

LIST OF DUTIES FOR A PERSONAL REPRESENTATIVE/EXECUTOR

When someone passes away, their affairs (i.e., their estate) must be settled (assets collected, debts paid off, distributions made, etc.). Depending on a variety of factors, the person responsible for settling these affairs may be known as a personal representative, administrator, trustee, and more, but to keep things simple, for now we'll use the term "executor" to refer to all of these roles.

Fundamentally, it is the executor's responsibility to manage and wind down the deceased person's estate, resolving any debts, distributing assets to heirs, and filing legal paperwork.

For easier reference, we are listing the tasks in time periods.

Note: Generally, most estates take 6-18 months, and 570 hours of work to finalize, but there are some things the executor must do right away.

FIRST WEEK AFTER DEATH

Notify Close Friends & Family

Inform close friends and relatives of the death. You can let other people know later, once things have settled down.

Notify Active Employer

If the decedent was actively employed, and the employer might reasonably be counting on that person to show up the next day, it's nice to notify the employer. On the other hand, if the decedent was retired, or performed occasional contracting work, notifying an employer can wait.

Secure the Assets

Part of your duty as executor is to protect the estate. Unfortunately, it's not uncommon for criminals to use these situations as an opportunity to help

themselves, or even for well-meaning friends or relatives to want to take something as a "keepsake". Things you should consider:

- Collect any easily portable items of significant value and put them someplace secure,
- Discontinue any newspaper subscription that would pile up outside an unlive-in home,
- Arrange to have the mail collected,
- Arrange for yard maintenance, if none exists,
- If applicable, arrange for pet care,
- Cancel other home-based services, such as housekeeping or meal delivery services.

Arrange Funeral

The executor often arranges the deceased person's funeral, although this is not a legal responsibility. As part of this process, you and your delegates will notify additional friends and family of the death.

Notify Veterans Administration

If the decedent was a veteran, the executor should contact the VA as soon as possible, in order to potentially have them participate in and fund certain funeral activities and expenses. Your funeral director can coordinate this.

Order Death Certificates

You will need several official death certificates for various government agencies, banks, etc. By far the easiest way to get these certificates is to request them via the funeral home or crematory at the time they file the original. You will have to pay \$10-20 per certificate, and you will likely need at least 10 copies. If you later need additional copies, it can be quite painful to get them, so better to order too many than not enough.

Locate the Will

Ideally, you already have a copy of the will, and know how to obtain the signed original. Locate the will and keep it somewhere safe.

If you don't know where the will is, and the decedent had a personal lawyer, ask the lawyer if he or she has it. You may also be able to find the will in the decedent's personal files.

Note: If you're using the software provided by The Probate HELP Group to manage the estate, the Locate Will Task may have more specific information for locating the applicable Will repository.

If there is no will, the deceased is considered to have died "intestate", and things will be a little more complicated.

FIRST MONTH AFTER DEATH

In addition to the tasks listed in the first week, here are some of the key tasks you should be accomplishing in the first month.

Get Organized

Set up file folders to keep things such as physical receipts, appraisals, bills of sale, death certificates, etc

Decide if You Want/Need a Lawyer

Having a lawyer's help can be invaluable. They deal with this process every day; You're unlikely to have done it before.

If you would like a referral to a lawyer we know, and have worked with in the past, please send an email to Liz@TheProbateHELPGroup.com or call (760) 455-9028.

*And, if you would like help (**free of charge**) preparing for the first meeting with an attorney, we can guide you through the process, refer an attorney if needed, and also give you a list of what you should take with you to the meeting so you don't waste time.*

Provide the Court with a Copy of the Will

State requirements vary from as little as 10 days to as many as 45 (and in a few cases, even longer). If a will cannot be found, the person will be considered to have died intestate, and state law will determine who has responsibility for administering the estate.

Start to Inventory the Estate

Start to collect information about estate assets (real estate, stocks, collectibles, etc.) and estate debts (mortgages, loans, etc.). This will likely take months to fully complete, as you gradually uncover hidden treasures and bills, and you may have to wait for Notice of Death statutory durations.

