

WHAT TO DO WHEN A LOVED ONE DIES

Navigating Through the Complicated
Forest of Probate, Taxes, Medicaid, and
Personal Liability



Daniel A. Perry, Attorney

Special Legal Report

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About the Author

Daniel Perry lives in Spring Hill, Tennessee, with his wife, Catherine, and their children, William and Landon. Mr. Perry was born in Wichita, Kansas, but shortly after he was born his family moved to Indianapolis, Indiana where he was raised. He earned his law degree from the University of Dayton School of Law in Dayton, Ohio. In addition, he also received a bachelor's degree from Purdue University and an Associate's degree from Holy Cross College in South Bend, Indiana. Prior to practicing solely in the areas of estate planning, estate settlement, and probate administration, he spent three years as a trial attorney in criminal defense, bankruptcy and civil litigation. This provides Mr. Perry with a unique insight that he uses to properly advise and serve his clients that are planning their estates so as to make everything simple for their families.

He enjoys running, reading, creative writing, music, and is an enthusiast of American Civil War History.

Mr. Perry's law practice focuses on helping families and business in the area of estate planning, elder law, estate and probate administration, and business law.

What to Do When a Loved One Dies?

You've heard the stories before. Maybe you have gone through the process yourself, perhaps you have friends who have gone through the process and heard their stories, or maybe you have parents who are getting on in years and you are wondering what is going to happen when they pass away. Whatever your situation may be there isn't any amount of planning in the world that can prepare you for the emotional toll that you will experience when a loved one passes away. Not only do you experience the wide range of emotions and heartache immediately following a loved one's death, but you also have to deal with all the legal jargon, tax bills, final bills, medical bills, funeral costs, and all the other administrative matters that you will have to deal with and be required to complete when a loved one passes away. In my experience in guiding my clients through this process, many people just do not know what to do when a loved one passes away.

This valuable Special Legal Report is designed to provide a summary and guide on what you need to do when a loved one passes away.

Plan the Funeral Arrangements

Unfortunately, many times the adult children are left with the difficult task of planning the funeral arrangements for a parent that has passed away. However, first thing is first. After the death of a loved one, you must arrange and pay for the funeral arrangements including memorial services, tombstone, casket, and burial services if applicable.

Hopefully, your loved one will have set out their wishes in advance, and perhaps, even prepaid their funeral arrangements. If this is case, the funeral arrangements will be easy to organize. However, the unfortunate fact is that most people do not plan their funeral in advance. According to US News and World Report, only 23% of people over the age of 50 have preplanned and prepaid their own funeral arrangements. For the remaining 77%, this can leave an incredible burden on the surviving family to plan a funeral that they believe their loved one would have wanted.

So, what do you do if your loved one did not complete any advanced planning? First, you will need to plan the funeral and speak with a funeral service director to begin the planning process. In Tennessee, funeral costs can range anywhere from \$7,700 to \$20,000 or more depending upon the services, burial arrangements, casket, and tombstone that you choose for your loved one. How will the surviving family pay for this expense? Hopefully, there is life

insurance that will be available to pay for the expense. If not, hopefully there are sufficient funds in the bank account to pay for the expense.

However, a major problem that loved ones run into when attempting to access the bank accounts to pay for the funeral costs is that they find out that the bank accounts are "frozen" and they must go through probate court first. Upon an individual's death, the bank accounts will be frozen, and the surviving family will not be able to access the account without a probate court order that the frozen accounts are to be transferred into new estate accounts for administration through the probate court.

Although, some of you may be thinking, ***"Well, I know that mom named be as the Transfer-on-Death (TOD) beneficiary on her account so that I will have immediate access to the account when she dies."*** Great! That will certainly move the process along quicker. In addition, that will allow the bank account to pass outside of probate. However, the unfortunate aspect that many people fail to consider is that in order for the bank to process the transfer on death to your account they must first have a certified death certificate. According to the Tennessee Department of Vital Statistics, the average time it takes for the Tennessee Government to process death certificate requests is six weeks. This will unfortunately create a situation where those who are TOD beneficiaries being unable to access the bank accounts and financial accounts until obtaining the death certificate.

In conclusion, the first item is to arrange the funeral, and most likely, pay out-of-pocket for the \$7,700 to \$20,000 expense with the understanding that you will be reimbursed from the estate.

