PacificCPE

COURSE
40752A

Executor Essentials: First Month Duties and Claiming Death Benefits

Once the immediate aftermath of a death passes, executors face a new wave of responsibilities. This course covers the key tasks of the first month, from notifying institutions to organizing paperwork, and then addresses how to claim life insurance proceeds, Social Security survivor benefits, and other death-related benefits. Tax and financial professionals advising estate clients will find this course useful for understanding the practical steps that precede formal probate and affect both estate administration and income reporting.

CREDIT HOURS 2 | FIELD OF STUDY BUSINESS | EXAM QUESTIONS 10

Start Course ↓ | Final Exam Copy ↓

LEARNING ASSIGNMENTS AND OBJECTIVES

Assignment

- Study the full course materials included here.
- Complete the review questions after each chapter.
- Answer 10 final exam questions.
- Final exam is scored immediately, 70% or better passes.
- Certificate of completion is available in your account.
- Failed exams can be retaken free of charge.

Course Objectives

- Identify the various forms of joint ownership.
- Recognize the simplest type of life insurance.

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Chapter 1: THE FIRST MONTH

Chapter Objective

After completing this chapter, you should be able to:

- Identify the various forms of joint ownership.

After the first shock has worn off and you've taken care of immediate concerns, you might feel ready to wade into the piles of papers and belongings that must be dealt with. Then again, you might not. The period after immediate matters are handled, when relatives go home and friends start to drift back to their everyday responsibilities, can be a difficult time. The grief and plain loneliness you might feel after losing your spouse, parent, or other loved one can surface with surprising and disconcerting strength.

But to their surprise, many people find that dealing with some tangible items and handling some financial matters helps them keep going. Often the hardest part is getting started.

This chapter assumes you're entitled to act on behalf of the deceased person's estate because one of the following is true:

- The will named you as executor.
- No will exists, and under state law you (as surviving spouse, only child, or closest surviving relative) are first in line to serve as administrator or personal representative.
- No probate is necessary (because the deceased person owned very little property or because everything was owned in a way that avoids probate), and everyone concerned agrees that you are the right person to take charge.

Even if you haven't yet received the probate court's blessing to proceed (and might never receive it if probate isn't necessary), you can go ahead with some important tasks.

You probably won't have to do everything discussed in this chapter. It sounds trite, but the best advice is to try to take things one day at a time. You don't have to do everything at once, and although it's a good idea to start many of these processes in the first month after the death, it's okay to wait longer, too. Do what you need to do to look after yourself and your family. Most legal matters really can wait.

Related Topic

Tackling financial matters. Especially for surviving spouses, having enough money for immediate living expenses can be a worry. Chapter 2 discusses how you might be able to get cash from life insurance policies, Social Security, and other sources.

SET UP A FILING SYSTEM

To succeed as an executor, it's crucial to begin by setting up a system to keep track of all the paperwork that will shortly come your way. A good filing system will keep you from wasting hours later searching for things you need, and it will also make it much easier to answer the inevitable questions from beneficiaries, banks, insurance companies, accountants, and others. You get the idea.

Much of your work might be done online or by email. But because you'll be shuffling so many documents, you also need a paper-filing system.

A simple way to get started is to buy a package of file folders and a container (file box or drawer) in which to keep them. Look at the list below and label the folders you think you'll need. You can add others later.

What should go in all these files?

Obviously, you want to keep anything that could later be important to you in your capacity as executor. For example, if you find a 20-year-old insurance policy that seems to have lapsed, you'll still want to save it, so later—maybe even months later—you can call the company to check on whether any insurance is still in force.

It's just as important to keep a copy of everything that goes out—every letter you send and form you file. (If you file a form online, remember to either print out a copy for your physical files or save a copy in your digital files.) Why? To be sure you have been thorough, to show others that you have been, and because if you have future dealings with the recipient, you'll want a record of what's been said.

You never know exactly which documents you'll need later, so err on the side of filing away documents if you're unsure. If you're having trouble getting something done later, having documentation can help you press your point.

