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## Checklist for What to Do Following a Death in the Family

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The death of a loved one is obviously a very emotionally draining time. Unfortunately, it is also the time when clear thinking, though crucial, is not always possible.

For the convenience of your family members, we have prepared the following checklist. While we do not pretend that it is all-inclusive, it should give your family a good idea of what they may need to do during the period immediately following a death.

### Immediate Steps

- **Get a notebook.**

It may seem odd that this is the first thing on this list, but you should never underestimate the importance of having one centralized location for information and notes at such a stressful and chaotic time. Use your notebook to record all the information that you will acquire in the wake of the death—from the telephone number of the funeral director to the little things that need to be done which would otherwise escape your memory. You'll be surprised how useful your notebook will be.

- **Have directions for anatomical gifts been followed?**

If your loved one was an organ donor, make sure that the appropriate people at the hospital, etc. know. If you do not know whether an organ donation was intended, check the back of the decedent's driver's license—it usually contains space for indicating this, or in some cases, there may be a separate writing among the decedent's important papers.

- **Have directions for the funeral been followed?**

Did the decedent express a preference for burial or cremation, or for a particular type of funeral service? Ordinarily, things like this are discussed with friends or family in advance, but in some cases—notably with requests for cremation—the decedent may have left such instructions in a Last Will & Testament. Find and check the Will unless you are sure of the decedent's intentions. Also check among important papers for deeds to cemetery plots and other indications that perhaps the funeral/burial costs have been prepaid.

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- **Notifying friends and others.**

In making funeral arrangements, the family should not neglect to contact friends and other acquaintances that may wish to pay their final respects. It may be a good idea to specifically ask the people you have called to notify *other* people whom they think will wish to show their respect as well, otherwise, it may be taken for granted that you contacted everyone. It is better to be called by two or three people than not to be informed at all.

- **Order enough death certificates through the funeral director.**

You will need one certified copy for each life insurance policy to be collected on, one for each asset that may require transferring out of the deceased's name (bank accounts, brokerage accounts, etc.), some additional ones for filing estate tax returns (if the estate is large enough), and a few extras for things such as the sale of real estate and notifying credit card issuers of the death. If in doubt, order a few extra.

- **Make security arrangements for the residence.**

It is a sad and cruel fact that burglars have been known to review the death notices in the newspaper so that they know when a family is likely to be at a funeral. Protect your home if it will be unoccupied during the funeral, or permanently thereafter, until its sale. If possible, arrange to have someone physically present on the property during the funeral. If not, park a car or two in the driveway and leave on a radio or television set and ask the neighbors to keep their eyes open for suspicious activity.

- **Remove all valuables from the house.**

This applies primarily to jewelry, cash, securities, and other valuables which can easily be removed. Make a list and take photos just in case you need them later.

- **Make arrangements for pets.**

Do not forget to make appropriate care arrangements for pets, particularly for those that are not readily apparent such as fish or other tiny furry creatures that do not meow or bark to let you know of their presence.

- **Make arrangements to dispose of or care for other “organic” items.**

If the decedent lived alone, someone should dispose of garbage and perishable foods (check the refrigerator) and arrange to water houseplants.

## Secondary Steps

- **Contact the homeowner's insurance carrier to determine whether coverage will continue (and for how long) while the house is unoccupied.**

It's a little-known fact that an unoccupied house may lose its insurance protection simply because it is unoccupied for a certain period. Therefore, if no one will be occupying the house, call the decedent's insurance agent or check the insurance policy for limitations. It could be that in 30, 60 or 90 days, the insurance will cease unless other steps are taken. These steps may vary from insurer to insurer, so check.

- **Locate and safeguard Wills and other legal and personal documents.**

If the decedent had a Last Will & Testament or a Living Trust, locate and protect the documents. The same holds true of any other legal or personal papers that the decedent kept at home, for example, birth and marriage certificates, naturalization papers, divorce decrees, real property deeds and satisfactions of mortgage, automobile titles, etc. If the decedent was the owner of a small business or a member of a partnership, locate and safeguard corporate or partnership records, agreements, and contracts.

- **Gather financial documents, insurance policies and tax returns.**

Do not throw away any papers that pertain to finances or insurance, whether they are bills or account statements, tax records, insurance policies or other legal-looking documents. You will have plenty of time to sort through them later. For now, safeguard everything. (We know of one case where stock certificates were discarded and retrieved from the trash only at the last minute.)

- **Search the house for "secret hiding places."**

The places you may find valuables is limited only by the imagination. Before you begin throwing out those newspapers that have been accumulating for ten years, make sure there are no \$100 bills hidden within their pages. Fan the pages of books. Check the bottoms of those half-eaten cracker boxes. Look in and under drawers. Lift the corners of a carpet if it appears loose. In short—do a very thorough job. You may be rewarded. And perhaps even amazed!