Find the Last Will and Testament, Speak with the Family Members, and Schedule an Appointment with an Estate Attorney

Now that the funeral is over it is time to find the Last Will and Testament (if there is one), gather the family to discuss how the remaining assets are to be divided according to your loved one's final wishes, and schedule an appointment with all the family members inheriting from the estate and an estate attorney.

During your meeting, an estate and probate attorney will be asking you many questions. First, the attorney will ask whether your loved one had a Will or not, and then will ask to review the document. Next, the attorney will ask are there any unpaid bills that you know your loved one still owes. In addition, the attorney will ask whether or not your loved one was a Medicaid recipient

during their lifetime. Finally, the attorney will likely discuss with you all the assets including real estate, personal property, and financial accounts that your loved one owned at their death. At the conclusion of this discussion, the attorney will inform you and the surviving family that we must go through probate before any of the assets are divided and distributed.

First of all, what is probate? Well, probate is the process of the transfer of one's assets to the surviving family by way of a Last Will and Testament or according to Tennessee law if there is no Will. In addition, probate is the process of settling your final affairs after death including the payment of your final bills and taxes.

The next question you may be asking yourself at this point is "**How long does Probate last?**" Well, probate is a detailed and public probate court proceeding. In general, probate will last anywhere from six months to two years or longer. In addition, if real estate is involved, probate will have to last a minimum of six months as real estate that transfers as death is transferred subject to any valid creditor claims that may be raised during the six-month period after death.

What is involved in the Probate court process? The first step in the probate process will be to get the executor or administrator appointed and confirmed. The executor or administrator is the person or persons who will be in charge of settling your estate, paying your final bills and expenses, and distributing what is left over to your surviving family members after your death. If you have a Will, you will have already named your executor in your final Will. However, if you die without a Will, a person or persons will need to be appointed and confirmed by the probate court before starting the process of settling your estate.

If you have named an executor, the first thing the executor will need to do is to hire a law firm to make sure that everything is handled properly and according to law. The old saying goes, **a fool is the one who acts as his own counsel**. I see it all the time. Executors want to save money, so they attempt to handle their loved one's own probate and estate settlement. This results in the probate proceeding taking twice as long, more court hearings occurring than are necessary, and even the executor being subject to contempt actions by the court and liability because the executor did not handle the matter according to law. This is true not just in probate, but in all areas of the law. **A fool is the one who acts as his own counsel**.

The second step is for the executor and their lawyer to file an initial set of probate court pleadings. This initial set of court pleadings will include a petition to confirm the executor to the court, an order admitting the last will and testament to probate, and a series of waivers signed by those who are set

to inherit under the Will. Every person who is a party to the probate matter must be served with notice of the probate proceeding unless those individuals sign a waiver of service.

In addition, the original Will must be admitted to probate. All Wills admitted to probate must be valid. If the Will is not valid, then the individual's assets will be distributed according to Tennessee law. Also, anyone who may legally inherit from the individual who died may contest the final will if he or she believes there was fraud, undue influence, or their loved one was not competent when he or she signed the final will.

Once the executor has been confirmed and taken the oath of office, the executor will be court approved to act on behalf of the estate. This will provide the executor with the right to access any bank accounts that were frozen on the date of death, to hold a public auction and sell the personal property in the home, and to sell any real estate.

You mentioned earlier what if Mom was a Medicaid recipient. Why does this matter? Whether your loved one was a Medicaid recipient (referred to TennCare in Tennessee) is extremely important. Under state and federal law, anyone who received TennCare benefits during their lifetime (such as in a nursing home facility during their final years), after this person dies, TennCare has the right to be reimbursed for those expenses. If the person received TennCare benefits, then TennCare will exercise a lien upon the real estate and force the sale of any real estate to be paid for these outstanding TennCare expenses. This request for a release will need to be sent to TennCare and the executor will also need to file an Affidavit with the court stating that TennCare has been put on notice. It typically takes anywhere from 30 to 60 days to obtain the release from TennCare's estate recovery claim. In addition, any title company that the executor may choose to work with to sell the real estate will require to see the TennCare release before any sale and closing may occur.