Files You Might Need	
☐ Appraisals	☐ Employment
☐ Bank Account—Estate	☐ Family Facts, Photos, and Historical Documents
☐ Bank Accounts—Personal	☐ Funeral and Cremation or Burial
☐ Bills—Paid Bills—Unpaid	☐ Income Tax Returns—Estate
☐ Correspondence With Beneficiaries	☐ Income Tax Returns—Personal
☐ Death Certificates	☐ Life Insurance and Annuities
☐ Living Trust	☐ Real Estate
☐ Medical Expenses	☐ Retirement Accounts (IRA, 401(k), 403(b))
☐ Military Service/Veterans Benefits	☐ Social Security
☐ Pensions/Survivors' Benefits	☐ Stocks and Bonds
☐ Probate Court	☐ Will
☐ Property Inventory	

Records to Look For	
☐ Annuity policies	☐ Investment records
☐ Bank statements	☐ Life insurance policies and premium payment records
☐ Birth certificates (of the deceased person, surviving spouse, and any minor children)	☐ Marriage certificate (if you don't have a copy, order one from the county where the wedding
☐ Brokerage account statements took place)	☐ Military service records (branch, dates of service, discharge or "separation" papers)

Files You Might Need	
☐ Business co-ownership agreements	☐ Pension records
☐ Checkbooks	☐ Prenuptial or postnuptial agreement
☐ Child support documents	☐ Real estate deeds and tax records
☐ Credit card statements (because many bills are on autopay and credit cards are used nearly everywhere, a credit card statement can be a hugely important source of information)	☐ Retirement account statements
☐ Registration papers for vehicles or boats	☐ Social Security records
☐ Disability-related documents	☐ Tax returns
☐ Divorce papers (including property settlement agreements)	☐ Workers' compensation paperwork
☐ Health insurance policies	☐ W-2 form (showing wages for the most recent
☐ Immigration and citizenship documents year)	

Tip

What to do when you can't find the last tax return. Tax returns are a valuable source of information. The IRS will send you a copy of the last tax return if you make a written request and provide evidence of the date and place of death and the state where the person lived. A death certificate should include that information. You'll also need to show that a court has appointed you as the executor or administrator, that you have authority to act on behalf of the deceased person, or that under state law you are entitled to inherit property and so need the information in the tax return.

ORDER COPIES OF THE DEATH CERTIFICATE

As you wind up the deceased person's affairs, you'll need certified copies of the death certificate, which serve as official evidence of the death (a certified copy is printed on heavy paper and has a raised, embossed stamp). You'll need one whenever you claim benefits or property that you or

someone else becomes entitled to because of the death, such as union, veterans, or other funeral and burial benefits, life insurance proceeds, payable-on-death bank accounts, or Social Security benefits.

Typically, the funeral home or crematory arranges for you to receive some certified death certificates. It's a good idea to ask for at least 10—more if the deceased person owned many types of property (some entities will accept scanned copies of an original, but not all).

Where to Order

If you need to order death certificates yourself—for example, if some time has passed since the death and you're no longer working with a funeral home or crematory—you can contact either the state or county vital records office. The county office is probably your best bet when the death is somewhat recent, because it receives the documents sooner. Expect a lag time of several months before certificates are available from a central state office.

The county vital records office is called by a variety of names. In Texas, for example, it's the local registrar, but in Michigan you go to the county clerk.

Each county sets the cost of certificates, so prices vary widely. Expect to pay from $15 to $25 for the first certified copy; sometimes additional copies are a little cheaper. Often, you'll have a choice of ordering the certificates in person, by mail, by phone, or online. You can pay for the death certificates yourself and later get reimbursement from the estate.

Resource

Ordering from the state. If you want to order death certificates from your state's agency, you can learn where to order and how much copies cost at the website of the National Center for Health Statistics: www.cdc.gov/nchs/w2w/index.htm.

