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What steps should be taken after a loved one passes away?

When a loved one passes away, many people feel an urgency to begin the administration of the decedent's estate. While some may find this exercise to be cathartic, or a way to honor their loved one's legacy, it can also be a daunting task that can quickly become overwhelming. Our goal is to help you navigate this process as you move through this challenging time.

While there are several things that need to be addressed sooner rather than later, nothing is more important than grieving the loss of your loved one. Most of the administration of a loved one's estate can be delayed a few weeks or months. However, there are a few things that should be handled before too long, and we are here to help you determine the best way to proceed. If your loved one did not have a Will in place, the following actions can usually be taken by a surviving spouse, child, parent, sibling, or other interested party.

Gather Estate Planning Documents

If your loved one had a Will or Trust in place, try to gather these documents, they will be needed if there are probateable assets that need to be gathered and distributed down the road. If they had no estate planning documents, that is just fine, many estates are administrated without them.

Requesting Death Certificates

If you are involved in the funeral or cremation planning, this is an appropriate time to order Certified copies of the Death Certificate. If you are not involved in that planning, the Certificates can always be requested from the County. We generally suggest ordering 6-8 copies, though more can always be ordered later if necessary. These certificates will be needed throughout the estate administration process.

Death Notifications

If your loved one was receiving Social Security, retirement benefits, military benefits, or other social services, those institutions need to be informed that this person has passed away. Generally, this involves an initial phone call and some follow-up paperwork and will prevent a continuation of payments to your loved one. It is easier to stop the payments ahead of time

rather than return the funds later. Additionally, if you know the banking and credit institutions that they used, they should be notified as well to prevent further access to their accounts. If you are a joint account holder, the bank and credit institutions should still be notified of their passing.

Collecting Asset and Debt Information

When you are ready, you can begin to gather information about your loved one's assets and debts. This should include everything that the decedent owned either by themselves or jointly. If all the decedent's assets were either held jointly or had beneficiary designations attached to them, a probate may not be necessary. In these cases, the joint account holder or the beneficiary of the account can generally present a Certified copy of the Death Certificate and fill out some paperwork from the institution, and they will reissue the account or other asset into the name of the new owner. If there are assets that were not owned jointly, and did not have a beneficiary designation, a probate proceeding may be necessary to retrieve those assets.

Next Steps

While this is not an exhaustive list of steps to take, it is a good place to start. When you have any estate planning documents and a general outline of your loved one's assets and debts, call our office for a free consultation where we can help you determine the next steps in settling your loved one's estate. This might include explaining the process and advising how to collect non-probate assets, all the way to a full probate of their estate. We aim to make the probate and estate administration process as easy and transparent for all who are involved in the administration, and we look forward to helping you.

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