

Jarrett & Luitjens

ESTATE & ELDER LAW

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What to Do When a Loved One Dies

Time Sensitive Matters:

- Arrange for care of any dependent family members and/or pets
- Notify family, friends, and caregivers
- Make funeral arrangements, considering any prepaid plans or other instructions
- Prepare an obituary notice
- Apply for a death certificate and request multiple copies
- Secure the home:
 - Delegate someone to pick up the mail
 - Cancel newspaper delivery and magazine subscriptions
 - Cancel cable or satellite television service
 - Consider having locks changed, especially if there have been caretakers, neighbors, repairmen in and out of the home recently
 - Maintain outside of the home, including mowing, snow removal, pool maintenance, landscaping/gardening
 - Identify whether there are hazardous or dangerous objects or conditions in home (e.g., handguns, swimming pool, vermin infestation, leaking pipes, leaking roof, overhanging branches, etc.) and address appropriately
 - Secure valuable items
 - Consider putting some indoor lights on a timer or outside lights on a motion sensor
 - Clean the home:
 - Empty the refrigerator, freezer, and cupboards of perishable food
 - Dispose of unused prescription medicines safely
 - Empty the washing machine and dryer, disconnect the hoses to the washing machine
 - Remove household garbage
 - Make arrangements to routinely check on the property

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- ❑ Notify the following of decedent's death:
 - Social Security Administration
 - Department of Veterans' Affairs
 - Medical Insurance Companies
 - Life Insurance Companies
 - Retirement Plan Administrator and Pension Administrator
 - Decedent's employer
 - Decedent's insurance agent (auto/homeowners) and confirm coverage
 - Credit card companies - if possible, place hold on account

Financial Matters:

- ❑ Assemble a list of assets, noting any joint owners or designated beneficiaries
 - Look for information about a safe deposit box's location and the key
 - Locate statements or other information about bank accounts, brokerage accounts, retirement accounts, life insurance policies, and other assets
 - Search for deeds to real estate, titles to automobiles, boats, and recreational vehicles
 - Identify digital assets and accounts, such as social media
 - Identify any non-traditional assets, such as oil and gas leases, mineral rights, royalties, or copyrights to intellectual property
- ❑ Prepare a list of decedent's creditors and outstanding balances
 - Funeral expenses
 - Medical bills, insurance co-payments
 - Monthly living expenses, credit card balances, etc.
- ❑ Confirm that all housing-related expenses are current and plan for continued payments
 - Property taxes and assessments (condo fees, homeowner's association fees, etc.)
 - Insurance policy (also confirm adequate coverage, especially if home is vacant)
- ❑ Consider tax liability
 - Estate tax – are assets above state/federal estate tax thresholds? (2017 amounts are \$2,750,000 Vermont / \$5,490,000 Federal)
 - Income tax
 - Locate prior year's personal tax return
 - Contact accountant regarding filing final return

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Legal Matters:

- ❑ Locate the decedent's last will, if any
 - Determine who is the Personal Representative (often referred to as an Executor)
 - Is the person nominated able and willing to serve in that capacity? If no, is there an alternate?
 - The likely Personal Representative should contact an attorney to discuss the settlement of the estate (probate)

- ❑ File initial pleadings with Court to open estate

- ❑ After appointment of Personal Representative:
 - Request the Post Office to redirect the decedent's mail
 - Obtain a tax identification number
 - Open an estate checking account
 - Prepare an accurate list of all assets (for the Inventory, which is due within 30 days of Court appointment), providing supporting statements or appraisals
 - Prepare a list of all creditors and outstanding balances.
 - Cancel any accounts not already done so (e.g., credit cards, cable, subscriptions, memberships, non-essential utilities)
 - Do not make any arrangements to repay outstanding debts until it is determined to be valid claims and the estate has sufficient assets (which determination may not be conclusive until expiration of 4 month creditor notice period)
 - Arrange for continued management of real estate
 - If appropriate, prepare real estate for sale:
 - Hire listing agent
 - Arrange for cleaning, landscaping, and repairs, as needed
 - Obtain License to Sell prior to closing

- ❑ After expiration of creditor notice period and receipt of tax clearance:
 - File accounting and request Court decree
 - Disburse funds/property to beneficiaries, according to decree
 - Close probate by filing receipts and closing report