

Executor's Checklist

If you have accepted, or are considering, a request to be an executor or an administrator for someone's estate there are some important considerations that you should keep in mind - settling an estate can be time-consuming and difficult.

As executor, some of your responsibilities may include - selling real estate, making funeral arrangements, acting as a mediator during family quarrels, and managing investments. You will be responsible for handling all of the deceased's affairs and if the deceased left a valid will, you will also have to abide by the terms set out in the will.

If you do not think that you will be able to handle the responsibility effectively, you do have the option to decline the role. If you decide to accept the role, then you should seek out professional assistance when necessary in order to fulfill your obligations.

The following list provides an overview of the main tasks of an executor:

A. FIRST THINGS TO DO

- Locate and summarize will.
- Make a list of names and addresses of all beneficiaries, including any charities.
- Determine surviving spouse's and beneficiaries' immediate financial positions.
- Notify the spouse and beneficiaries of an entitlement he, she, or they may have and recommend that the spouse receive independent legal advice.
- Provide beneficiaries with a copy of the will and keep them informed as to the progress of administering the estate.
- Be sure that the surviving family members review their own insurance policies, RRSPs, TFSAs, etc. to determine whether there needs to be any changes to their designated beneficiary.
- Make funeral arrangements.
- Obtain death certificates and certified copies.
- Arrange for guardianship of minor children as provided for in the will.
- Arrange for care / adoption of pets.
- Confer with all persons interested in the estate, e.g. lawyer who drew the will, accountant, bankers, broker, etc.
- Protect any estate assets, e.g. by way of insurance or by taking valuable papers, cash, securities, and jewelry into custody.
- Examine existing insurance policies on real estate, household contents, automobiles, etc., and ensure that they are adequate.
- Re-direct the deceased's mail, and cancel newspaper and magazine subscriptions, memberships, telephone, cable, Internet services, and pre-authorized withdrawals as applicable.
- Obtain a list of all online accounts (digital assets), complete with login names and passwords.
- Notify all credit card companies and return or destroy credit cards.
- Return Social Insurance card, passport, driver's licence, and health insurance card, and obtain refunds, if any.
- Provide for protection and supervision of vacant real estate.
- If a business is involved, arrange for continuity and proper management.
- Maintain detailed records of all estate activities in case a beneficiary or the court asks to review them.

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B. ASSEMBLING AND VALUING ASSETS

- Contact banks, trust companies, investment houses, credit unions, department stores, online accounts such as Air Miles, and any other places where the deceased may have had deposits or accounts with a transferable monetary value.
- Obtain statements showing the value of the deceased's investments and RRSPs / RRIFs as of the date of death.
- Ascertain if there are any federal and/or Provincial Government pension and death benefits.
- Determine if the deceased had any interests in any trusts or other estates.
- Arrange for accumulation of any income due to the deceased in the future and outstanding amounts at the time of death, such as current and former employers, to verify salary / benefits / pensions that may be owing, rent due from rental properties, and director's fees.
- Apply for any amounts payable from life insurance policies and annuities and determine if there are any liabilities against the plans.
- List contents of safety deposit box, value them, then close the safety deposit box if it will not be used.
- Arrange for valuations of any assets of the estate, such as real estate, vehicles, and other personal property. Prepare a summary of any outstanding mortgages, leases, and other encumbrances.
- If loans are insured, complete the appropriate insurance claim forms.
- Contact Canada Revenue Agency (CRA) to cancel quarterly GST credits and any other credits that cannot be transferred to the surviving spouse, if applicable
- Examine any mortgages held by the deceased, including adequacy of protection and proper insurance coverage.

C. OBTAINING GRANT OF PROBATE OR LETTERS OF ADMINISTRATION

- Furnish solicitor with complete inventory of assets and their value and any outstanding debts.
- Have solicitor prepare application to Surrogate Court and complete with him an affidavit identifying the original will. Furnish the solicitor with other relevant documents such as codicils.
- Assist solicitor, where necessary, to locate witnesses to will.
- Pay Surrogate Court costs to obtain Grant of Probate or Letters of Administration, if applicable.
- Have solicitor prepare sufficient copies of the Grant to deal with the various estate assets.

D. DEALING WITH ESTATE ASSETS

- It is necessary to settle liabilities and this follows in part E when assets are converted into cash to deal with such. They should be investigated and dealt with at the same time one is dealing with the assets.
- Open an estate bank account and close all other cash and deposit accounts held by the deceased.
- For joint accounts (with rights of survivorship) request the accounts be transferred to the surviving account holder
- Invest, where possible, excess cash balance.
- Arrange to have any RRSPs / RRIFs transferred or rolled over to the named beneficiaries.
- Establish any testamentary trust, according to the instructions in the will.
- Take possession of assets from the safety deposit box and determine which securities are to be held and which sold, bearing in mind the necessity to sell to satisfy liabilities and cash payments under the will.
- Register securities in the appropriate names.
- If stock is to be transferred to a named beneficiary complete the necessary documents for the transfer.
- Convey or sell any real property as indicated by the will or as deemed proper.

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- Make any claims against any Government agencies for death benefits and/or pension benefits.
- Deliver, store or sell household goods and personal effects according to the will and the discretion given to the executor.
- Arrange for executor's participation in any private business, the continuance of same, the selling, if deemed advisable, winding up, or transfer if directed by will.

E. SETTLE LIABILITIES

- Advertise for creditors in the proper newspapers. Subsequently check all claims and make payments as funds become available.
- The following tax returns may be required: final return; prior returns, if not previously filed; trust return for the estate, and any testamentary trusts established in the will.
- Consider hiring an accountant to help with the tax filings and any special elections.
- Discharge any obligations already known such as private loans, mortgages, legal fees, funeral costs, etc and obtain receipts for any payments made.
- Terminate the deceased's lease or arrange to sublet premises, if applicable.
- Pay taxes and obtain a tax clearance certificate from CRA.
- Have the solicitor prepare and file succession duty returns for whatever provinces are involved and pay estimated duties and obtain estate releases.
- File any foreign inheritance tax returns and pay estimated duties and obtain releases.

F. ESTATE DISTRIBUTION (OUTRIGHT)

- Start sale of assets and transfer title(s).
- Distribute specific bequests according to the instructions in the will, but ensure that there are sufficient funds to pay outstanding debts and taxes.
- Make an interim distribution of the majority of assets to residuary beneficiaries.
- Prepare and submit an accounting for the estate administration to the beneficiaries and where necessary prepare to pass account in the court.
- If beneficiaries are *sui juris* and agree on accounts including executor's compensation, arrange for a final distribution, and obtain receipts. Have each adult beneficiary approve the accounting and sign a release.
- If court audit is necessary after completion of same, arrange for final distribution.
- Advise the bank in writing to close the estate account once the estate is settled.

G. ESTATE DISTRIBUTION - TRUSTS

- Where a trust is created under the will, provide for investment of all assets.
- Pay income and any capital as directed by the will.
- Have accounts kept in such a manner as to distinguish between income and capital.
- Provide for investment and safekeeping of all assets.
- If a business is involved, provide for continuance of management.
- If real property is involved provide for proper supervision and insurance coverage.
- Prepare income tax advice to various beneficiaries.
- Pay any succession duty installments as needed.
- Pass accounts before the court as required or account to beneficiaries.
- Make distribution in accordance with the terms of the trust.