Keep Things Running

Part of your duty as executor during this time is to keep things running (businesses, households, etc.). For example, make sure any home is being maintained, and that

the utility bills are being paid, etc. In fact, utility companies are notoriously aggressive about this, and missing a bill by a few days may trigger them to cut off services (try to avoid this). Please be aware, however, that you are not personally responsible for any debts, so if the estate will likely not have the funds to reimburse you, you should decide carefully whether you want to pay any of these bills.

Protect Unoccupied Property

If the estate includes a home that is now vacant or unoccupied, you may want to take additional steps to protect it, since such properties are more vulnerable (to theft, vandalism, squatters, broken pipes that go unnoticed, etc.). You may want to periodically check in on the property, and to consider hiring an alarm company, as well as a gardener to keep it looking lived-in.

You may also want to post legally valid no-trespassing signs, which can be helpful if it becomes necessary to have law enforcement remove squatters, or if someone is injured on the property.

Finally, be aware that insurance companies have special rules for vacant or unoccupied homes.

(We at The Probate HELP Group will be pleased to take care of the signage and ensure the property has the correct insurance coverage as a free service if you wish).

Cancel Unneeded Services

Cancel the decedent's cell phone service, Internet access, cable TV, etc. If the decedent was renting a residence, notify the landlord and determine how best to terminate any lease. But don't cut off things like electricity or water until the residence, whether rented or owned, has been handled! Similarly, don't terminate any insurance until that insurance is no longer needed.

Notify Social Security

The Social Security Administration (SSA) must be notified of the decedent's death, by calling 800-772-1213. You cannot do this online, but the funeral home may do this for you.

Any social security checks for the month in which the decedent died (or later months) must be returned or repaid. If received by direct deposit, contact the bank and ask them to return any such funds. If paid by check, do not cash the checks, and return

them to SSA. If the decedent had been receiving Medicaid benefits, be warned that the agency will likely seek reimbursement from the estate.

In some less common cases, the decedent may be owed a social security payment and/or a Medicare Premium refund (for example, if the post office shuts down the address due to the death and returns a check): you can claim such a payment using Form 1724.

FIRST 3 MONTHS AFTER DEATH

In addition to the tasks outlined in the First Month, here are some of the key tasks you should be accomplishing in the first 3 months (note that many of these tasks will require a copy of the death certificate).

Start the Probate Process

If applicable, most executors start probate 2-3 months after the decedent's death. This process will get you an official document commonly known as your "Letters", which will make it easier for you to prove your authority when dealing with various other third parties such as banks. You may need an initial estate inventory to get this process started, but you will be able to update it later.

Establish a Family Allowance

If the decedent left behind dependent family members, you may want to provide a living allowance for them from estate assets ... if they need it to continue their accustomed lifestyle while the estate is being settled. If the estate is going through probate, you will likely need to seek permission for such an allowance from the court.

Forward Decedent's Mail to Yourself

It will be easier for you to have the decedent's mail delivered directly to you. You can arrange this online via the USPS (for a very small fee), you can mail a paper PS Form 3575 you pick up in person at a post office (you cannot print this form at home), or you can simply take care of this in person at a local post office (bring your proof of executor status).

Note: The postal service sometimes has difficulty forwarding mail if the decedent was living at an institution (such as an assisted living facility), since the postal service delivers mail to such institutions in bulk and leaves it up to the institution to sort out individual addresses. In such cases, the institution has responsibility for forwarding mail, but this doesn't always happen. Whether or not you are receiving forwarded mail, you may want to check with any such institution to see if they have mail for the decedent.

If you opt not to have the decedent's mail forwarded at all, you may at least want to minimize junk mail so you don't have to go through it (junk mail will normally get filtered out during the forwarding process). You can do this for free online at the

DMAchoice Deceased Registry, and you can separately prevent unwanted credit card offers (it's easiest to use the 5-year "temporary" option).

