

TAKING CHARGE

Death is a difficult and feared subject for most people. Most of us tend to put off dealing with the steps we can take to get our financial affairs in order. However, the loss of a loved one creates a seemingly endless list of things that need to be done by those who are left behind. While some of those tasks can be put off for a time after a death, there are many legal, financial, and practical decisions that must be made immediately. For a person who is grieving, the pressure to make these decisions can be overwhelming. The following checklist, while not exhaustive, can help alleviate some of the stress and complication by identifying, in advance, some of the more important tasks that must be completed soon after a death.

Our guide is intended to serve two purposes:

- Provide you with a list of things you can do to help those you leave behind in the event of your incapacity or death.
- Help caretakers of elderly or terminally ill persons to prepare for, as much as possible, and address in advance many of the difficulties that will come with the incapacity or loss of a loved one.

The guide is not intended to be a comprehensive discussion of estate or trust administration issues, so please contact us if you have questions related to your situation.

To Do Now

Prepare Estate Planning Documents

If no estate planning documents have been prepared (Will, Trust, Power of Attorney for Financial Management, Advance Health Care Directive), consult with your Hoge Fenton attorney about which ones are right for you and will best provide for those you may leave behind.

❑ **Keep Estate Planning Documents Accessible**

If estate planning documents already exist, make sure copies are in a safe, easy to find place. Originals should be kept in a fireproof safe in your home or office, or some other safe location. Be sure those who will be in charge of administering your estate know where the documents are kept.

❑ **Gather Other Important Documents and Information**

Locate other legal and financial documents and make sure they are all in a safe, easy to find place. Make sure close family members or another trusted person are aware of the location of these documents. Such documents and information may include:

Assets- a comprehensive list of your assets (bank accounts, investment accounts, real property, partnership interests, notes payable to you, retirement accounts, life insurance policies, etc.) and liabilities (mortgages, credit card debt, notes payable, etc.)

Advisors- a list of your advisors such as accountant, investment advisor, attorney, banker, etc., with contact information

Retirement and Pension Plans- plan documents and copies of beneficiary designation forms

Title Documents- deeds to property, auto and boat titles

Partnership, LLC and Corporate Documents- partnership agreements, LLC operating agreements, corporate records (if applicable)

Insurance Policies and Beneficiaries- life, homeowners, and automobile insurance policies

Tax Returns- location of prior income tax returns

Mortgage- information about mortgage payments and other long-term debts

Safe Deposit Box- location and access information

❑ **Organize Historical Information About Yourself and Your Family**

Provide a list of information that will be needed for your death certificate if your family is not likely to know it – your state or country of birth, father's name and state of birth, and mother's maiden name and state of birth. If you do not have close family members, prepare a family tree, listing your parents, your siblings, nieces and nephews, aunts and uncles. If your estate is subject to probate proceedings, close relatives must be notified of those proceedings, and it is sometimes difficult to identify and find those relatives.

Update Beneficiary Designations

Make sure beneficiary designations for life insurance and benefit plans are up to date.

Prepare a Contact List

Prepare a list of persons to be notified in the event of your death, with their most current phone number, address, and email address. This list may include:

- Family members
- Close friends
- Business colleagues
- Organizations you belong to

Consider Advance Directive For Health Care

Make decision and inform your physician and family of desires concerning organ and tissue donation. Your desires should be put in writing. You can do so in an Advance Directive for Health Care.

Funeral Arrangements

If you have wishes about your funeral or memorial service and burial or cremation, make them known to your family. To avoid any misunderstanding after your death, put those wishes in writing as well, particularly if you wish to be cremated, and authorize one or more individuals to make such arrangements.

TO DO IMMEDIATELY AFTER THE DEATH OF A LOVED ONE

Call Physician

If the loved one died at home and death was anticipated, call the treating physician. If the person died at home and death was unexpected, call a physician or the police.

Locate Funeral and Burial Directions

Call a funeral director to begin funeral and burial arrangements, including time and place of service, if any, and a death notice in the local newspaper:

Notify friends, relatives, business colleagues, and others who might wish to attend.

Pay Immediate Expenses

Begin making arrangements to gain access to the deceased person's cash accounts to **pay immediate expenses**. Unless someone had signatory authority on a bank or other account of the deceased person, it may be difficult to access cash until death certificates are available.

Order Death Certificates

Order death certificates through the funeral director or County Office of Health Services.

To Do Following Services, Burial, Etc.

Notify Executor and Trustee

Notify executor of the deceased person's Will or the trustee of the revocable trust (if not done already). That person will be responsible for administering the deceased person's assets.

Contact Attorney

Contact an attorney as soon as possible so that any legal issues requiring immediate action can be identified.

Notify Social Security

Notify Social Security if the deceased person was receiving benefits. Be aware that in most cases, the last social security check paid to the deceased person must be returned. If the deceased person was a veteran, notify the Department of Veterans Affairs. If other retirement benefits were being paid, notify the payor to stop those payments. Inquire whether any benefits are payable by reason of the deceased person's death.

Contact Life Insurance Companies or Agent

Contact each life insurance company to request beneficiary claim forms.

Contact Accountant

Contact accountant about income tax matters.

Contact Credit and Charge Card Companies

Contact credit and charge card companies to request final bills and cancel the cards.

Review Remaining Records

Go through old records and files, including cancelled checks, for clues to any additional benefits, assets, or obligations.

Contact Information

Silicon Valley Office: 60 S. Market St. Ste. 1400, San Jose, CA 95113 (408) 287-9501

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