If a release is not returned by TennCare, but a claim is instead returned, then this claim will also need to be filed with the court and TennCare will need to be paid out of the proceeds of the estate. TennCare usually will place a lien upon the real estate and will be paid first out of the proceeds of the real estate sale.

In addition, the executor and their lawyer will need to determine whether there are any taxes that are due to the IRS. This will include filling the final income tax return with the IRS, determining whether an estate tax return needs to be filed to make the portability election (the transfer of the unused estate tax exemption to the surviving spouse), and if there are any assets that generated any income after the date of death, then an estate income tax return will need to be prepared and filed.

What about Mom's property? Well, the next step will be for the executor and the lawyer to obtain a list of all the probate property that the person owned. This may include any financial accounts without beneficiary designations, bank accounts without transfer-on-death (TOD) designations, real estate, personal property in the home, cars, vehicles, and boats. As mentioned above, transferring any TOD designated accounts will require first to obtain a death certificate from the Tennessee Department of Vital Statistics. The executor and their lawyer will then need to provide a detailed list of the assets that are part of the estate, along with the estimated value of each piece of property that is part of the estate. As with all other court filings, a judge must sign off and approve of the list of assets.

What about Mom's final bills? Again, the executor and their lawyer will need to obtain a list of all the debts that the individual owed at their death. This may include medical bills, unpaid credit cards, electric and water bills, funeral bills, and any other miscellaneous unpaid bills. The executor and their lawyer will need to file a document with the court that details all potential claims against the estate. In addition, potential creditors of the estate will have a period of time, usually one year, in which they will have the ability and the right to file a claim to be paid out of the proceeds of the estate. In addition, the executor and their lawyer will have to put all known creditors on notice of the probate court proceeding.

We want to sell Mom's old home. What do we do? Good question. In Tennessee, real estate vests with the named beneficiaries named in a Will or according to Tennessee law if there is no Will upon the date of death. During this probate court proceeding, you will receive an order from the Court indicating that the real estate has been transferred to the named beneficiaries upon request by the executor and the lawyer. So long as there is no TennCare lien, you will receive this order from the court, which will then need to be filed with the Register of Deed's Office for the county in which the real estate is located. At this point, you can proceed to sell the real estate. However, as I indicated above, this can be a difficult task as anyone who purchases real estate within six months of the date of death is purchasing that real estate subject to any valid creditor claims. Therefore, it may be difficult to sell this property immediately.

When the real estate that is inherited after the death of a loved one is sold, it can be sold in one of two ways. First, the executor can hire a realtor to list the property for sale and then sell the property to the highest bidder. Second, the executor can have the property sold at public auction. Most executors tend to sell the property at public auction. **The reason for this is that it avoids the potential of liability and lawsuits against the executor by other**

heirs of the estate and claims that the property was not sold for the correct price.

One of the final major steps in the probate court process is that the executor and their lawyer will need to periodically, and again at the end of the proceeding, file a detailed accounting and inventory of all the assets and expenses of the estate. Any time that the executor spends any money out of any of the estate accounts, the executor must keep detailed receipts, provide those receipts to their lawyer, and detailed account and inventory will need to be filed with the court outlining all of the assets, debts, and expenses incurred in the settlement of the estate. In addition, a judge will have to sign off and approve on all the assets, debts, and expenses incurred by the executor, before the surviving family will ever receive what is left of the estate after all expenses, costs, attorney fees, and debts have been paid first.

How Many Different Types of Probate Are There in Tennessee?

In Tennessee, there are two forms of Probate, common form and solemn form probate. Common form probate is a simple form of probate. This is the type of probate where all the parties to the probate matter are in agreement. This means that all the parties believe that the will is valid, all the parties are in agreement on who the executor should be, and all the parties are in agreement regarding the share that he or she is inheriting under the last will and testament.

However, with common form probate, you still have to go through all the steps that are outlined above regarding the probate court process. Even when all the parties are in agreement, as is the case in common form probate, the process could still last anywhere from six months to two years or longer and will likely cost anywhere from \$20,000 to \$50,000 in costs, attorney's fees, and other expenses.