Carefully go through all remaining mail. You will almost certainly uncover previously unknown debts over time, and it is your fiduciary duty to ensure that these are paid (or forgiven). You may also discover dividend checks, refunds, life insurance policies, and more, not to mention correspondence from friends who should be informed of the death.

Notify Life Insurance Companies

If the decedent held any current life insurance policies, you may want to notify the issuing companies, and ensure they payout in accordance with the terms of the policy. Often it is the beneficiaries that do all this, however, and the executor has no legal obligation in this regard.

Notify IRAs and Other Beneficiary Accounts

A number of financial instruments, including IRAs and 401Ks, pass directly to the named beneficiary on the account. While the executor has no control over these assets if the beneficiary has been properly designated in the account, you should notify the account managers so that they can begin their proceedings.

Notify Credit Cards

If the decedent had any credit cards (and who doesn't?), notify the issuers of the death, so that they will stop adding late fees and other penalties. Call each card issuer and ask to speak with "Deceased Account Services" or the "Estate Unit." You should also try to figure out whether there were any recurring fees being charged to a card, so you can make other payment arrangements if the associated services should continue for now (e.g., electricity bills, home insurance payments, etc.).

Of course, you will want to close these credit card accounts eventually, but you typically cannot close such an account without paying off any amounts owed, and you normally should not pay off estate debts until you have published a Notice of Death, undergone the mandated waiting period, and had a chance to assess the overall financial status of the estate.

Notify Other Agencies

While not mandatory, it's nice to clean up other official records so that the decedent's name doesn't later get entangled in various fraudulent activities:

- Contact the DMV in the decedent's state to cancel his or her driver's license and remove him or her from the voter roles
- Contact the credit reporting agencies Equifax, Experian and TransUnion.

Determine & Notify Heirs

Based upon the contents of a valid will, and/or local statutes, determine who the heirs are, and let them know. You will likely not be able to definitively tell them what, if anything, they will be inheriting until after you have determined overall estate solvency and sorted out various allocation questions, but it's nice to keep the heirs informed of the process (and required by law under certain circumstances).

Obtain an EIN for the Estate

You will need an equivalent of a social security number for the estate, in this case the inappropriately named Employer Identification Number (EIN). You can apply online for an estate EIN via the IRS, or you can obtain a copy of IRS Form SS-4 and mail it in.

File IRS Form 56

While not strictly required, it's generally considered best practice to file Form 56 with the IRS, notifying the US government that you are responsible for the estate, and that all tax correspondence should go to you (reducing the risk of important mailings getting lost). When you have completed your executor duties, you will then file a corresponding Form 56, terminating your responsibilities, and this second filing will give you certain long-term legal protections.

Open an Estate Bank Account

You do not have authority to write checks from the decedent's bank account. Even if you had power of attorney, that generally disappears upon the decedent's death.

What you need to do is to open an estate account at a reputable financial institution, with you named as the executor, so you can easily pay estate expenses and deposit checks. While it would be convenient to open such an account immediately, you will almost certainly need to wait until you can provide a copy of the death certificate and an EIN (see previous tasks).

You may find it easiest to open an estate account at a bank where the decedent already had an account, but different banks have different policies, and your particular circumstances may warrant doing business elsewhere.

Co-Executor Considerations: If you have a co-executor, be aware that bank policies about estates with co-executors vary significantly, so if your first choice has

restrictions you don't like (for example, all co-executors must co-sign any check), you may want to shop around a bit.

Out-of-State Considerations: While you can open an account at any suitable financial institution, it's usually best to open it via a branch located within the estate primary state. Some states have laws prohibiting removal of funds from the state during the settlement process, and in any case, such a location will easily enable any interest to be reported in the estate primary state tax forms (as needed).

Before you get the account opened, you may end up paying some estate expenses out of your own pocket, to be reimbursed once you can get access to estate funds.

