

## **What to do when someone dies.**

By Mark Breunig, Managing Attorney at Breunig Law, Inc.

When people die, they leave behind a life that must be closed out. Their funeral must be planned, their bank accounts closed, their pets rehomed, and their final bills paid.

When someone you love dies, the job of handling those personal and legal details may fall to you. It is a stressful, bureaucratic task that can take a year or more to complete, all while you are grieving the loss.

The amount of paperwork can take survivors by surprise. “It's a big responsibility,” emphasizes Mark Breunig, a trusts and estates lawyer in Lincoln, California. “There are a lot of details to take care of.”

You cannot do it alone. Settling a deceased family member's affairs is not a one-person task. You will need the help of others, ranging from professionals like lawyers or CPAs, who can advise you on financial matters, to a network of friends and relatives, to whom you can delegate tasks or lean on for emotional support. You may take the lead in planning the funeral and then hand off the financial details to the executor. Or you may be the executor, which means you will oversee settling the estate and spend months, maybe even years, dealing with paperwork.

To marshal the right help, you will need a checklist (see below) of all the things that need to be done, ranging from writing thank-you notes for flowers sent to the funeral to seeing a will through probate. This is a general checklist, and it may not cover every particular circumstance. For a comprehensive plan, please contact an experienced estate and probate attorney.

## **Immediately After Someone Dies**

### **Get a legal pronouncement of death**

If your loved one died in a hospital or nursing home where a doctor was present, the staff will handle this. An official declaration of death is the first step to getting a death certificate, a critical piece of paperwork. But if your relative died at home, especially if it was unexpected, you will need to get a medical professional to declare her dead. To do this, call 911 soon after she passes and have her transported to an emergency room where she can be declared dead and moved to a funeral home. If your family member died at home under hospice care, a hospice nurse can declare him dead. Without a declaration of death, you cannot plan a funeral much less handle the deceased's legal affairs.

### **Tell friends and family**

Send out a group text or mass email, or make individual phone calls to let people know their loved one has died. To track down all those who need to know, go through the deceased's email and phone contacts. Inform coworkers and the members of any social groups or church the person belonged to. Ask the recipients to spread the word by notifying others connected to the deceased. Put a post about the death on social media.

## **Find out about existing funeral and burial plans**

"Ideally, you had the opportunity to talk with your loved one about his or her wishes for funeral or burial," writes Mark Breunig, an elder law attorney and author of *Estate Planning in California*. If you did not, he advises you look for a letter of instruction in the deceased's papers or call a family meeting to have the first conversation about what the funeral will look like. This is critical if he left no instructions. You need to discuss what the person wanted in terms of a funeral, what you can afford and what the family wants.

## **Things to do Within a Few Days of Death**

### **Make funeral, burial or cremation arrangements**

- Search the paperwork to find out if there was a prepaid burial plan. If not, you will need to choose a funeral home and decide on specifics like where the service will be held, whether to cremate, where the body or ashes will be interred and what type of tombstone or urn to order. It is a good idea to research funeral prices to help you make informed decisions.
- If the person was in the military or belonged to a fraternal or religious group, contact the Veterans Administration or the specific organization to see if it offers burial benefits or conducts funeral services.
- Get help with the funeral. Line up relatives and friends to be pallbearers, to eulogize, to plan the service, to keep a list of well-wishers, to write thank-you notes and to arrange the post-funeral gathering.
- Get a friend or relative who is a wordsmith to write an obituary.

### **Secure the property**

Lock up the deceased's home and vehicle. Ask a friend or relative to water the plants, get the mail and throw out the food in the refrigerator. If there are valuables, such as jewelry or cash, in the home, lock them up. "You have to watch out for valuable personal effects walking out," Breunig says.

### **Provide care for pets**

Make sure pets have caretakers until there is a permanent plan for them. Send them to stay with a relative who likes animals or board them at a kennel.

### **Forward mail**

Go to the post office and put in a forwarding order to send the mail to yourself or whoever is working with you to see to the immediate affairs. You do not want mail piling up at the deceased's home, telegraphing to the world that the property is empty. This is also the first step in finding out what subscriptions, creditors and other accounts will need to be canceled or paid. "The person's mail is a wealth of information," Breunig says. "Going through it is a practical

way to see what the person's assets and bills are. It will help you find out what you need to take care of."

## **Notify your family member's employer**

If the decedent was still employed, ask for information about benefits and any paychecks that may be due. Also inquire about whether there is a company-wide life insurance policy.

## **One to Two Weeks After Death**

### **Secure certified copies of death certificates**

Get five Certified Original Death Certificates. You are going to need death certificates to close bank and brokerage accounts, to file insurance claims and to register the death with government agencies, among other things. The funeral home you are working with can get copies on your behalf, or you can order them from the vital statistics office in the state in which the person died.