Tip

If you need the cause of death listed, you might have to ask. In some states, death certificates do not routinely list a cause of death. If you need a certificate that states the cause of death—for example, if the insurance company might resist paying because it claims the deceased person didn't disclose an illness when applying for the policy—you might have to make a special request.

Who Can Order

In most states, not just anyone can get a certified copy of a death certificate. (These restrictions are aimed at preventing identity theft; thieves use death records to get personal information.) But executors and immediate family members are always entitled to death certificates. For example, in

Illinois, death records are restricted to relatives or people who have a financial interest in the deceased person's estate. And in California, you must submit a sworn statement with your request, saying that you are the executor or a close family member.

Ordering in Person

You can always go in person to the county vital records office to get certified copies. Just call ahead to find out how much they cost.

Ordering by Mail

Many county vital records offices offer mail-in forms on their websites. (To find your county's website, search online using your county's name, the name of your state, and "vital records.") You'll simply print out the request form, fill it in, and mail it to the listed address with a check for the cost of the death certificates. Some offices will require a photocopy of government-issued photo ID, and in California you'll need to have a sworn statement notarized. You'll usually receive the death certificates in the mail within a few weeks.

If you can't find a mail-in form online, call your county office for instructions. Some counties might refer you to the state department of health.

Ordering Online or by Phone

Many counties also offer the option to order death certificates online or by phone, often through a third-party service such as VitalChek. The county's vital records website will usually have a link. Additional processing fees apply for online or phone ordering, but you'll often receive the death certificates more quickly than if you wait for a mailed copy. You also have the option of choosing expedited shipping for an extra cost if you're in a hurry.

FIND THE WILL

You need to find the will, if one exists. The will is the basis of your job as executor, because it both says who should inherit what and puts you in charge of making it happen.

Lots of Americans never write a will. If your search doesn't uncover one, it's not a problem. Some—perhaps most—of the deceased person's property might pass outside of the will. Other documents—for example, beneficiary designations or joint ownership deeds—will give you at least some of the instructions you need, and state law will step in to supply the rest. (Chapter 1 of course 40754B discusses the rules.)

Getting Access to an Apartment or a Rented House

If you need to get into a rental but don't have a key, ask the landlord to let you in and accompany you while you look for the will. Don't disturb or take anything else not related to your search.

Where to Look

If you don't know where the will and other key documents are, start your search in the obvious places, such as file cabinets, desk drawers, and closets. Check at home, and if the deceased person had an office, look there too.

If your preliminary search turns up nothing, here are some other avenues to try.

Check safe deposit boxes. If you're a co-owner of the box, you'll probably have no problem opening it. In some states, however, you might not be allowed to have unsupervised access. For example, in Pennsylvania, even a joint owner cannot enter a safe deposit box after the other owner's death except to take out the will, and even that must be done in the presence of a bank employee. The employee must also fill out and file a state revenue department form, documenting the fact that the box was opened for the purpose of removing a will or cemetery deed.

If you're not a joint owner but you are an immediate family member, the bank will probably give you access to the box, in the presence of a bank official, to look for a will. (Some states require banks to give the spouse or next of kin access to the safe deposit box for this purpose; in others, it's up to the bank.) If the bank won't cooperate, you can ask the probate court for an order allowing you access to the box only for the purpose of finding the will.

Tip

Call around to find the boxes. If you don't know whether the deceased person rented a box, call the banks where the deceased person had accounts. Not all bank branches have safe deposit boxes, so you might need to explore a little.

Call the deceased person's lawyer. If a lawyer drafted the will, call to see whether the lawyer has the original or a copy. If you don't know the lawyer's name, go through checkbook registers, bank statements, and credit card statements for the last few years and look for payments to an individual lawyer or firm. If you know the lawyer's name but don't have an address or phone number, call the state bar association or check its website. In most states, the law requires anyone who has possession of a will to promptly turn it over to the executor named in the will or to the local probate court. (The lawyer is not entitled to handle the probate work, even if that's what the deceased client intended; whether to hire the lawyer is up to you, the executor.)