Find and Claim Estate Assets

A key responsibility of the executor is to locate and collect all estate assets. While this task is listed in "First 3 Months", and you should start in this timeframe, this task may take somewhat longer to actually complete. It's not always easy to find *all* estate assets, and it can be a bit of work to claim ownership of each asset for the estate. Moreover, a number of asset holders will want to see a copy of your official Letters of executor appointment, so you'll need to get probate underway before those assets can be claimed (unless you are following a Small Estates procedure, which has its own built-in delays).

If the estate is undergoing probate, once you understand the estate assets, you will need to file an estate inventory with the probate court.

Deal with Firearms

Dealing with estate firearms can be a bit complex, and depends on federal, state, and local regulation, and you may be legally obligated to move quickly.

Publish a Notice of Death in a Local Newspaper

Publishing a notice of death is intended, in part, to ensure that any creditors get fair notice that they need to come to you to get their debts paid. If they do not contact you within a certain period of time after this publication, which varies by state, then they lose their ability to make any estate claims. Typically this response deadline ranges between 3-9 months, by state, and gives you protection against unknown debts that might otherwise surface long after you have distributed the entire estate proceeds. There are strict requirements for such publications if you want this legal protection, and if your estate is undergoing probate, there are often associated publication deadlines.

Consider Online Media Accounts

Social media accounts, email accounts, photo storage accounts, and the like do not normally have an associated monetary value, and thus do not officially need to be included in an estate's inventory. That being said, an executor may still want to shut these down, memorialize them, or otherwise transition their contents. Trying to track all these down and somehow wrapping them up can be A LOT of work, so you'll want to consider whether handling these online media accounts is really something worthwhile: after all, the deceased is gone, and you are still living your life. At a minimum, you may want to pick and choose only the ones you consider most important.

Determine Asset Values

Asset values are used to determine appropriate: taxes, estate settlement process, allocation among heirs, and cost basis for future sales (by the estate or eventually by the heirs).

You may want to do some quick, initial estimates in order to determine the best estate settlement approach, but eventually you will need detailed, defensible valuations for every estate asset ... as of the time of death, and as of the time of settlement.

Start to Assess Estate Solvency

You should have a pretty good sense by this point as to whether the estate owes more than it is worth, or not. If the estate clearly owes significantly more than it is worth, you may want to wash your hands of the whole thing, declare the estate bankrupt, and turn it over to the courts for disposition.

Begin an Asset Disposition Plan

Some assets may be explicitly called out in the will for specific disposition. You may need to sell some assets to raise cash to pay off debts. Some heirs may want their share of the estate to include particular assets. You need to develop an asset plan that satisfies your legal obligations and preferably, maximizes heir happiness.

See also Calendar Year for tax-related tasks that may have to be accomplished within the first 3 months, depending on date of death.

CALENDAR YEAR

While due dates for most executor tasks are calculated in relation to the decedent's date of death, certain tax-related tasks are instead due in relation to the calendar year ... and thus may occur early or late in the overall estate settlement process

Decedent Income Tax Returns

The estate executor is responsible for filing final personal income tax returns for the decedent, typically by the normal US income tax due date of April 15 (in the calendar year following the date of death).

If the decedent had not yet filed tax returns for the year previous to his or her death (imagine that he or she died on January 15), then you are responsible for filing those previous year returns as well, by their normal due dates. This may mean you have very little time, or in some cases, that the deadline has already passed and penalties may already be owed.

Just as when doing your own taxes, you have the option to file for an extension, putting off the filing deadline for 6 months.

As usual, income tax forms need to be filed only if the decedent earned more than a minimum amount during the year, as set by statute.

Annual Estate Income Tax Returns

An estate is considered to be a "taxpayer" in its own right, so it must file income taxes at the same time as everyone else (e.g., April 15 in the US).

As with the decedent income tax return mentioned above, you have the ability to file for a 6-month extension, and filing is only required if the estate earned more than a minimum amount during the year (count only the amount earned from the day after the date of death, until the end of the calendar year).

