



KANEY LAW
PROTECTING GENERATIONS

SURVIVOR'S CHECKLIST

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June 1, 2016



GETTING AFFAIRS IN ORDER

The death of a loved one is a difficult time. Settling your loved one's estate while grieving can be overwhelming. Being organized can help you manage the stress. Use this list as your guide.

- STEP ONE:** GATHER BASIC INFORMATION
- STEP TWO:** MAKE INITIAL CONTACTS
- STEP THREE:** GATHER ASSET & LIABILITY INFORMATION
- STEP FOUR:** IDENTIFY & VALUE DECEDENT'S ASSETS
- STEP FIVE:** OPEN ADMINISTRATION PROCEEDINGS
- STEP SIX:** PRESERVE THE ASSETS OF THE ESTATE
- STEP SEVEN:** DISTRIBUTE & TRANSFER THE ASSETS; CLOSE THE ESTATE

STEP ONE: GATHER BASIC INFORMATION

1. Order copies of the death certificate.

These can be ordered through the funeral home or from the Health Department of the county where the decedent died.

Florida has two types of death certificates: the long form and the short form. The long form contains the cause of death.

Order one short form for each county in which the decedent owned real estate, and order another short form for the probate proceeding.

2. Obtain the Social Security Number of the decedent.
3. Determine if there are any pre-paid funeral arrangements.
4. Locate all statements and check books.
5. Locate any burial instructions.
6. Find all relevant information for the obituary.
7. Locate the decedent's estate planning documents.

STEP TWO: MAKE INITIAL CONTACTS

Contact the following:

1. Social Security

If monthly benefits were being directly deposited in the decedent's bank account, do not remove any funds received for the month of death. Social Security will remove excess payments. The local Social Security Administration will usually schedule an appointment with the surviving spouse to determine if he or she is entitled to additional benefits as a result of the death.

2. Decedent's Attorney
3. Decedent's Employer (possible group insurance, pension or other benefits)
4. Funeral Home
5. Relatives & Close Friends
6. Life Insurance Companies

Determine the beneficiary & request the forms necessary to apply to receive the death benefits. If there is no living beneficiary or if the beneficiary is listed as the decedent's estate, distribution of the death benefit will likely require probate.





STEP TWO, CONTINUED...

7. Veterans Administration or Civil Service Office of Personal Management

If the decedent was a veteran or a retired employee of the Civil Service you must report the death. Also contact the Defense Finance and Accounting Service Casualty Assistance Line to report the death and check for survivor annuity. The surviving spouse will need to provide a copy of the marriage certificate.

STEP THREE: GATHER ASSET & LIABILITY INFO

This task is usually completed by the personal representative of the estate or by the successor trustee of the decedent's revocable trust.

Obtain the following:

1. Contents of the Safe Deposit Box
2. Statements & Records of Bank Accounts
3. Brokerage Account Statements
4. Deeds, Property Tax Bills & Printouts of the County Property Appraiser for any Real Property the Decedent Owned.
5. Stock or Bond Certificates
6. Insurance Policies
7. Vehicle Title Certificates
8. List of Personal Property & Any Insurance on that Property
9. Most Recent Credit Card Statement for Each Credit Card
10. Gift Tax Returns (IRS Form 709)
11. Income Tax Returns for last 3 years
12. Any Promissory Notes or Other Evidence of Loans or Debts owed by the Decedent
13. Medical Bills
14. Funeral Bill (and Evidence of the Payment)

If the deposit box was owned solely by the decedent, an interested party may have to petition the court to gain access. The person granted access may examine the contents of the box and make an inventory.

STEP FOUR: IDENTIFY & VALUE DECEDENT'S ASSETS

- List All Assets
- Determine Date of Death Value
- Determine Ownership of Each Asset

- Individual
- Joint Tenancy with Right of Survivorship
- Tenancy by the Entireties
- Owned by a Trust
- Owned with Designated Beneficiaries (life insurance policies, IRAs, annuities, transfer on death...etc.)



STEP FIVE: OPEN ADMINISTRATION PROCEEDINGS



Hire a Probate Attorney who will file a petition for probate for any property owned solely by the decedent in his or her individual name without any contractual method of transferring title (i.e., a beneficiary designation). The type of petition filed will depend on the circumstances of the estate including the total value of the assets in the probate estate, whether the will directs formal administration and whether there are outstanding debts at the time of the decedent's death.



If the decedent had a revocable trust, the trust becomes irrevocable on the date of death. The successor trustee, as named in the trust, must be appointed and obtain authority to manage & administer the trust. This is usually achieved by the successor trustee presenting the trust (and any amendments) to the relevant parties with a written statement that he or she has accepted the appointment of trustee. The first action of a newly appointed trustee is to file a **Notice of Trust** in the county where the decedent resided or owned property.

STEP SIX: PRESERVE THE ASSETS OF THE ESTATE

- Take possession of personal property, stock & bond certificates and real property for safekeeping.
- Maintain or obtain insurance on the estate's properties.
- Manage the investment of securities, accounts and money to preserve their value.
- Pay mortgage payments, property taxes and assessments as they come due.
- Cancel the decedent's credit cards and lines of credit.
- File claims of insurance of which the probate estate or trust is a beneficiary.
- Obtain a federal tax identification number for the probate estate or trust.
- Open a checking account for the estate (probate or trust).



STEP SEVEN: DISTRIBUTE & TRANSFER ASSETS; CLOSE THE ESTATE



01

Pay the debts of the Decedent. This process can create liability for the administrator if done incorrectly. This process should be done only with advice from counsel.



02



Distribute proper share of remaining estate to each beneficiary. Real estate and securities may have to be liquidated to effect a property distribution.

03



A certified copy of the short form death certificate should be recorded in the public records of the county where any real property is located. If applicable, an Affidavit of No Florida Estate Tax should also be recorded to clear the title from any potential estate tax lien.

04

Title the property owned jointly with the decedent with a right of survivorship in the surviving joint tenant's name.



05



The personal representative or trustee is responsible for filing all applicable tax returns and paying any applicable tax liability. This may include filing the federal estate tax return (IRS Form 706) and filing income tax returns for the estate while it remains open (IRS Form 1041).

It is important to note that this article is an overview of the steps involved. Not all estates will require every step listed and some may require much more. This checklist is provided only as general information for education purposes and is not intended to provide specific legal advice. You should seek advice from competent legal counsel in Florida.



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