The second type of probate in Tennessee, solemn form, is much more complex and can lead to a whole list of problems and issues. Solemn form probate is when a party contests the validity of the final will. When this process occurs, and you have to go through solemn form probate, it is the same as a formal lawsuit. There will be a number of different court filings, there will be a number of different court hearings, the parties will have to exchange their evidence, and there will be a trial.

In this second type of probate, as you can probably tell, costs will be substantial and there will be a considerable period of delay in settling the final

estate before the remaining assets are ever distributed to the surviving family members after all the costs, expenses, and attorney's fees have been paid.

Do All of My Loved One's Assets Go Through Probate?

A very important aspect of understanding probate is not everything you own is required to go through the probate court process that I described above. There is a key difference between probate assets and non-probate assets. Obviously, probate assets will go through probate and non-probate assets are not required to go through probate.

Common examples of non-probate assets include bank accounts that have transfer-on-death (TOD) designations, IRAs with beneficiary designations completed, life insurance, 401(k) accounts, annuities, and any other financial accounts where you can name a valid beneficiary. In these situations, so long as a beneficiary has been named on those accounts, and that beneficiary is alive at the time of death, then the asset will pass immediately to the surviving beneficiary. However, as I indicated above, the additional administrative task that you will need to complete is obtaining a certified death certificate which can take up to six weeks to obtain. However, these assets will not need to go through probate, they will not need to be listed on an assets and liabilities filing with the court, and these assets will just simply pass to the surviving beneficiary.

Example: James and Leslie were married for 30 years and James had a 401(k) that he had accumulated when he was working for Saturn. At the time of James' death, his 401(k) had a balance of \$300,000. James named Leslie as the beneficiary of his 401(k) accounts. At James' death, his \$300,000 401(k) accounts passed immediately to Leslie. She did not have to go through probate court to receive the 401(k) accounts. All Leslie had to do was to present the financial institution with a copy of James' death certificate, and she was given immediate access to James' 401(k) account.

However, if you are not careful, a non-probate asset can become a probate asset causing many problems for the surviving family members. The most common way that this occurs is when a person fails to update the beneficiary forms for their financial accounts. If you do not have a beneficiary who is alive at the time of your death, then those financial accounts will be frozen. At this point, your executor, or your administrator if you do not have a will, is going to have to go to probate court just to get access to these financial accounts. Your executor or administrator will need to file a number of documents with the probate court and will need to wait for the probate court

process to be completed and all debts and costs are paid before any of the remaining assets are distributed to the surviving family members.

Example: James was married to Leslie for 25 years before she suddenly passed away. James had named Leslie as the sole beneficiary on his \$300,000 401(k) account. James failed to update his beneficiary designation form and failed to name any contingent beneficiaries. Therefore, when James passed away 5 years later, his daughter Elizabeth was required to go to probate court to gain access to James' 401(k) account. Elizabeth had to list the 401(k) account as one of the assets and all the debts, costs, and attorney fees had to be paid before the remaining assets were distributed to Elizabeth and her two brothers.

However, what are probate assets? Well, probate assets are all of your other property. This would include such assets as your home, any other real estate or real estate interests, and your personal property including your furniture, clothing, fire arms, coin collections, stamp collections, musical instruments, and any other personal property you may own. At your death, all of this personal property will have to go through the probate court system.

As indicated earlier, all of these assets will need to be valued, an appraiser may need to be hired to provide a value to that property, an auctioneer may need to be hired to auction off and sell all of the personal property, and all of the sale proceeds and value to the various pieces of personal property will need to be accounted for and reported to the probate court. In addition, all costs and expenses including the costs of hiring the auctioneer and appraiser, as well as the attorney fees and court costs, will need to be paid before the remaining assets will be distributed to the surviving family members.

How Long Does It Take and What is it Going to Cost?

Every day I have clients and Tennessee families ask me how long does probate last and how much does it cost? These are two questions that are very difficult for me to answer. Every single probate case that comes through our office will be full of different assets, different issues, different complexities, and different court hearings. In addition, there is no way of knowing from the beginning whether the probate will be "simple" or whether heirs will contest the probate matter causing a very long and lengthy court process.

