

Finalizing and Organization of Deceased Estate

By

Executor/Executrix

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Estate administration is the responsibility of the Executor/Executrix and not the estate solicitor, although in most cases the solicitor will be called upon to assume the bulk of the administration of the deceased's Estate along with the Last Will and Testament. The answer, however, to the administration regardless of the size of the Estate is **ORGANIZATION** both on the part of the Executor/Executrix and the solicitor's office.

The stages that need to be followed in the administration of an estate are as follows:

- 1) The funeral
- 2) Preparation of estate inventory
- 3) Application for Grant of Probate or Administration
- 4) Advertising for creditors and claimants
- 5) Assembling the assets
- 6) Payment of debt
- 7) Filing the required tax returns meeting all of CRA's requirements
- 8) Distribution of the estate

The steps mentioned above need not be followed rigidly nor in the case of a smaller estate need you do all the steps. Guidance from the solicitor will ensure the proper steps are taken.

The extent of the Executor/Executrix's responsibility is determined according to the size and nature of the estate and may include the following:

- 1) Obtain and review the Will, noting particularly any immediate responsibilities such as donation of eyes or bequests of body to medical school, university or hospital.
- 2) Attend to matters requiring immediate attention, such as notification of relatives and disposition of perishable assets.
- 3) Attend to funeral arrangements.
- 4) Provide for immediate needs of dependents
- 5) Review of books of account, papers and personal effects of deceased to become familiar with his/her affairs.
- 6) Take charge or custody of deceased assets, including Title documents, securities and other valuables, and to remove, where appropriate, to a place of safe custody.
- 7) Obtain access to safe depositories of the deceased to obtain listing and valuation of securities.
- 8) Take steps to ensure continuity in operation of business of deceased.
- 9) Contact financial institutions deceased dealt with (Banks, Trust Companies, Investment Firms, Credit cards, Department stores etc) to advise of death and obtain complete list of assets and liabilities including particulars of any RRSP savings plans.
- 10) Ensure proper insurance is maintained on real and personal property of the deceased and arrange for supervision of real property if it is vacant.
- 11) Notify Post Office and collect mail.

- 12) Obtain valuations of personal and real property. Check taxes, mortgages and leases, if applicable, on real property and ensure the management of revenue and commercial properties.
- 13) Contact life insurance companies to determine benefits, terms, and beneficiaries of said insurance policies.
- 14) Contact employer, business partner or deceased's accountant to obtain details of employee benefits e.g. death benefits, group insurance, stock options, deferred profit sharing plan, pension benefits and medical insurance benefits.
- 15) Advise Alberta Health Care Insurance and Blue Cross of death.
- 16) If deceased was contributor to Canada Pension Plan applying for death benefits.
- 17) Advertise for creditors and claimants (Executor/Executrix may not advertise until after the Grant of Administrations issued by Surrogate Court).
- 18) Provide solicitor with detailed inventory of assets and liabilities, original Will and additional information required for preparation of application.
- 19) Locate witnesses to Will and arrange for completion of necessary documents regarding its validity and execution.
- 20) Execute documents for Application to Surrogate Court.
- 21) Obtain and file proof and other required information with life insurance companies.
- 22) Provide required documentation to Banks, Trust Companies, Investment Firms, and employer as required to receive estate assets.
- 23) Transmit, transfer or sell securities as provided in Will (obtaining tax releases if required?)
- 24) Sell, transfer or ensure management of businesses and properties as provided in Will.
- 25) Deliver, transfer or sell household goods and personal property as provided in Will.
- 26) Collect all outstanding bills, accounts receivable, interest, dividends, rents etc.
- 27) Compromise, settlement and payment of debts.
- 28) Preparation and filing of income tax returns to date of death, payment of outstanding taxes and obtain Tax Clearance Certificate.
- 29) Maintain throughout administration an accurate account showing all receipts and disbursements separately as to capital and income, retaining vouchers and receipts.
- 30) Payment of specific bequests.
- 31) Establishment of trusts if provided for in Will
- 32) Payment of interim distribution of beneficiaries.
- 33) Preparation of estate accounts for entire period of administration to date, accounting for all estate assets.
- 34) Make application to Surrogate Court for passing accounts or obtain approval of all beneficiaries and prepare and obtain releases from beneficiaries.
- 35) Distribute balance of estate (if trusts are established by the Will the Executor/Executrix continues until the termination of those trusts and they must continue to maintain accurate accounts in addition to managing the trusts

and making such distributions as may be allowed or required from time to time.

- 36) An Executor/Executrix is entitled to charge a reasonable fee, and reasonable expenses for work on estate matters. They should keep a record of time spent, work done, and expenses incurred (e.g. mileage, cost of filings and any other out of pocket expenses)
- 37) Check any and all computers and disks for any relevant information regarding the estate.