- **Inventory and photograph personal property. Bring an impartial witness if possible.**

Ideally, valuables should have been removed for safekeeping as one of the "immediate steps" you took earlier. But not everything that is valuable has monetary value. Many a battle has been waged over the disappearance of furniture, furnishings, photographs, or other items of sentimental value. How to deal with this will depend upon how your family members get along. At the very least, someone should inventory and photograph property that may "disappear." It is wise to bring a witness or arrange for other interested family members to be present when you do so. This may help avoid a charge that you are the one who took the missing items.

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- **Have mail forwarded.**

The post office will provide you with the appropriate form. You may also do this online at USPS.com.

- **Determine whether it is wise (and legal) to change the locks.**

If the premises are vacant and you are named as the Executor, you should consider changing the locks on the decedent's dwelling. There are many factors to consider, including whether someone else has the legal right to be on the premises. For example, if a parent and child shared a home, you could not lock the child out after the parent dies, even if the parent was the sole legal owner of the home. Before changing the locks, you should discuss the matter with your attorney.

- **Cancel newspapers and other unnecessary home deliveries.**

If the decedent was receiving newspaper delivery, you will want to have the distributor discontinue the service. Nothing cries: "I'm an unoccupied house" louder than a growing pile of uncollected newspapers. Similarly, if any other deliveries are routinely made, you might consider canceling them as well. One notable exception, of course, is heating oil, especially during the winter months.

## **Additional Steps**

- **Notify your attorney.**

If you're in charge of settling the decedent's estate (whether you are an Executor or Trustee) you'll probably have many questions about what to do so, if you haven't already done so, now might be a good time to call your attorney.

- **Advise the Social Security Administration of the death.**

In most cases the funeral director will report the death to the Social Security Administration. However, you may call (800) 772-1213 or your local Social Security office to ask for information about benefits. They will help you make the necessary arrangements to have the proper benefits issued to the widow or widower (who is generally entitled to the greater of the two monthly checks) or to eligible survivors (children under age 19, disabled children, etc.) For more information visit their website: [www.socialsecurity.gov](http://www.socialsecurity.gov).

Please note: The most common question asked about Social Security is whether you get to keep the last check received by the decedent. The Social Security check received on approximately the 3rd of the month is for the *previous* month and is earned only if the decedent lived for the entire month. Thus, any checks received in the month *following* the date of death must be returned. (For example, if a person dies on January 30th, the check received on February 3rd must be returned.)

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- **Do not be in a hurry to change title to assets unless special circumstances exist.**

It is very common for the beneficiary of an IRA or joint account to rush to change the title to an inherited asset. Most of the time there is no problem in doing so. But a better strategy is to take the time to evaluate whether changing title to a particular asset is the best tax strategy. Decedents with taxable estates often include strategic provisions in their Last Will & Testament or Living Trust to minimize estate taxes. These plans could be frustrated by a beneficiary acting too hastily. Consult with your attorney or accountant before moving money, particularly when there is a surviving spouse even if—make that *especially* if—the surviving spouse is the beneficiary or joint tenant of an asset.

- **Apply for life insurance benefits.**

Determine who the beneficiary of each life insurance policy is and give that person the policy and a death certificate. Only the beneficiary may make a claim, so he or she should contact the company for their respective death claim forms and instructions. If the beneficiary is deceased, determine whether there is a contingent beneficiary. Or, ask your attorney what needs to be done. You should be aware that death benefits are counted as part of the decedent's *taxable* estate, so if there is a lot of life insurance, or if the estate may be large enough to require the payment of an estate tax, you should first discuss this with your attorney or accountant.

- **Determine entitlement to company, union, or organizational benefits.**

Notify the decedent's employer and/or union of the death and ask whether any benefits are payable because of it. There might be group life insurance or other such benefits. In addition, there may be a pension fund which can be rolled over.

Note: Pension rules are complex and should be discussed with your attorney and/or accountant. You need not make any decisions on this immediately and you should not do so without having a financial professional assess the impact of any options you might have.

Also check with any volunteer or fraternal organizations, each of which may offer its own death benefits. For example, it is not unusual for volunteer fire departments to provide life insurance for their members.

Be mindful as well that when a worker dies, there may be unpaid compensation due to the estate in the form of accumulated and unpaid vacation and sick days, and other benefits.

- **Cancel charge cards and other non-essential accounts.**

Not only should you cancel charge cards so that they do not fall into the wrong hands, but at some point, you should also cancel club memberships, magazine subscriptions and other items paid for on an annual basis. See if you can obtain refunds on any unused portions. Find and call the customer service number listed on the monthly credit card statement. Ask what the procedure is to cancel the card. (Most will require at least a death certificate—so, again, make sure you order enough.)