However, in general, over the years I have seen many probate court matters last anywhere from several months to over two years or longer to

complete. One aspect that you can always count on from every probate matter is that there will be many, many court filings and if you have ever been involved in a court proceeding the process will start with documents being filed with the clerk's office, the documents will then make its way through the process department, the documents will then make their way to a judge's desk, a judge's law clerk will finally review the documents, and if everything is perfect, a judge will then sign the appropriate court orders before they then go back to the process department and then mailed out to the family members. If everything is not perfect, then the court will reject the filings and send the documents back to be corrected before being refiled with the probate court.

All the various probate court steps will take time. There are a number of releases that will need to be obtained before the probate court matter is completed and the remaining assets distributed to the surviving family members. One very important release will need to be obtained and filed from TennCare. As explained above, TennCare is the state agency in charge of Medicaid in Tennessee. Anyone who has accepted TennCare benefits during their lifetime, their estate will need to repay TennCare for all those benefits that were paid out during that person's lifetime. In addition, regardless of whether or not the person received TennCare benefits during their lifetime, a TennCare release will need to be obtained and filed with the probate court stating that TennCare has no estate recovery claim against the estate.

In addition, releases will need to be obtained from the IRS saying that no taxes are owed. As I said earlier, all these steps take a lot of time. If there are any glitches and anyone involved in the process complain or contest the probate court matter, then everything gets delayed, court hearings are scheduled and then held, and the entire probate process comes to a halt until all these disagreements are resolved.

Therefore, as you can tell, the probate court process can last anywhere from several months to two years or longer to complete.

What about the typical probate costs? Another very difficult question for me to answer, and for the same reason as determining how long a probate court matter is going to last. Probate court costs will include all the court costs, attorney fees, executor compensation, appraisal fees, auctioneer fees, and all the miscellaneous other costs. Every time a document is filed with the courthouse and a hearing is scheduled and held, the probate court will charge a fee. In addition, there are no standard attorney fees to handle a probate court matter in Tennessee. A law firm handling a probate court matter can charge any "reasonable" fee that the law firm determines is appropriate given the unique circumstances and issues involved in the probate court matter.

However, the average attorney fee for a standard probate court matter typically ranges between \$7500 to \$20,000 in attorney's fees when everything is said and done. In addition, when you combine the attorney's fees with all the

court costs, executor compensation, appraisal fees, auctioneer fees, and all the miscellaneous other costs that typically come up during a probate court matter can be in excess of \$25,000 to \$35,000 or even higher if legal issues and complexities come up that cause the probate court matter to have additional court hearings, additional and/or repeat court filings, or worse, if anyone contests the probate court matter.

Therefore, as you can see, probate court timetable and the costs are very difficult to estimate but can easily run in excess of \$35,000 and take anywhere from several months to several years before the case is completed, closed, and the remaining assets are distributed to the surviving family members.

We Have the Final Court Order, The Real Estate Has Been Sold, and the Personal Property Was Sold at Auction. What Do We Do Next?

It now looks like you have reached the end of the process. You have received the final court order from the probate court closing the estate, the real estate has been sold and the sale proceeds deposited into the estate account, all the personal property have been sold at auction. Well, there are still a few more steps to complete.

The final step is to have a final meeting with the estate and probate lawyer with the family members who are inheriting assets from the estate. The lawyer will likely review the final court order and direct the executor to make the distributions in accordance with the final court order.

The meeting with the lawyer has concluded, you distributed the remaining assets of the probate estate to the surviving family members, and now the estate is officially closed. You have completed everything after your loved one's death. The funeral has been paid for, all final bills have been paid, all taxes have been paid, the probate matter is completed, and all the remaining assets have been distributed in accordance with your loved one's final wishes.

Not quite yet ... don't forget that a person can contest a Will up until two years after the date of death! Therefore, at any time, the estate could be reopened!

Unfortunately, the process has not been easy. It is now a year and half since your loved one's death and you and your family have spent \$22,500 to wrap up your loved one's final affairs between all the attorney's fees, legal costs, final bills, and other expenses. In addition to going through a very heartbreaking ordeal, your family has spent a considerable amount of money to

settle the final affairs, which unfortunately was deducted from the assets that they had saved their whole life to provide to their surviving family.

There Is a Way to Ensure this Entire Probate Process is Avoided and the Estate Settlement Occurs in Days to Weeks as Opposed to Months to Years

There are legal strategies that you can put in place today to ensure that the estate settlement process is simple when you pass away for your surviving family. Through this special type of legal life planning you can ensure that the estate settlement that your family goes through is completed in days to weeks as opposed to months to years. Furthermore, you can ensure that there are zero costs to settle the estate after your death.

