates and real property for safekeeping.
2. Manage the investment of securities, accounts and money to preserve their value.
3. Maintain or obtain insurance on the estate's properties.
4. Pay mortgage payments, property taxes and assessments as they come due.
5. Cancel the decedent's credit cards and lines of credit.
6. File claims for insurance of which the probate estate or trust is a beneficiary.
7. Obtain a federal tax identification number for the probate estate or trust.
8. Open a checking account for the estate (probate or trust).

STEP SEVEN. DISTRIBUTE AND TRANSFER THE ASSETS; CLOSE THE ESTATE

1. Pay the debts of the decedent. The personal representative or trustee is responsible for determining what debts the decedent had at the time of his or her death, verifying the validity of those debts and paying the debts. This process can create liability for the administrator and should be done only with advice from counsel.
2. After the debts are paid, the personal representative or trustee must then determine the identities of the beneficiaries and distribute the proper share to each. Real estate and securities may have to be liquidated to effect a proper distribution.
3. For property owned jointly with the decedent with a right of survivorship, usually only evidence of death of the decedent and proof of identity of the surviving joint tenant(s) are required to title the property in the surviving joint tenant's name(s). For real estate, a certified copy of the short form death certificate should be recorded in the public records of the county where the property is located

to provide evidence of death. If applicable, an Affidavit of No Florida Estate Tax Due should also be recorded to clear the title from any potential estate tax lien.

4. The personal representative or trustee is responsible for filing all applicable tax returns and paying any applicable tax liability. This may include filing the federal estate tax return (IRS Form 706) and filing income tax returns for the estate while it remains open (IRS Form 1041).

It is important to note that the steps described in this article are basic and space prevents it from going into depth. Not all estates will require every step I have listed and some may require much more. This checklist is provided only as general information for education purposes and is not intended to provide specific legal advice. You should seek advice from competent legal counsel in Florida.