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Estate Administrator/Executor's Things-To-Do

The checklist below is designed to help you manage your responsibilities as the administrator of an estate. Every estate is different, so all actions may not be necessary and/or more actions may be required. This list is meant only as a guide and is not intended to substitute actual legal advice by your attorney.

____ **Send notice of your appointment to all beneficiaries.** Once you are appointed as Administrator or Executor of an estate, you are required to send notice of your appointment to every person who is the next of kin of the Deceased and every person named as a beneficiary in the will (if any). You must then send a copy of that notice to the surrogate advising them of such.

____ **Stop paying Decedent's bills.** *It may be tempting to pay Decedent's bills, especially if you were paying them before Decedent passed away and/or you are using Decedent's funds. In addition to risking claims of theft or mismanagement from persons legally entitled to inherit from the estate, you also risk not being able to recoup that money from the estate later. Be aware that any authorization you received from Decedent during their lifetime to access their accounts expired at the time of their death, even if you had a formal Power of Attorney. Also, many creditors will forgive debts once a person dies so you could be paying the bills unnecessarily.*

____ **Apply for an EIN number.** *Every estate is required to have an identifying number unique to that estate. The number is obtained in the same way an EIN is acquired when a business is started. Obtaining an EIN number for the estate is the first step because it is required to be able to open a bank account which is needed to hold any monies received or held in the name of the Decedent or the estate.*

____ **Open an estate bank account.** *All funds held or received in the name of the Decedent must be placed into an account in the name of the estate. The account should be titled "the estate of [Decedent's name]." It is critically important that you do not use your own bank account to handle affairs of the estate and that you do not put your personal funds into the estate bank account.*

____ **Do an asset search.** *As an administrator, you have a fiduciary obligation to oversee the transfer of all the estate's assets to the rightful heirs. It is not always possible to know what all the assets are. An asset search can help you ensure that there are no assets out there that you do not know of. This step should include running a credit report on Decedent's name, searching in the state's unclaimed funds department, and contacting a professional asset search agency.*

____ **File Decedent's tax returns.** *Returns should be done for both the Decedent's final income taxes as well as estate taxes. You may want to*

retain an accountant to handle this step as tax returns are required within a specific time after Decedent's death. Failure to meet those deadlines could result in significant fees and penalties against the estate.

____ **Contact Decedent's creditors.** *Creditors have nine months from the date of Decedent's death to file a claim against the estate for debts owed at the time of Decedent's death. Many creditors will forgive debt owed once someone dies. Notifying them of the death will stop bills from coming to Decedent's home or having new debt collection procedures started. Even if there is no notice requirement in the state statute, notifying creditors directly ensures there can be no doubt that they were aware of Decedent's death and thus the deadline to file a claim against the estate.*

____ **Contact Decedent's employer(s).** *Employers will have valuable information regarding potential assets, including any retirement accounts or life insurance policies held by Decedent at the time of their death. While financial documents with beneficiary designations pass outside of probate, it is important to be sure there is an actual beneficiary because if the beneficiary designation is missing or ineffective, the account passes to the estate and it becomes your responsibility to distribute it to the heirs.*

____ **Identify heirs.** *While it may be over a year before any distributions are made, it's important to get an idea of who the heirs are as soon as possible. If there are minors or incapacitated persons who will inherit, there are special considerations that will apply so you want to know that as soon as possible. You also have to run child support judgment searches on all heirs because those judgments will have to be satisfied before that heir can inherit and that could take time.*

____ **Secure assets.** *As the administrator, you have an obligation to ensure the assets of the estate are preserved. Often, family and loved ones will try and lay claim to Decedent's belongings immediately after their death. Resist the urge to give items away because of sentimental value. A court will be first concerned with actual monetary value and as the administrator, it is your responsibility to preserve that value. It may be necessary to change the locks on Decedent's home or move valuable assets to a more secure location. (Be careful of changing locks if others live in the home who were there before Decedent passed away.) Be sure that any access by persons prior to Decedent's death is restricted and that all assets are accounted for. Significant assets like real property, cars, or precious jewelry may require appraisals.*

____ **Digital assets.** *Don't forget to check for digital assets. Videos, pictures, and social media accounts can contain valuable assets and getting the login information can take time. Most sites like FaceBook and Instagram have specific procedures you have to follow and may require a special order from the court. If the estate depends on those digital assets for income, you want to start the process for getting access as soon as possible.*

____ **Medicare/Medicaid Liens.** *Anyone who received Medicaid/Medicare during their lifetime risks receiving a lien against their estate after they die. State law allows Medicaid to recoup money spent on a person during their lifetime from their estate. If Decedent is a surviving spouse of a Medicaid recipient, their estate may still be susceptible to a lien even if they didn't receive Medicaid themselves.*

____ **Keep all receipts, invoice, and payment information.** *You should be able to account for all the money received and/or spent by or on behalf of the estate. A well organized paper trail is the only way to ensure there are no questions as to the propriety of your service as administrator.*

____ **Check accounts for automatic withdrawals.** *It is common for people to put bills on automatic withdrawal or auto pay. Search the bank statements on Decedent's accounts for recurring withdrawals every month then contact those creditors first. Be sure to turn off utilities*

or other services no longer being used or transfer the withdrawals to the estate account if the service remains needed by the estate.

____ **Change of address.** Submit a change of address form with the United State Postal Service (not with each individual creditor) for Decedent to direct all mail to an address you have regular access to. This ensures that you don't miss any correspondence that might include information about assets that need to be collected.

____ **Cars.** *You should not drive a decedent's car until title has been changed out of Decedent's name. While you may have to drive it to handle the business of Decedent's final affairs, significant liabilities are at risk if the car is driven more than thirty days after Decedent's death. Therefore, you must be sure to change title or park the car before that thirty days expire. Be sure to secure any keys to Decedent's cars so you are sure it is not being used.*

____ **Child Support Search.** Before you can distribute any assets to an heir or beneficiary, you must run a background search to see if any child support is owed in the State of New Jersey. If a child support judgment is discovered, it must be satisfied from the heir/beneficiary's share of the estate before anything is distributed to the heir/beneficiary.

____ **Distribute assets.** *Once all assets have been gathered, determine who are the beneficiaries and what they are to receive. It is important to note that creditors and estate expenses should be paid before distributions are made to heirs. Also do not distribute assets if there is a dispute among the heirs without first getting a court order. If heirs are in agreement, be sure to have them sign a Refunding and Release Bond before making any distributions.*

____ **Close the estate.** Once all assets are distributed, the estate can be closed with the court. Closing the account has its own list of things to do.

Serving as the administrator/Executor of an estate is a serious responsibility that should be handled with the utmost care. An administrator has a fiduciary duty to the estate and is exposed to significant liability if the appropriate care is not taken when managing the estate. While this guide provides a pretty comprehensive list of things every administrator should do, it is no substitute for legal advice from a qualified attorney. Not all estates will require every step and some may require additional steps. Be sure to speak to your attorney to ensure exactly what your estate requires. Use of this guide does not, in itself, constitute attorney advice and does not create an attorney client relationship with Ada A. Davis or the Davis Law Office.