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What To Do When Someone Dies
A Checklist for Trust and Estate Administration

When a family member or friend dies and you find yourself in charge of handling his or her affairs, the following checklist may be helpful.

1. **Initial Steps.** If death occurs at home, a qualified medical professional must be notified to make the official pronouncement of death of the deceased person (the "decedent"). Typically this would be the county coroner. Notify the police if the cause of death is suspicious. Notify immediate family members and close friends, ask for help with tasks. Provide for any pets, livestock, perishable items. Secure the decedent's home and other properties, safeguard assets.
2. **Funeral Arrangements.** Determine if the decedent had any specific funeral or burial arrangements or expressed wishes. Make arrangements for the body to be picked up by the funeral home, or crematory if the body is to be cremated. Arrange for the funeral and notify all family members and others who may wish to attend of the time and place of the services. If the decedent (or his or her spouse) was a veteran, contact the Veteran's Administration regarding benefits (the decedent's discharge papers may be needed).
3. **Death Certificates.** Obtain several certified copies of the death certificate from the funeral home. These will be needed to transfer assets of the decedent, generally each bank and investment company, life insurance company, title company holding assets of the decedent, paying death benefits or transferring the decedent's real estate will want an original (although some may accept copies). While additional copies may be obtained later, the process is more difficult and can be costly, so order plenty.
4. **Last Will and Testament.** Secure the Last Will of decedent. The original Will (not a copy) must be filed with the court clerk in the county where the decedent resided. Review the Will and be familiar with the terms. Confirm that you are named as personal representative (also known as an executor) of the estate. A personal representative must be appointed by the court in order to act for the estate; "letters of office" are issued as proof of authority to act (see "probate" requirements, below). A formal "reading" of the Will is not required.
5. **Trust and Trust Registration.** Determine if the decedent created a separate trust during his or her lifetime, and secure the original trust agreement(s) and any amendments. Review the trust agreement and be familiar with its terms. Confirm that you are named as trustee, or if you are the personal representative but not named as trustee, contact the trustee to coordinate trust and estate administration. A trustee does not need to be approved by a court, but merely needs to accept the appointment made in the trust agreement. The trustee is responsible for filing a registration statement regarding the trust in the county where the trust is administered (where the trustee lives), within 30 days of accepting duties as trustee.
6. **Family Members, Legatees, Beneficiaries List.** Record the names, relationship, address, telephone number, e-mail address of each spouse, child, parent (if no spouse or child), sibling (if no spouse, child or parent) and of others named in a Will (legatees) or trust (beneficiaries). Note if active military, minor or disabled, or deceased.

7. **Summary of Assets and Debts.** Prepare an initial summary of all of the assets and debts of the decedent as of the date of death to determine if probate will be necessary, and if estate tax return(s) will be necessary. You may need to review the assembled records described below in order to prepare the summary. A detailed statement will also be needed later for administration. If decedent resided in Colorado, probate is required if estate value exceeds \$66,000 or contains any real estate. Personal property only valued at less than \$66,000 may be transferred by statutory affidavit without probate. Assets transferred into trust prior to death or passing by operation of law are generally not counted as estate assets.
8. **Probate of Will.** If the decedent owned real estate or held assets in his or her name in excess of \$66,000, then probate (court approval) of the Will and court supervised estate administration will be required, typically referred to as "probate." If all of the decedent's assets (other than \$66,000 of personal property) were held in the decedent's trust, or transferred to the trust by operation of law following the decedent's death, then probate may not be required. Probate may also be advisable if the decedent left significant debts or liabilities, or if the amount of the debts and liabilities are unclear. Please discuss whether probate is required with me or another attorney of your choosing. Once you are appointed as personal representative, there are several requirements with specific deadlines, some of which may be handled by your attorney, but for which you are responsible. Be aware of probate requirements and deadlines.
9. **Gather Records.** Assemble documents and records, including but not limited to:
 - trust agreements for all trusts created by decedent or if decedent is a beneficiary;
 - income tax returns (last 3 years) and income tax records (and filing extensions) for current year;
 - gift tax returns (all years filed);
 - life insurance policies insuring decedent, or owned or controlled by decedent;
 - real estate deeds, leases and title insurance policies;
 - oil, gas, other mineral deeds, leases, interests, reservations, assignments;
 - certificates of deposits, bank statements, checkbooks, check registers;
 - personal financial statements;
 - promissory notes due to or from the decedent;
 - mortgages and deeds of trust held by decedent (as lender);
 - mortgages and deeds of trust secured by decedent's real estate (as borrower);
 - brokerage and mutual fund statements and stock certificates;
 - corporation bylaws, shareholder agreements and other corporation records;
 - limited liability company operating agreements and partnership agreements;
 - other business agreements and records;
 - unperformed or partially performed contracts;
 - casualty and liability policies (homeowner, others);
 - safe deposit box agreement (and key);
 - business receivables and billing records (if applicable);
 - transferrable club memberships (with residual value);
 - other financial account statements;
 - credit card statements;
 - unpaid bills;
 - loan statements;
 - real estate tax bills;
 - uncashed checks;
 - direct deposit statements;
 - retirement and pension plans agreements, account statements, participant statements and other employment benefits statements;

motor vehicle titles;
list of household furnishings and personal effects with estimated or appraised values;
marriage, birth and death certificates;
military records and discharge papers;
documents regarding season sports ticket rights;
membership information for fraternal organizations, professional societies (for death benefits); and
online account user names, passwords (some providers will disclose, others will not).