### **Find the Will and Trust. Identify the successor Trustee and the Executor**

Your loved one's survivors and beneficiaries need to know where any money, property or belongings will go. Ideally, you talked with your relative before she passed and she told you where she kept her will and trust documents. If not, look for the document in a desk, a safety deposit box or wherever she kept important papers. People usually name an executor (the person who will manage the settling of the estate) in their will. If there is a trust, the trust will name the person who will take over as the trustee of the trust. The executor needs to be involved in most of the steps going forward. If there is not a will, the probate court judge will name an administrator in place of an executor.

### **Meet with a trust and estate attorney**

While you do not need an attorney to settle an estate, having one makes things easier. If the estate is worth more than \$50,000, Breunig suggests that you hire a lawyer to help navigate the process and distribute assets. "Estates can get complicated, fast," he says. "It's not just the complexity. Trustees and Executors must follow the laws to avoid liability if things are done properly. The executor and the trustee should pick the attorney.

### **Contact a CPA**

If your loved one had a CPA, contact her; if not, hire one. The estate may have to file a tax return, and a final tax return will need to be filed on the deceased's behalf. "Getting the taxes right is an important part of this," Breunig says.

### **Prepare to administer the trust**

Trusts typically avoid the need for probate and other governmental interference, but they still require a fair amount of work. Some try to do it DIY, but there are state and federal laws that

apply and if the trustee makes an error, they can be personally liable to the beneficiaries. Trust and estate's attorneys are experienced in representing trustees and administering trusts efficiently and properly. The trust assets cover the cost as it is money well spent in most cases.

## **Prepare to probate the will if necessary**

Probate is the legal process of executing a will. You will need to do this at the Superior Court of the county where the decedent lived. Probate court makes sure that the person's debts and liabilities are paid and that the remaining assets are transferred to the beneficiaries. If the decedent had a trust and their assets were properly titled in the trust, probate is usually not necessary.

## **Make an inventory of all assets**

Laws vary by state, but the probate process usually starts with an inventory of all assets (personal property, bank accounts, house, car, brokerage account, personal property, furniture, jewelry, etc.), which will need to be filed in the court. For the physical items in the household, Breunig suggests hiring an appraiser.

## **Track down assets**

Part of the work of making that inventory of assets is finding them all. The task, called marshaling the assets, can be a big job. "For complex estates, this can take years," Breunig says. There are search firms that will help you track down assets in exchange for a cut. Breunig recommends a DIY approach: Comb your family member's tax returns, mail, email, brokerage and bank accounts, deeds and titles to find assets. Do not leave any safety deposit box or filing cabinet unopened.

## **Make a list of bills**

Share the list with the trustee and executor so that important expenses like the mortgage, taxes and utilities are taken care of while the estate is settled.

## **Cancel services no longer needed**

These include cellphone, iTunes, Netflix, cable and internet.

## **Notify the following of the death**

- **The Social Security Administration:** If the deceased was receiving Social Security benefits, you need to stop the checks. Some family members may be eligible for death benefits from Social Security. Generally, funeral directors report deaths to the Social Security Administration, but, ultimately, it is the survivors' responsibility to tell the SSA. Contact your local SSA office to do so.

- **Life insurance companies:** You will need a death certificate and policy numbers to make claims on any policies the deceased had.

- **Banks, financial institutions:** If your loved one left a list of accounts and online passwords, it will be much easier to close or change accounts. If the person did not, you will need a copy of the death certificate.
- **Financial advisers, stockbrokers:** Determine the beneficiary listed on accounts. Depending on the type of asset, the beneficiary may get access to the account or benefit simply by filling out appropriate forms and providing a copy of the death certificate (no executor needed).
- **Credit agencies:** To prevent identity theft, send copies of the death certificate to the three major firms: Equifax, Experian and TransUnion.

## **Cancel driver's license**

This removes the deceased's name from the records of the Department of Motor Vehicles and prevents identity theft. Contact the local DMV for specific instructions, but you will need a copy of the death certificate.

## **Close credit card accounts**

Contact customer service and tell the representative that you are closing the account on behalf of a deceased relative. You will need to provide a copy of the death certificate to do this, too. Keep records of accounts you close, and inform the executor of any outstanding balances on the cards.

## **Terminate insurance policies**

Contact providers to end coverage for the deceased on home, auto and health insurance policies, and ask that any unused premium be returned.

## **Delete or memorialize social media accounts**

You can delete Facebook or Instagram accounts, but some survivors choose to turn them into a memorial for their loved one instead. A memorialized Facebook profile stays up with the word "Remembering" in front of the deceased's name. Friends will be able to post on the timeline. Whether you choose to delete or memorialize, you will need to contact the company with copies of your ID as well as the death certificate.

## **Close email accounts**

To prevent identity theft and fraud, it is a good idea to shut down the deceased's email account. If the person set up a funeral plan or a will, she may have included log-in information so you can do this yourself. If not, you will need copies of the death certificate to cancel an email account. The specifics vary by company, but most require a death certificate and verification that you are kin or the executor.

For more information or assistance, please contact us.

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