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- **Check with the Veteran’s Administration about possible benefits.**

There are many possible benefits available through the VA. They may range from a burial allowance to a pension for the widow. There are too many variables to discuss fully, but call the local VA to determine what, if anything, you might be entitled to because of the death. The VA telephone number is (800) 827-1000. The website is: [www.va.gov](http://www.va.gov).

- **Identify and gain access to safe deposit boxes.**

Arrange to check the contents of the box if you have access to it as “deputy.” Caution: If you advise the bank that the primary box-holder has died, they may seal it. Act accordingly.

- **Are there any creditors who require immediate payment?**

Some creditors will wait for their payments (whether they like it or not). But delaying the payment to others may cause problems. Generally, credit card issuers (banks, department stores) will wait. But be very alert to the following, and bring them to the attention of your attorney as soon as possible:

Rent or Mortgage. If payments are not made for several months, the lender may begin foreclosure proceedings, or the landlord may begin eviction proceedings. Once this happens, it may be a nightmare to stop, so avoid this if possible, by making monthly payments. Simply notifying a mortgage lender that the owner has died will not necessarily stop a foreclosure. (If the property subject to the mortgage is bequeathed to a particular individual, discuss this with your attorney immediately, as ordinarily the person inheriting the property receives it subject to the mortgage obligation.)

Car loans, boat loans, and the like. Notify the lender of the death and ask their procedure for the payment of the loan. You do not want to wake up one morning to find the vehicle repossessed.

Insurance and Utilities. Do not allow homeowner’s insurance or other liability insurance (on cars, boats, etc.) to lapse. Contact the respective insurer and ask them to send future notices to you. Utility companies will usually wait for payment—and besides, the charges are not necessarily very large—but be mindful of how the delay will affect the property. For instance, it is not a good idea to have your oil company cancel deliveries in the winter when pipes might freeze. Generally, you can wait a bit to pay utility companies if you do not have the money immediately, but don’t use this as a license to drag payment out indefinitely.

Most other bills can be taken care of during the settlement of the decedent’s affairs.

## **Checklist for What to Do Following a Death in the Family**

**Important note:** If the estate's assets may not cover all the decedent's obligations, be careful about paying bills. There is a proper order—generally: funeral expenses, estate administration expenses, taxes, then priority and secured creditors and finally unsecured creditors—and you may be held liable if you pay the wrong creditors first, so check with your attorney.

- **Be mindful of tax deadlines.**

If the decedent died before filing tax returns for the final year of life, they will be due on April 15. (Small business corporation returns are often due on March 15.) If you are approaching a tax deadline, bring this to the attention of your attorney or accountant, who can file for an extension of time to complete the tax return. If payment of an estate tax is expected, be aware that the deadline for filing an estate tax return and paying this tax is nine months from date of death. (A six-month extension to file the return—but not necessarily to pay the tax—is available but must be requested before the filing deadline.)

- **Be careful before making contractual commitments.**

The time following a loved one's death is, of course, very emotionally charged. It is the wrong time to make long-lasting decisions, so please don't make any without taking the time to think about them. There is virtually *nothing* that cannot wait a few days. (The exception, of course, is funeral arrangements.) Anybody who tells you that an opportunity will not be available the following week is probably telling you the truth: it likely will not be available—for *them*! They probably realize that the opportunity to take advantage of your vulnerability will disappear if they do not catch you at your absolute emotional low point. If you have doubts about whether to sign a contract, *please*, for your own good, ask your attorney or financial advisor.

- **Determine whether the decedent served in any “representative capacity.”**

Sometimes, the person who died was serving as an officer of a company or in another position in which he or she controlled the affairs of another person. Some examples are as follows:

- a) Power of Attorney for another individual
- b) Trustee for a trust
- c) Personal representative for another estate
- d) Conservator or guardian of another person
- e) Custodian under the Uniform Transfer to Minors Act
- f) Registered agent (i.e., officer or director) for a corporation
- g) Partner of a general or limited partnership

In any of these cases, arrangements may have to be made to notify the affected parties so that they may find replacements, or other steps may need to be taken to do so as part of the settlement of the decedent's affairs.

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Services offered by

### **EZRA HUBER & ASSOCIATES, P.C.**

- Probate of wills and administration of estates.
- Medicaid planning: Advising the elderly and their families on how to avoid impoverishment due to catastrophic medical costs or nursing home placement. We assist families in obtaining nursing home benefits and planning home care options through Medicaid planning (including “spousal refusal” planning).
- Prepare life estate deeds allowing owners to remain in possession while avoiding later liens and recoveries by the State.
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- Drafting life insurance trusts to allow life insurance proceeds to be excluded from taxable estates.
- Estate plans to provide for disabled children (Special Needs Trusts).
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- Drafting estate plans to minimize or eliminate estate taxes for families with taxable estates.
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