To learn more about how to plan your estate so that your surviving family enjoys a smooth estate settlement process without incurring any additional costs, expenses, and with zero government intrusion, then I encourage you to contact our office for a no obligation initial estate planning session with me by calling our office at **(615) 472-2482!**

In addition, I invite you to visit our website at www.danperrylaw.com. On my website you can review hundreds of articles on various estate planning topics and legal issues, you can request additional Special Legal Reports just like this one on how to avoid probate and unnecessary estate settlement expenses, and you can even register for a time to attend one of my upcoming LIVE Educational Events where I will review simple legal strategies that you can put in place to protect your assets from unnecessary estate settlement costs and provide a smooth transition to your loved ones after your death.

However, don't take my word for it! Please review the hundreds of testimonials from my satisfied clients available on my website at www.danperrylaw.com.

I Look Forward to Speaking with You and Your Loved Ones on What the Perfect Estate Planning Legal Program May Look Like to Protect Your Assets, Avoid Government Intrusion, and Provide a Smooth Transition to Your Loved Ones.

If you have experienced the death of a loved one and would like to speak with an attorney regarding the settlement of your loved one's estate, please fill out the Confidential Probate Evaluation Form attached to this Special Legal Report and return it to our office via fax at (615) 371-8769 or e-mail at dan.perry@fidelislawfirm.com.

Seven "Must Haves" To Look For in Your Estate Planning Attorney and Probate Attorney

1. Practices exclusively in the area of Estate Planning and Estate Settlement. The law changes every year. You and your family need someone who keeps up with these changes for you.
2. Serves clients for a fixed, reasonable cost. Don't get pushed around by lawyers who are anything less than crystal clear and 100% up-front regarding the fees required for the legal services to be rendered.
3. Works with a team of additional estate planning attorneys. Solo attorneys have no one they can collaborate with on your behalf. Benefit from a team of estate planning lawyers all of whom have your family's best interest in mind.
4. Work with an attorney that **guarantees** professional and courteous service. Face it – lawyers in general have a well-deserved, awful reputation. Work with a firm that guarantees that if you don't get the service you expect, you get your payment back.
5. Work with an attorney who explains things in an easy-to-understand format. This will give you peace of mind that your greatest family concerns are addressed properly.
6. Use a law firm referred by – at least – hundreds of others. Go to their website and see if hundreds or thousands of others have had great things to say about the law firm you select. There is no greater way to evaluate a law firm than by seeing what **others** say about their services.
7. Work with an attorney who regularly speaks and writes about important estate planning topics. An attorney who routinely teaches others about estate planning is on top of, and well-versed, in addressing the estate protection needs of families like yours.

ESTATE (PROBATE) INTAKE QUESTIONNAIRE
FAX TO (615) 371-8769 OR EMAIL TO DAN.PERRY@FIDELISLAWFIRM.COM

1. NAME OF DECEDENT: _____

PERMANENT RESIDENCE AT TIME OF DEATH (Prior to Nursing Home or Hospital): _____

CITY: _____ COUNTY: _____

STATE: _____ ZIP CODE: _____

DATE OF BIRTH: _____ DATE OF DEATH: _____

SOCIAL SECURITY NUMBER: _____

WAS DECEDENT EVER ON MEDICAID? (Please circle one) YES NO

WAS DECEDENT EVER ON MEDICARE? (Please circle one) YES NO

2. LOCATION OF WILL, IF ANY: _____

DATE OF WILL: _____

LOCATION OF CODICIL, IF ANY: _____

DATE OF CODICIL: _____

3. PERSONAL REPRESENTATIVE (NAMED IN WILL OR PROPOSED): _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

DATE OF BIRTH: _____ SOCIAL SECURITY #: _____

TELEPHONE: _____

RELATIONSHIP TO DECEDENT: _____

ALTERNATE PERSONAL REPRESENTATIVE (NAMED OR PROPOSED): _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

DATE OF BIRTH: _____ SOCIAL SECURITY #: _____

TELEPHONE: _____

RELATIONSHIP TO DECEDENT: _____

4. BENEFICIARIES OR HEIRS AT LAW:

DECEDENT'S SPOUSE: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: _____

DATE OF BIRTH: _____ SOCIAL SECURITY #: _____

DECEDENT'S CHILDREN:

