

# WHAT TO DO WHEN A LOVED ONE HAS PASSED AWAY



**GOLD  
LEGACY**  
LAW PLLC



## IMMEDIATE ACTION CHECKLIST

1. Secure All Assets: Lock residences, secure vehicles, safeguard valuable and legal documents
2. Gather any prepaid funeral or burial documents: Cemetery contracts, cremation paperwork, funeral plans
3. Obtain Death Certificates: Depends on assets 5 approx.
4. Notify Social Security: If applicable, although funeral home may already handle this.
5. Create a short-term financial plan: Banks may freeze accounts once notified of death-- plan ahead to cover immediate bills.
6. Inventory all assets, including tangibles, accounts, properties, business interests.
7. Determine ownership of assets: Jointly owned, solely owned, titled in name of Trust, perishable or time-sensitive assets.
8. Determine if Probate is required: Any asset individually owned with no beneficiary will need to go through probate.



## NOW DETERMINE THE ESTATE PLAN TYPE TO CONTINUE

### NO WILL (INTESTATE)

- File for Formal or Summary Administration
- If formal, court will appoint a Personal Representative
- Assets distributed under Florida intestacy laws (F.S. 732.101)
- Notify creditors and settle taxes/debts
- Court oversees asset distribution
- Personal Representative discharged & case closed
- Note: No Personal Rep. in Summary Administration

### WILL ONLY (TESTATE)

- Same as Intestate, except the decedent decides how to make distributions
- Does not need to follow law on how to make distribution (except rights of spouse and homestead laws)
- Will must be validated and admitted
- Court will still oversee distributions
- Personal Representative discharged & case closed.

### WILL/ TRUST

- Trust Administration begins outside of probate
- Successor Trustee manages and distributes trust assets
- If any assets were left out of Trust: File Pour Over Will in Probate Court and follows steps under (Will Only)
- After probate complete, assets distributed to Trust and continue to administer under Trust terms