Note that you must do this every year until the estate is completely settled. Of course, in subsequent years, you count all the estate income generated during that entire calendar year.

Annual Property Taxes

If the estate contains real property, you must pay any relevant property taxes until the property is either sold or distributed to the heirs. Property taxes are often due in two installments during the calendar year; due dates vary widely by jurisdiction.

Annual Trust Income Tax Returns and Schedule K-1s

If you are also responsible for any estate-related trusts (as trustee), every year you must mail Federal Schedule K-1s to any trust beneficiaries by March 31 for any income distributions they received from the trust the preceding calendar year. If the trust retains over a certain minimum amount of undistributed income, then it will have to file its own tax forms (e.g., Federal Form 1041 and the corresponding state income tax form) by April 15.

GENERAL TASKS

Once you've completed the initial tasks, you are ready to execute the main phase of the estate disposition process.

Resolve Debts

Once the claims deadline from your notice of death expires (see First 3 Months), you will have a complete picture of all debts the estate is legally obligated to pay, and you can move forward with assurance.

If it's clear that the estate has a positive net worth (has more assets than debts), then you should pay off any estate debts. If it is unclear whether or not the estate owes more than it is worth, or even if it is, you may want to negotiate with creditors to see who may be willing to forgive all or some of the amount owed.

Finalize Asset Disposition Plan

Plan what you are going to do with every estate asset. Some items (cash or assets) may be explicitly called out in the will for specific disposition. You may need to sell some assets to raise cash to pay off debts. Some heirs may want their share of the estate to include particular assets. You need to finalize a plan that satisfies your legal obligations and preferably, maximizes heir happiness. In the end your goal is to distribute the entire net estate to the heirs in accordance with the terms of the will.

Sell or Dispose of Unwanted Assets

Sell assets you do not plan to directly distribute to heirs, and dispose of assets that are unwanted by heirs and have no saleable value.

The Probate HELP Group can assist with arranging estate sales if you wish, as well as provide referrals to related third-party services.

Pay Estate Tax

If you are dealing with a large estate, you have 9 months from the time of death to submit a federal Form 706 (this is typically only required for estates with a gross value in the millions: \$11.2M in 2018, \$11.4M in 2019). A 6-month extension is available if requested prior to the due date and the estimated correct amount of tax is paid before the due date.

If you must file a federal Form 706, you must also file IRS Form 8971 identifying heirs, the inherited property, and its valuation. This additional form must be delivered by

the earlier of 30 days after the estate tax return is filed, or 30 days after the estate tax return was due to be filed (if you missed the 706 deadline).

You may also have to file a state estate tax form if the decedent lived in a state with its own estate tax.

Pay Inheritance Tax

Unlike an estate tax, which is a tax levied on the overall estate, an inheritance tax is a tax levied on amounts distributed to individual heirs. There is no federal inheritance tax, but a few states do enforce their own inheritance taxes (in accordance with the decedent's state of residence, not the address of the heir): Inheritance taxes typically vary by the relationship of the heir (e.g., child, spouse) with the decedent, and it is generally the estate that must pay the tax. If applicable, the inheritance tax form must be filed within 6-18 months, depending on the state.

Optionally Limit Federal Liability

While not required, you can submit IRS Form 5495 to shorten the period during which you may be personally liable for underpaid federal income, gift, or estate taxes. You can only apply Form 5495 to tax forms you have submitted, not future ones, so you can wait until all tax forms have been submitted before filing Form 5495, or you can submit additional copies of Form 5495 over time as you file new tax forms.