CHILD # 1: _____

DATE OF BIRTH: _____ SOCIAL SECURITY #: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: _____

CHILD # 2: _____

DATE OF BIRTH: _____ SOCIAL SECURITY #: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: _____

CHILD # 3: _____

DATE OF BIRTH: _____ SOCIAL SECURITY #: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: _____

CHILD # 4: _____

DATE OF BIRTH: _____ SOCIAL SECURITY #: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: _____

CHILD # 5: _____

DATE OF BIRTH: _____ SOCIAL SECURITY #: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: _____

OTHER BENEFICIARIES (INCLUDE LIVING SIBILINGS AND LIVING PARENTS):

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: _____

RELATIONSHIP TO THE DECEDENT: _____

DATE OF BIRTH: _____ SOCIAL SECURITY #: _____

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: _____

RELATIONSHIP TO THE DECEDENT: _____

DATE OF BIRTH: _____ SOCIAL SECURITY #: _____

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: _____

RELATIONSHIP TO THE DECEDENT: _____

DATE OF BIRTH: _____ SOCIAL SECURITY #: _____

5. ASSETS:

SAFE DEPOSIT BOX: YES: _____ NO: _____

LOCATION: _____

REAL ESTATE:

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

COUNTY: _____ DOD VALUE: _____

HOW TITLED: _____

HOMESTEAD: YES: _____ NO: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

COUNTY: _____ DOD VALUE: _____

HOW TITLED: _____

HOMESTEAD: YES: _____ NO: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

COUNTY: _____ DOD VALUE: _____

HOW TITLED: _____

HOMESTEAD: YES: _____ NO: _____

STOCKS AND BONDS:

NAME OF COMPANY: _____

TYPE OF SECURITY: _____

HOW TITLED: _____

LOCATION OF CERTIFICATE: _____

DATE OF DEATH VALUE: _____

NAME OF COMPANY: _____

TYPE OF SECURITY: _____

HOW TITLED: _____

LOCATION OF CERTIFICATE: _____

DATE OF DEATH VALUE: _____

NAME OF COMPANY: _____

TYPE OF SECURITY: _____

HOW TITLED: _____

LOCATION OF CERTIFICATE: _____

DATE OF DEATH VALUE: _____

BANK ACCOUNTS:

BANK NAME: _____

ACCOUNT NUMBER: _____

HOW TITLED: _____

DATE OF DEATH VALUE: _____

BANK NAME: _____

ACCOUNT NUMBER: _____

HOW TITLED: _____

DATE OF DEATH VALUE: _____

BANK NAME: _____

ACCOUNT NUMBER: _____

HOW TITLED: _____

DATE OF DEATH VALUE: _____

MONEY MARKET ACCOUNTS OR CERTIFICATES OF DEPOSIT:

NAME OF INSTITUTION: _____

ACCOUNT NUMBER: _____

HOW TITLED: _____

DATE OF DEATH VALUE: _____

NAME OF INSTITUTION: _____

ACCOUNT NUMBER: _____

HOW TITLED: _____

DATE OF DEATH VALUE: _____

NAME OF INSTITUTION: _____

ACCOUNT NUMBER: _____

HOW TITLED: _____

DATE OF DEATH VALUE: _____

U.S. GOVERNMENT SAVINGS BONDS (E, EE, H):

HOW TITLED: _____

LOCATION OF BONDS: _____

TO BE CASHED: YES _____ NO _____

IF YES, NAME OF TRANSFEREE: _____

DATE OF DEATH VALUE: _____

MORTGAGES AND NOTES (RECEIVABLE):

MORTGAGOR 1: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TERMS OF OBLIGATION: _____

DATE OF DEATH VALUE: _____

MORTGAGOR 2: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TERMS OF OBLIGATION: _____

DATE OF DEATH VALUE: _____

INSURANCE ON DECEDENT'S LIFE:

