

WHAT SHOULD I DO WHEN A LOVED ONE DIES?

I have reviewed many lists of tasks to complete when a loved one dies and am not fully satisfied with any of them. Based on my legal experience helping families through death, I find the following items to be most important.

- 1. Remember to take care of yourself and other family and friends of the deceased. Death affects each of us differently. Be kind, gentle, and patient with yourself and others. Take time to grieve; it is a necessary process.
- 2. Make final arrangements for the deceased. Check to see if the deceased made pre-arrangements for their cremation or burial. If so, contact that provider or ask that the hospital or nursing home contact that provider.

Depending on the place of death, hospitals and nursing homes will call the cremation or funeral service of your choice for you. If the hospital or nursing home makes the first call, follow up as soon as you can and meet with the cremation or funeral service to make specific arrangements and pay for the service.

- 3. The cremation or funeral service will obtain official death certificates for you. I suggest that you obtain at least five (5) "short form" death certificates (the one without the cause of death listed) and at least two (2) "long form" death certificates (the one with the cause of death listed).

Life insurance will require a long form death certificate. Banks, credit cards, utilities, landlords, etc., will usually accept the short form. Most credit cards, utilities, landlords, etc. will accept a photocopy of the death certificate, so do not automatically send one of the certified copies if it is not necessary. Life insurance and most banks will require a certified copy.

- 4. Secure the deceased's home, pets, and automobile(s). Make sure someone cares for the pets. Lock the doors and windows of the home and automobile(s). If you are named as the personal representative of the estate, it is prudent to change the locks at the home.
- 5. If the deceased was employed, notify his or her employer.
- 6. Begin to notify family members of the deceased. If you know these people, and have contact information for them, you can make direct contact. If you do not know them, or all of them, check the phone of the deceased for recent telephone calls. Also review the deceased's email for emails from family and friends. After notifying as many of the people close to the deceased as you can identify, post information about the death on Facebook.

7. Locate the deceased's legal documents – the Will, codicils (amendments) to the Will, and/or trusts will be needed to administer the deceased's affairs. If a formal probate proceeding is necessary, the **original** Will and codicils are required. Be sure to find them. If you do not locate the original Will, call the attorney who drafted it to see if he or she has the original.

The power of attorney and health care directives expired at death. However, these documents may identify people with knowledge of the deceased's affairs.

8. Locate the deceased's insurance policies, especially life insurance. It is usually necessary to surrender the life insurance policy in order to claim its proceeds. At some point, you will need to notify the auto, homeowners, and other insurance companies of the deceased's death.
9. Locate the passwords to the deceased's computer, phone, and other digital devices. This will probably be necessary as you proceed with administration of the deceased's affairs.
10. Begin gathering the deceased's mail. Place everything that looks like a bill or a bank statement together and be sure to keep it.
11. Have the deceased's mail forwarded to the person who will be responsible for gathering the assets, filing a formal probate proceeding (if required), and assisting to distribute assets. It is important to receive all of the deceased's mail; it will contain very important information.

After these preliminary steps, you are ready to begin assessing the assets and debts of the deceased.

12. Open the mail. Place bank and investments statements in one stack. Place invoices and bills in a second stack.
13. Go through the deceased's emails. Look for emails from banks, investment providers, and creditors. Drag them to the Desktop, save them in a file, and/or print them so that you can contact the providers.
14. Review the bank and asset statements as well as emails from banks and investment providers. If the computer contains links to banks and investment providers, access those links and download recent statements.
- a. If two names are listed on the account, it is likely that another person is a joint owner of the account. It is also likely that the account passed to the joint owner at death.

- b. If the bank statement says “POD” (pay on death) or “ITF” (in trust for), this means there is a beneficiary listed on the account. If a beneficiary is listed, contact that person who should then claim the account.
- c. If an investment statement says “TOD” (transfer on death), this means there is a beneficiary listed on the account. If a beneficiary is listed, contact that person who should then claim the account.
- d. If the statement(s) list only the deceased’s name, there may or may not be a beneficiary listed on the account.
- e. Notify each bank or investment company of the death. If you are a beneficiary, the company will confirm that for you. If you are not a beneficiary, the company will not name the beneficiary and may or may not tell you that a beneficiary exists. Provide a copy of the death certificate to each company.
- f. Contact the deceased’s attorney, if you can identify the attorney. The attorney may be able to provide information about the deceased’s estate plan and/or whether the deceased intended to place beneficiaries on asset accounts. The attorney may be unable to provide specific information, due to confidentiality concerns, but may be able to point you in the right direction.
- g. Speak with other family members and close friends of the deceased to determine whether the deceased intended to name beneficiaries and other matters.