FINAL SETTLEMENT TASKS

Once you've completed the preceding timeline tasks, you can wrap up the estate settlement process:

Distribute Assets

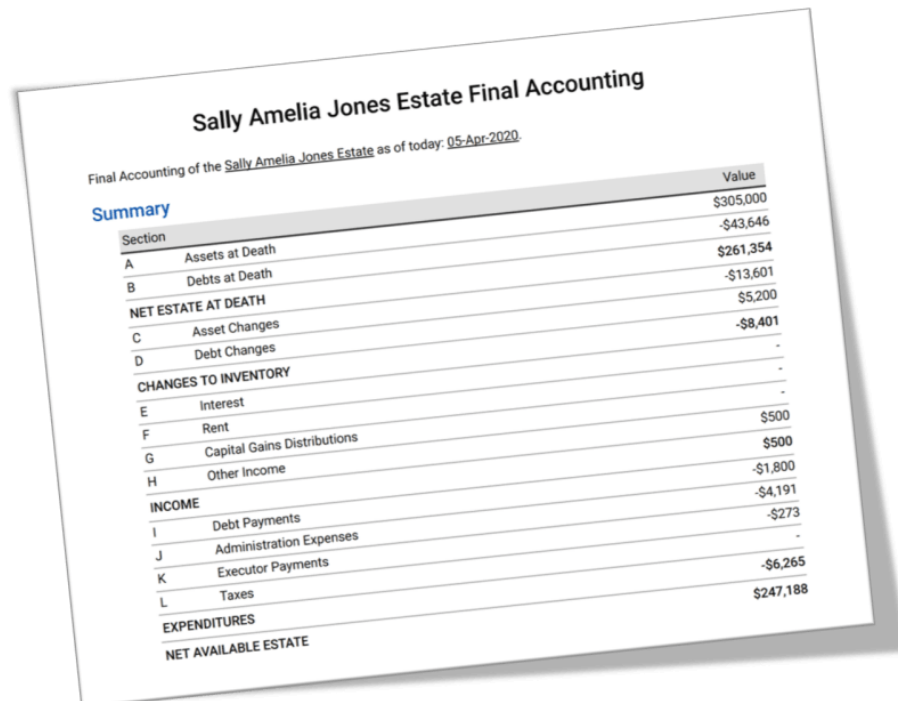
Distribute the net estate assets to the heirs in accordance with the asset disposition plan you developed.

Compensate Executor

If you plan to compensate the executor, make that payment now.

Finalize Probate

If the estate went through an official probate process, you must submit (and get approved) a "Final Accounting", which shows how you handled the estate assets: what income the estate generated, what losses, how much you paid the individual creditors, and how much you distributed to heirs. You must also submit (and get approved) a "Closing Statement", stating that you have resolved all debts, paid all taxes dues, and distributed the estate net proceeds appropriately.



Sally Amelia Jones Estate Final Accounting
Final Accounting of the Sally Amelia Jones Estate as of today: 05-Apr-2020.

Section	Value
Summary	
A Assets at Death	\$305,000
B Debts at Death	-\$43,646
NET ESTATE AT DEATH	\$261,354
C Asset Changes	-\$13,601
D Debt Changes	\$5,200
CHANGES TO INVENTORY	-\$8,401
E Interest	-
F Rent	-
G Capital Gains Distributions	\$500
H Other Income	\$500
INCOME	-\$1,800
I Debt Payments	-\$4,191
J Administration Expenses	-\$273
K Executor Payments	-
L Taxes	-\$6,265
EXPENDITURES	\$247,188
NET AVAILABLE ESTATE	

Close Down the Estate Account

By this time, there shouldn't be anything left in the estate, other than perhaps the estate bank account you opened. You probably closed this account when you distributed the proceeds, but if not, now's the time.

File Final Form 56

If you filed a Form 56 with the IRS when you became an executor (or at any time), you should now file a corresponding Form 56, notifying the IRS of the termination of your responsibilities.

Congratulations: You're done!

4/18/24

While this list of tasks is not intended to provide official legal or tax advice, nor to provide exhaustive coverage for all possible situations, we hope you will find it useful and helpful.

The content was provided by the inventors of the software we, at The Probate HELP Group, use when assisting Executors/Personal Representatives or Attorneys in estate settlement.

Learn more about The Probate HELP Group on our website at <https://TheProbateHELPGroup.com>