COMPANY NAME: _____ POLICY #: _____

BENEFICIARIES NAMED: _____

LOCATION OF POLICY: _____

DATE OF DEATH VALUE: _____

COMPANY NAME: _____ POLICY #: _____

BENEFICIARIES NAMED: _____

LOCATION OF POLICY: _____

DATE OF DEATH VALUE: _____

COMPANY NAME: _____ POLICY #: _____

BENEFICIARIES NAMED: _____

LOCATION OF POLICY: _____

DATE OF DEATH VALUE: _____

COMPANY NAME: _____ POLICY #: _____

BENEFICIARIES NAMED: _____

LOCATION OF POLICY: _____

DATE OF DEATH VALUE: _____

ANNUITIES:

COMPANY NAME: _____ POLICY #: _____

BENEFICIARY NAMED: _____

LOCATION OF POLICY: _____

DATE OF DEATH VALUE: _____

COMPANY NAME: _____ POLICY #: _____

BENEFICIARY NAMED: _____

LOCATION OF POLICY: _____

DATE OF DEATH VALUE: _____

COMPANY NAME: _____ POLICY #: _____

BENEFICIARY NAMED: _____

LOCATION OF POLICY: _____

DATE OF DEATH VALUE: _____

VEHICLES:

MODEL: _____ YEAR: _____

HOW TITLED: _____

LOCATION OF TITLE: _____

DATE OF DEATH VALUE: _____

MODEL: _____ YEAR: _____

HOW TITLED: _____

LOCATION OF TITLE: _____

DATE OF DEATH VALUE: _____

MODEL: _____ YEAR: _____

HOW TITLED: _____

LOCATION OF TITLE: _____

DATE OF DEATH VALUE: _____

MISCELLANEOUS PERSONAL PROPERTY:

6. DEBTS

Please list **all** debts owed by the decedent, including the amount owed, at the time of their death. (Example of debts would be credit cards, automobile loans, home loans, doctor's bills, etc.)

CREDITOR: _____

CREDITOR'S ADDRESS: _____

TYPE OF DEBT: _____ AMOUNT OWED: \$ _____

CREDITOR: _____

CREDITOR'S ADDRESS: _____

TYPE OF DEBT: _____ AMOUNT OWED: \$ _____

CREDITOR: _____

CREDITOR'S ADDRESS: _____

TYPE OF DEBT: _____ AMOUNT OWED: \$ _____

CREDITOR: _____

CREDITOR'S ADDRESS: _____

TYPE OF DEBT: _____ AMOUNT OWED: \$ _____

CREDITOR: _____

CREDITOR'S ADDRESS: _____

TYPE OF DEBT: _____ AMOUNT OWED: \$ _____

CREDITOR: _____

CREDITOR'S ADDRESS: _____

TYPE OF DEBT: _____ AMOUNT OWED: \$ _____

CREDITOR: _____

CREDITOR'S ADDRESS: _____

TYPE OF DEBT: _____ AMOUNT OWED: \$ _____

7. OTHER QUESTIONS:

ARE ANY OF DECEDENT'S CHILDREN DISABLED? YES or NO

IF YES, PLEASE LIST THE CHILD'S NAME AND NATURE OF DISABILITY: _____

8. DOCUMENTS NEEDED BY THIS OFFICE:

_____ DEATH CERTIFICATE

_____ COPY OF PAID FUNERAL BILL

_____ COPIES OF ANY REAL ESTATE DEEDS

_____ COPIES OF ANY VEHICLE TITLES

_____ COPIES OF ANY BILLS

_____ LAST WILL AND TESTAMENT (IF ONE EXISTS) (***ORIGINAL NEEDED***)

PERSONAL REPRESENTATIVE

1. Has applicant ever been charged with, arrested for or convicted of a felony? _____

If "yes" was answered, please give date and complete details _____

2. Has applicant ever been charged with, arrested for or convicted of any other crimes?

If "yes" was answered, please give date and complete details _____

3. Does applicant have any physical disabilities? _____

If "yes" was answered, please explain _____

4. Will any physical disability listed above affect ability to serve as personal representative?

5. Has applicant ever been treated for the following?

a. Mental condition _____

b. Alcohol _____

c. Drugs _____

d. Other _____

Nature of Condition _____

If "yes" was answered to any of the above, please state date, time, location of treatment,

and name of physician or professional involved _____