15. Identify all income from bank and investment statements. The funeral or cremation service will notify Social Security, if appropriate. You should immediately notify the providers of all other income, including pensions, retirement accounts, and investments so that those payments can be stopped.

16. Review all life insurance and annuity policies or statements.

- a. Most life insurance and annuity policies have beneficiaries. Those beneficiaries may or may not be current. For example, they may list a parent or spouse who passed away.
- b. Notify each life insurance and annuity company of the death. If you are a beneficiary, the company will confirm that for you. If you are not a beneficiary, the company will not name the beneficiary and may or may not tell you that a beneficiary exists. Provide a copy of the death certificate to each company.

17. Notify the creditor for each invoice or bill that the person has died.

- a. The heirs are **not responsible** for paying the invoices or bills. If a beneficiary received bank or investment account proceeds because they were named as a beneficiary, that beneficiary is **not** responsible for paying the invoices or bills. If a beneficiary received life insurance or annuity proceeds because they were named as a beneficiary, that beneficiary is **not** responsible for paying the invoices or bills.
- b. If the deceased person had a trust, the trust is responsible for paying the invoices or bills.
- c. If a formal probate proceeding is required, invoices and bills will be paid in that proceeding, **if** the estate has sufficient assets to pay them.
- d. Keep all invoices and bills that are not paid. The probate and estate attorney will need them to process the estate.

18. Determine whether a formal probate proceeding may be required. Unless every one of the deceased person's assets were owned by a trust, owned jointly, or named a beneficiary, a probate proceeding is likely needed.

- a. Do you know how the deceased owned his or her home? Was it jointly owned? Was it in a trust?
- b. In Florida, the Property Appraiser for the county in which the home is located will list the owner(s) of the home. Search for the Property Appraiser in the County where the home is located and then search the name of the deceased. If the deceased person is the only person listed, it is likely that a probate proceeding will be required.
- c. Did the deceased own an automobile? Is there a loan on the car? If the deceased owned a car with no loan, it is likely that the car can be transferred to the proper heir by the Department of Motor Vehicles.
- d. Have you located one or more bank or investment statements listing only the deceased person's name? Call the financial institution to ask if a beneficiary is listed on the account. If not, consultation with a probate or estate attorney is advised.

After taking preliminary steps and assessing the assets and debts of the deceased person, you are ready to begin "administering" the person's affairs.

19. If the deceased person had a trust, follow the terms of the trust to gather the person's assets, pay their creditors, and distribute the remaining assets to the beneficiaries listed in the trust. Some trusts are very simple, and professional guidance is not

necessary. Other trusts are more complex, and you are advised to consult an accountant and/or trust and estate attorney to assist with administration.

- 20. If the deceased person owned assets in his or her individual name, consult a probate and estate attorney to assist with a formal probate proceeding.
- 21. For all assets that were owned jointly or named a beneficiary, inform the joint owner or beneficiary that they should contact the financial institution and claim the asset.
- 22. For all life insurance or annuity policies that named a beneficiary, inform the beneficiary that they should contact the financial institution and claim the proceeds of the life insurance or annuity policy.
- 23. Cancel all utilities, cable, internet, telephone, mobile phone, or other paid services as soon as they are no longer needed.
- 24. Cancel all homeowner's, auto, health, etc., insurance policies.
- 25. Contact the deceased person's accountant if he or she filed tax returns. Make arrangements to prepare and file the deceased person's final income tax return. This is due on the regular due date as if the person had not died.

If you need assistance after the death of a loved one, Blackburn Law Firm, PLLC – LifePlanLaw.com has the experience and ability to assist you. Call 727-826-0923 or visit www.LifePlanLaw.com for more information or to schedule a complimentary consultation.