

What to do When a Family Member Dies

1. **Death Certificates:** Death certificates are needed to obtain proceeds of life insurance policies and other accounts. Order at least 10-20 certified copies of the death certificate. These can be ordered through the funeral home or from the Utah Depart. of Health & Human Services at <https://vitalrecords.utah.gov/death>
2. **Social Security (SS)**¹: Notify the SS Office asap when a person getting benefits dies. Funeral directors typically report the death to SS. Hold funds received from SS after the date of death. Failure to report a death to SS could be considered fraud.
3. **Credit Cards:** Collect and cancel all credit cards. Continuous use of a decedent's credit card could be considered fraud and could open the estate up to fraud on the part of others. To prevent identify theft you should report the death to one of the three credit bureaus—TransUnion: (800) 888-4213, Equifax: (888) 548-7878, Experian: (888) 397-3742.
4. **Pronouncement of Death**²: Before making arrangements, a pronouncement of death must be declared. If your loved one dies *in a medical or nursing facility*, the staff will handle this declaration. If your loved one dies *at home*, you need to immediately contact the local emergency officials to take them to a hospital where they can be legally declared dead. Family members who die *under hospice care* can be declared dead by hospice staff.
5. **Funeral:** Contact the funeral home to arrange your loved ones wishes. The funeral directors can walk you through the necessary steps and help report to SS, order death certificates and more.
6. **Utilities:** Before you start contacting utilities companies, you'll need to identify whether or not the utilities are continuing to be used. After a loved one passes, you can stop mail from being sent to their addresses. Learn how to file a request to redirect their mail at the Post Office.
7. **Review Estate Planning Documents:** Secure the valuables and residence. Review the decedent's estate plan (will and/or trust) if any. The key sections of the will/trust are those dealing with distribution of the decedent's property and the Trustee's powers. Determine if any of the assets are to be immediately distributed, or if they are to remain in the trust for later distribution to the beneficiaries.
8. **Insurance.** Notify all life insurance companies of the death. Some companies require a certified copy of the death certificate. Some companies will accept a photocopy or a copy of the newspaper obituary notice. Most companies require a death claim form be completed.
9. **Mortgage:** If there is a mortgage under your spouse's name, you have the right to assume that mortgage under the Garn-St. Germain Depository Institutions Act of 1982.
10. **Distribute personal property:** Select a time for the beneficiaries set forth in the will or trust to gather and distribute the decedent's personal property in a fair manner, according to the decedent's estate plan.
11. **Gather Assets:** In resolving a loved one's estate, you need to determine where they had assets. Once you determine where their assets, you'll need to talk to each institution and see what they require to release the asset. If the asset was in trust, the trustee can obtain it. If the asset had named beneficiaries, those beneficiaries will be

¹ <https://faq.ssa.gov/en-us/Topic/article/KA-02077>

² <https://www.cremationsocietyofut.com/resources/when-death-occurs#:~:text=If%20your%20loved%20one%20dies%20at%20home%2C%20you%20need%20to,dead%20by%20the%20hospice%20staff.>

able to obtain the assets. If the institution is asking for “letters testamentary” it means that you will need to go to probate court and get appointed as a representative in order to access the accounts. There is no easy way to determine what assets a decedent owned. You should go through the decedent’s files and review their most recently federal and state income tax returns, as they may provide a clue about what the decedent owned.

12. Probate: If you are unable to reach an asset of a loved one, you might be required to file a probate. Under Utah Code §75-3-107, you have three years to file. If it is after three years, you can still get at the assets through a Determination of Heirs proceeding. You can access the forms to file a probate [here](#).

13. Ways to Avoid Probate: Depending on the size of the estate you may be able to get an account or car without probate. [Here](#) is a link to an Affidavit of Small Estate to get to accounts if the decedent’s estate is under \$100K. [Here](#) is a link to a Survivorship Affidavit to get vehicles if the decedent’s estate is under \$100K.

14. Meet with a Financial Advisor: Don’t cash out or liquidate investments or make tax elections before meeting with a financial advisor. Some assets have significant tax consequences upon their liquidation or payment.

15. Taxes: If necessary, file income tax returns and pay income taxes. The decedent’s CPA or tax advisor can help make this determination of whether and when taxes are due. As a beneficiary, with the help of your tax advisor, determine if a disclaimer is appropriate. This must be done within nine months after the date of death.

16. EIN Number: If all or part of the living trust has become irrevocable because of death, it will be necessary to obtain a new taxpayer identification number for that trust from the IRS. The decedent’s CPA or tax advisor can help obtain this number.

17. Keep Track of Costs: To avoid conflict, as someone administering a decedent’s estate you should keep track of all expenses paid and assets distributed. Professional trustees give beneficiaries a copy of the final will/trust and then give beneficiaries full disclosure of expenses and dispersals and keep track using a spreadsheet.

18. Debts: If your spouse dies, you owe for any necessary expenses, which includes medical expenses. Review any bills or accounts that claim the decedent owe and pay the ones which I do owe. Creditors will often settle the debt for less than owed. Determine outstanding debts or taxes to be paid before dispersing all of the decedent’s estate in order to determine the cash flow needs. Funds may be needed immediately to pay funeral expenses, so make sure that there is enough money available.

19. Update Documents & Clear Title: If a deceased spouse was on title to the property, you should clean up title by filing an affidavit with a death certificate with the County Recorder. You will often need to update your own estate planning documents to remove your deceased spouse as your agent on your power of attorney and advance directive.

20. Distribute the assets. After all bills and the expenses of administering the Trust have been paid, you can distribute the remaining trust property. Ensure that distribution of assets is done in accordance with the decedent’s wishes. It may be appropriate to sell some assets and distribute the cash to facilitate equal division among the decedent’s heirs, provided this is in accordance with the will/trust. You may allow a beneficiary to receive a distribution of property in kind (like a car rather than an equal amount of cash).