10. **Safeguard Assets.** Review the decedent's assets and make sure that initial efforts to secure assets are adequate; pay particular attention to valuable assets that are easily moved such as cash, valuable artwork, jewelry and collections (coins, stamps, guns, other collectibles). Hold valuable assets in a secure location, such as a safety deposit box for small assets. Determine if the decedent held a safety deposit box, make arrangements for access and inventory of contents. If the decedent owned a residence, vacation home or other vacant real estate, maintain and repair the property until disposition. Maintain insurance on real property and other assets. If the decedent owned rental property, contact tenants or manager of rental property, maintain and repair the property until disposition. If the decedent operated a business at the time of his or her death, arrange for operation of the business until closed or sold.
11. **Reoccurring Benefits.** Contact administrators of reoccurring payments received by the decedent, such as the Social Security Administration, pension and other retirement account administrators and annuity companies. Determine if any death benefit to be paid for decedent. You may also wish to determine if there is any contingent beneficiary or payee, and notify the beneficiary or payee.
12. **Reoccurring Charges.** Terminate reoccurring charges, such as newspapers and other subscriptions, online accounts (safeguard data as appropriate before termination of access) and memberships (with no residual value, some memberships may be sold or redeemed, take appropriate steps to sell or redeem those prior to termination).
13. **Taxpayer Identification Number.** Obtain a taxpayer identification number ("TIN") from the Internal Revenue Service for any trust and for the estate. If the estate will be in probate, then wait until letters of office are issued to you as personal representative before obtaining the estate TIN. The only time a TIN will not be needed is if the estate is summarily handled by a small estate affidavit and has no income. Otherwise the estate and any trust(s) will each require separate TINs. A decedent's trust may have been disregarded for income tax purposes and reported on the decedent's individual tax return prior to his or her death, but a TIN will be required for the trust following death. Open a separate bank accounts for any trust and for the estate, only use for deposits and payments for the trust or estate, do not commingle.
14. **Marshall Assets and Pay Expenses.** Collect the assets of the decedent, arrange for payments of valid debts and liabilities, contest invalid debts or liabilities. If assets are insufficient to pay expenses, consult with your attorney about priority of expenses and payments.
15. **Early Estate Distributions.** Generally estate assets may not be distributed until after the creditor claim period has expired and all claims have been resolved. In Colorado, this is 30 days after the 4 month claim notice is published, roughly 6 months after the decedents death. However, there are provisions for early distributions, and typically personal property of nominal value is distributed early. Please consult with your attorney.

16. **Account for Receipts and Disbursements.** Document all receipts and disbursements as made. Maintain an accurate checkbook ledger or other record, showing transaction details. You will need to account for these later; both the estate and trust may require one or more periodic accountings.
17. **Income Tax Returns.** Generally an estate and each trust will be required to file state and federal fiduciary income tax returns. While estates may elect to have a fiscal year different from a calendar year, trusts are required to have a calendar year. Tax returns are required for each year, beginning with the year of the decedent's death. Final individual income tax returns are also required for the decedent in the year of death. In some instances, an estate and a decedent's trust may elect to file tax returns as a single entity. Be aware of tax return and tax election deadlines and requirements.
18. **Close Estate.** If probate was required, then once administration is completed, the probate estate may be closed to conclude the court proceedings. In Colorado with independent administration, which applies to most estates, the assets may be distributed and a final report may be prepared and filed to complete administration. In supervised administration, or in other states, additional proceedings may be required. Please consult with your attorney regarding completion of administration and closing the estate.
19. **Distribute Remaining Assets.** Once debts and expenses are paid and reserves set aside for final expenses, then comply with Will and trust distribution provisions. Make specific bequests, including distribution of specific assets that are to be distributed "in kind." Specific bequests of a stated dollar amount should be paid as soon as allowable, assuming adequate funds are available. Other estate assets may be sold and the proceeds distributed, or may be distributed in kind, subject to the provisions of the Will. Distribute estate assets to the trustee of the trust. Comply with the trust provisions for discretionary and mandatory distributions or withdrawals of principal and income. Typically receipts are required for estate distributions, and may be required for trust distributions, consult with your attorney.
20. **Communicate.** Don't assume that your attorney or others are handling administrative items, make sure you communicate regarding deadlines and responsibilities.