



Hi Howard,

Upon being retained in an estate matter, I am always asked the same question by the executor - a question that has probably crossed your mind, too.

*My Spouse has racked up some not inconsequential debt, but now that he has passed, how much of it do I have to pay back on his behalf from my Assets if his assets are insufficient to cover his debts?*

Not surprisingly, Debt Collectors will tell you that every debt owed to them by the Deceased must be paid back in full, forthwith, with interest, from his assets and, if not enough, by you. This may not necessarily be so. Yes, some or even all of the Deceased's Assets have to be used to pay off his debts before the Executor can distribute assets to the Deceased's beneficiaries named in his Will.

A lawyer will advise you every time to advertise for creditors of the Deceased immediately before distribution. This then protects you from undiscovered debts of the Deceased which might appear after distribution of the Deceased assets to the beneficiaries named in his Will.

Certainly, it is clear that joint debts with your deceased Spouse must be repaid by you if the Deceased's assets are insufficient to do so, including all secured debts registered against your Property(ies) i.e. mortgages, secured or joint lines of credit or your movable assets like a vehicle registered under the PPSA Registration System.

The big one that you are not responsible for is his credit card debt (assuming it is not a joint card with you) which is unsecured and accordingly cannot be enforced against you after death of the Deceased, even if you hold a supplemental card.

Then there are personal loans, say from your in-laws, that are not joint with you, and other unsecured lines of credit or unsecured debts: they are not your responsibility to pay when the Deceased's assets are insufficient to pay these debts.

This article contains general information only and should not be relied upon as the final position on debts which only a lawyer can help you with.

I invite you to [set up a Zoom](#) appointment with me to discuss your Estate Planning and drawing your Will and Powers of Attorney.

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