WHAT TO DO WHEN A LOVED ONE DIES

1. **Consider donation of body organs and tissue.**
2. **Contact place of worship.**
3. **Contact funeral home. For general information regarding funerals, go to the Web or yellow pages. If you are considering cremation and want information, call the Cremation Society of Minnesota at (952) 924-4100.**
4. **Determine whether decedent left a Will by checking in safe deposit boxes, searching through personal and financial papers, contacting decedent's previous attorneys and contacting the probate court in the county where decedent resided. Locate the original Will/Trust.**
5. **Determine whether or not decedent had a safe deposit box by contacting the banks at which decedent had accounts. If you determine that the decedent had a safe deposit box, you will need to find the keys.**
6. **Phone the Social Security office and notify of the death. Stop all payments. You may have to refund or send back the Social Security check. If you are a spouse or if you have minor children at home, check to see if any of you are eligible for benefits.**
7. **If the deceased was a member of the military, notify the military branch of the death and check for possible death benefits.**
8. **Have all mail forwarded to you.**
9. **Ascertain the extent of the decedent's assets and liabilities, including the following:**

    A. **Real Estate – determine the owner(s), the legal description, any real estate tax information, the existence of any encumbrances on the property, and the location of any abstract or certificate of title to the property. This is important for property owned by decedent in every state. Include partial ownership in real property and time share unit ownerships. An Affidavit of Identity and Survivorship will need to be filed with the County Recorder or Registrar of Titles to remove deceased's name from any jointly owned real estate.**

    B. **Household goods, furniture and personal belongings – make a list of all household goods, furniture and personal belongings, and make a rough estimate of the value of these assets. Also, make a separate list of any items of special value, such as antiques, silver, jewelry, furs or stamp or coin collections, Remember, many people have prepared a list wherein they have designated whom they want to receive their tangible personal**

property. Often this list is attached to their Will or found in their personal papers or safe deposit box. The personal representative has a duty to follow the Will and list in distributing all tangible personal property. Take photographs of everything.

C. **Stocks and bonds – determine the existence of any stocks or savings bonds, and determine the stock certificate numbers, the total number of shares of each type of stock, the market value of the stock, the type of savings bonds, the face value of the bonds, and the owner(s) of the stocks and bonds.**

D. **Insurance policies – determine whether the decedent had life insurance and determine the name of the insurance company(s), the location of the insurance policy(s), the owner of the policy(s), the beneficiary(s) of the policy(s), and the face value of the policy(s).**

   Check for double indemnities. If the deceased died in an accidental death, his or her estate might be eligible to collect above and beyond the standard life insurance benefit if the policy carried an accidental death clause. The deceased also may have carried additional accident insurance if he or she purchased airline tickets on a major credit card, or was a member of an auto or travel club. Call insurance company for proper claim forms.

E. **Retirement funds – IRA accounts, Annuities, 401K, Pension and Profit Sharing – determine existence, location, amounts and beneficiaries. Contact Human Resources Department at decedent's place of employment and prior employment.**

F. **Business interests – determine whether decedent owned any interest in a partnership, sole proprietorship, or corporation. Determine whether there are any agreements governing the business, the extent of the decedent's interest in the business, and the value of the decedent's interest in the business.**

G. **Bank accounts – determine the existence of all bank accounts, including the location(s), the account number(s), the owner(s), the value(s) on the date of death, and whether or not any beneficiaries are designated on the account(s).**

H. **Debts and liabilities – determine the existence of any debts or liabilities, including mortgages, other secured obligations, bank loans, current household bills, credit card obligations, expenses of last illness, and funeral expenses. Be sure and get receipts for payments of any and all bills. The personal representative appointed will probably need to supply the probate court with proof of payment.**

If a credit card or other charge account of the deceased was in the names of both of you, you are liable for the bills. Remove the deceased name from the account if you wish to continue using it; close the account if you don't want to use it. If the account was in the deceased's name only, close the account. You may not be responsible for these bills. In Minnesota, a spouse is responsible only for the "family necessary" bills, including medical bills, on the account of a deceased spouse.

I. File health insurance claims to pay expenses of last illness.

10. Investigate other benefits that may be available to the estate, including: social security benefits, union death benefits, veteran's benefits, employee benefits such as accrued vacation pay, final wages, employee death benefits, reimbursements, and refunds on insurance.

11. Keep records of all expenditures and payments. Be sure to include funeral and expenses of last illness. Retain receipts for all payments made.

12. Obtain death certificates. Usually these can be obtained through the funeral home and/or crematorium. You will need them to transfer bank and other financial accounts, as well as to send to insurers and others who may be holding assets or benefits payable to the estate. A certified death certificate will be needed in order to begin the probate process.

13. Be sure and keep the insurance going on the home, cars and on any personal property so that these assets will be protected during the probate period.

14. A final income tax return needs to be filed with the IRS. Collect the last 3 – 5 years of tax returns. You might be able to get copies from the decedent's last tax preparer.

15. If spouse predeceased and there are minor children, a guardian is usually nominated in the Will. A guardianship is required for minor children who would be receiving cash and/or valuable property in accordance with the decedent's Will. Always check the Will as to whom the decedent named as guardian and custodian for the minor children. This mainly applies to those situations where both the mother and father have died and the children are under 18 years of age.

16. Review your current telephone listing. If you are a woman and are now widowed, you may wish to consider changing your telephone listing to your first initial and last name rather than your full name, or placing your listing in your spouse's name, or making it a non-published listing.

17. Consult with Robert J. Lange, Attorney at Law, to determine if probate is necessary, and if so, what type of probate process is necessary in order to

transfer the assets of the decedent to the persons named in the decedent's Will or trust, or to the decedent's legal heirs.

Please feel free to contact us should you have any questions or comments. Please Email Bob@willand trust.com or call 952-837-1900.