

I'm an Executor... Now What?



As elder law attorneys, we work with clients in various stages of age and illness progression, including working with families after a client has passed away. Those family members are concerned about what needs to be done after their loved one's passing – often so concerned that they call about what to do before the person has even passed. So what are the responsibilities of the executor (or administrator if the deceased did not have a will), and how quickly after the death does the executor have to act? If we are going to be truly accurate in our discussion, there is no executor or administrator until a probate estate is opened, and some individuals will not even need to open a probate estate. However, there usually is some person who is handling the deceased's affairs. Although I may refer to that person here as the executor, you can understand that term also to mean the administrator or personal representative for the deceased.

You may be surprised to know that there is little that needs to be done during the time period immediately following the death from an estate administration perspective. This is a time to be with family and friends, remembering the life of your loved one and taking the appropriate time to mourn.

In the days immediately following the death it may be necessary to arrange for the funeral if it was not prearranged. Additionally, care should be taken to secure real estate if it will be unoccupied, and arrangements should be made for any pets left in the home. The deceased's mail should be gathered each day or held by the post office until it has been forwarded to the executor's address. That's really about it.

Although you may be anxious to meet with the attorney to start the estate administration, it does not require an emergency appointment, so there is no need to be upset if your appointment is not scheduled for several weeks. It will be important for you to have time to gather the information necessary to have a worthwhile meeting with the attorney, and much of that information is not available to you in the first weeks following the death of your loved one. You will need to locate the Last Will and Testament of the deceased and obtain death certificates from the funeral home. You should also begin to compile a list of assets and their values as of the date of death. Although TV and movies would lead you to believe there is a formal "reading of the will," that is not the case. The meeting is typically with just the executor and the attorney, though other family members may be present. At the meeting you will discuss whether or not probate is necessary and what responsibilities you will have going forward.

A list of many (but perhaps not all) of these responsibilities:

- Go to the Register of Wills (Department of Court Records in Allegheny County) to be sworn in, if necessary.
- Notify banks, employers, insurance companies and financial advisors of the death, and begin collecting the paperwork necessary to claim these assets.
- Estimate monies needed to pay debts and taxes, and plan for any sales of assets needed to distribute the estate.
- Obtain the estate Tax ID number.
- Open the estate checking account, if necessary.
- Advertise the estate in the Legal Journal and a paper of general circulation.
- Send notices to the beneficiaries or heirs and a certification to the Register of Wills.
- Continue to collect all mail coming in, compiling all bills/debt notices and making payment arrangements.
- Gather receipts for all expenses.
- Arrange for the filing of the decedent's final lifetime income tax returns – federal, state and estate income tax returns – if necessary.
- Complete and file the Inheritance Tax Return and Inventory and/or Federal Estate Tax Return, if required.
- Have a family agreement/receipt and release executed by beneficiaries (if necessary).
- Make arrangements for distributions to the heirs.

Hiring an attorney to assist you through this difficult time is money well-spent. It is an expense of the estate and a deduction on the inheritance tax and income tax returns. Although the task of being an executor can be daunting, know that with the proper guidance, you will be able to competently administer the estate and honor the final wishes of your loved one.

Nursing Home Worries?

Are You Worried about Losing Your Home or Life Savings to the Cost of a Nursing Home?

Are You Concerned About How to Pay for Your Loved One's Expensive Nursing Home Care Without Going Broke?

Do You Want to Avoid Placing Your Loved One in a Nursing Home?

Are you a Veteran and Interested in Possibly Receiving an extra \$2100 a Month?

Are you the Spouse of a Veteran and Interested in Possibly Receiving an Extra \$1100 a Month?

In Pennsylvania, the Average cost of a Nursing Home is over \$97,000 per year.

How Much Can You Afford? Are You Prepared? Call Zacharia & Brown



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