

Published on *SeniorNavigator* (<https://seniornavigator.org>)

Top 10 Things to Know About Executor Duties After a Death

Be very careful and attentive to what local and state laws say about proper conduct of an executor. You must ensure that everything requested in the will is done, or you could face potential liabilities. For example, giving another beneficiary more than specifically stated in the will can anger other family members, and it is also against the law.

Maybe you were asked ahead of time to be an executor for someone's estate, or maybe it came as a surprise. Or perhaps someone is asking you to take on this responsibility when the time comes. It's a time-consuming and stressful job. Being an executor is a role you should consider carefully if you're being asked, and one you need to take very seriously once you are involved. Here are the top 10 things you need to know about executor duties after death.

1. You don't have to accept.

Granted, it is an honor to be asked. After all, someone trusts you to manage all of their worldly possessions for their beneficiaries. But you don't have to say yes if you are concerned you might not be able to manage the process. You can turn down a direct request, or you can also say no once it is time for the appointment to be made. If you find yourself too overwhelmed or grieving, you can file paperwork with the court to excuse yourself from executor duties after a death, and you can even suggest another executor (although you can also leave it to the court to decide).

2. Order official death certificates.

Death certificates can be expensive, but executors will need multiple copies of official death certificates for many reasons. A good rule is to buy at least 20, though you may need more, depending on the estate. Order them as soon as possible and

send them to key parties promptly.

3. Get an idea of the assets, debts, and other expenses.

Estimating the estate's value early on is important to ensure the easiest process throughout probate (the time period during which an estate gets divided). It will also help determine whether an estate is solvent or insolvent, defined by whether or not the estate has enough assets to cover the debts.

During this time, the executor must keep a list of all of the debts and assets and other necessary paperwork for the records, such as bank statements, mortgages, loans, and utility bills.

Also keep records of any estate-related transactions, such as court filing fees, any sales made, maintenance expenses, even gas and parking fees (if they are truly related to estate business). Keep a copy of all receipts, and note of where, when, and why the expense was incurred, as the commissioner may not approve the accounting without proper supporting documentation.

4. Contact the Social Security Administration and potential creditors.

One of the first executor duties after death is to notify the Social Security Administration located where the deceased resided. It may seem obvious, but don't assume that officials know about the death. This notification is especially important if someone dies outside of their county, city, or state when medical or emergency service reports may not have been filed in the locality of residence.

If the estate has debt, the executor should also send notice to any potential creditors so no further interest accrues, and to verify the final balance owed. This way the creditor understands that there may be a delay in payment as the estate is being settled and assets are being determined. Keep a detailed paper trail of all communication.

5. Meet with the probate clerk.

Just because a will states someone is the executor does not mean they are—yet. The probate clerk must legally certify any personal representative of an estate.

For certification, the clerk will require an official death certificate, the original will, names and addresses of all beneficiaries and heirs-at-law (potential heirs who may not be listed in the will), a list of all known assets, and money for filing fees (averaging around 10 cents per \$100 worth of assets).

After the probate clerk has this information, they will approve (or disapprove) the executor that same day. This is usually a formality, although executors sometimes have to pass a credit check.

6. Mark your calendar for important filing dates.

Deadlines in the probate process are extremely important and can creep up and pass you by if you do not keep them at the forefront. Mark all important filing dates, such as notice to heirs, inventory, accounting, and tax deadlines and allow yourself time to complete the requirements for each.

7. Practice good record-keeping.

Though it can seem tedious, executor duties after death also relate to the minutiae of finances. Executors must record every transaction of the estate, whether an expense, sale or refund. For example, if you pay an invoice or bill, you must have a copy of the receipt, a copy of the check, and a description of the expense to reflect that it was an estate expense. Even if you receive a refund for a dollar or less, that must be documented and recorded.

8. Adhere to law as well as the will.

Be very careful and attentive to what local and state laws say about proper conduct of an executor. You must ensure that everything requested in the will is done, or you could face potential liabilities. For example, giving another beneficiary more than specifically stated in the will can anger other family members, and it is also against the law.

9. Be transparent with beneficiaries.

The executor must use all means available to contact heirs-at-law, including online records and heir search companies. It is the executor's responsibility to track down all interested parties to the estate.

Though it may not be required to keep beneficiaries updated as part of your executor duties after death (unless they've requested it in writing), it may be in your best interest to do so. Being honest and up front about how the process is going helps ease tension and prevents potential conflicts.

10. Handle debts, taxes, and other expenses.

Finally, the executor oversees managing and paying debts of the estate. This doesn't mean pay for the debts personally, because they should be paid out of the assets of the estate, and in the proper order. In fact, if you pay for any debts out of order and the estate is insolvent, that could make you personally liable for the debts.

Because some details vary state by state, always check the laws in your locality. Executor duties after death must be fulfilled with patience, a kind heart, and attention to detail. Think of it as being asked to serve as a godparent—it's an honor that's hard to refuse, and a responsibility that will affect others for generations.

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Last Reviewed

Thursday, February 23, 2023