



### **What to Do Upon the Death of a Loved One**

We understand that losing a loved one can be extremely difficult. In addition to being emotionally and physically draining, you suddenly have the responsibility of finalizing your loved one's estate. The concept of "estate administration" can be overwhelming and it is difficult to determine what to do first. The information contained in this brochure may be helpful as an initial guideline.

### **Obtain Certified Copies of the Death Certificate**

We recommend that you obtain at least 12 certified copies of the death certificate so that you have enough to distribute throughout the estate administration process.

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## **Probate and Trust Administration**

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## **Notify Social Security and Veterans Administration**

Notify Social Security and the Veterans Administration (“VA”) that your loved one has died. Sometimes the funeral home will do this for you; however, you can notify Social Security by calling 1-800-772-1213 and the VA by calling 1-800-827-1000. You may qualify for survivor benefits through these organizations. Please visit Social Security’s website at [www.ssa.gov](http://www.ssa.gov) or the VA website at [www.va.gov](http://www.va.gov) for more information.

## **Locate Important Documents**

It is important to determine if a will or trust exists and to locate other important documents. Places to check are a safe deposit box, a lock box or file cabinet or desk located where the loved one resided.

## **Review Mail**

Review your loved one’s mail to help identify assets and pay bills. Work with the post office to have your loved one’s mail forwarded to the appropriate person.

## **Identify, Value and Secure Assets**

You need to identify and value all of your loved one’s assets. Any vehicles and/or residences owned by your loved one need to remain insured. Valuable personal property should be secured, which may require it be removed from the home and placed in a safe deposit box or other safe place. You should also consider whether or not the locks should be changed on your loved one’s residence.

## **Determine Whether a Probate Estate is Necessary**

Assets that need to be probated are those assets that are in your loved one’s name alone and for

which there is no named beneficiary (“Probate Assets”). Assets owned in trust, or that have named beneficiaries or that have a surviving joint owner, do not need to be probated. If you determine that there are probate assets, we are happy to assist you with opening and administering a probate estate.

## **Medicaid Estate Recovery Questionnaire**

If your loved one was receiving Medicaid for nursing home services, please contact our office to complete the Estate Recovery Questionnaire which will be mailed to you from the Department of Health and Human Services.

## **File Final Income Tax Return**

If required, your loved one’s final income tax return needs to be filed by April 15th of the year following the year of death.

## **Transfer Title to Motor Vehicles**

If no probate proceedings are required and the value of all of the vehicles owned by your loved one is \$60,000 or less, the heirs may transfer title to the vehicle by swearing to an affidavit at the Secretary of State’s office and providing a certified death certificate.

## **Cancel Credit Cards**

Any credit cards in your loved one’s name alone should be canceled, and the card should be destroyed. You should provide each credit card company with a copy of the death certificate and request written confirmation that the credit card was cancelled.

## **Identify and Pay Creditors**

It is important to identify all of your loved one’s creditors. If a probate estate is necessary or if there is a trust, then a Notice to Creditors is required to be published. Typically, jointly owned property and property for which beneficiaries are named do not have to be used to pay the loved one’s creditors.

## **Distribution of Assets**

There are generally four ways for assets to be distributed: by beneficiary designation, by joint ownership, by will or trust, or by Michigan law. As you identify your loved one’s assets you should be able to determine how the assets will be distributed.

## **Identify Tax Consequences**

Generally you do not have to pay income tax on the receipt of inherited assets such as life insurance, cash, real estate, etc.; however, if the loved one had not yet paid income tax on the asset, such as an IRA or an annuity, then the beneficiary will have to pay income tax on the receipt of that asset. In addition, there may be estate taxes owed depending on the value of the estate.

Finally, if there is real estate involved, there are property tax issues that must be addressed, including whether a homestead rescission is required and whether a property transfer affidavit must be filed.

## **Estate Plan and Beneficiary Designation Update**

If you are a surviving spouse, it is important to review your current estate plan documents and your beneficiary designations to determine whether any changes are necessary.

We realize that this is a lot of information. Yet, this list only provides a portion of the information you may need for your loved one’s estate administration. Each estate is unique and may present issues that we did not touch on in this initial guideline. If you would like our assistance with a trust or probate estate administration, please contact us. We are happy to help you through this difficult and emotional process.