

What Do I Do Now? By the Hunterdon County Bar Association

The fog of grief still lingers; executor duties await. What do you do now? Stay calm. An executor (male)/executrix (female) duties are straightforward. But you need to be organized and, above all, exercise patience.

If you are the executor, that means the decedent has appointed you to carry out the directives in a Will and dispose of the decedent's property. The first step is to locate the *original* Will and death certificate and file those documents with the Surrogate's Court.

Next, determine the assets of the Estate. It may require some investigative work to get a clear picture of what the decedent owned. Look for a safe deposit box and key to locate valuables or important documents like deeds. You may also need to obtain copies of life insurance claim forms. If applicable, check if the decedent received entitlements such as veteran's, social security or pension benefits. These are all assets of the Estate. Open a new bank account in the name of the Estate and transfer the monies from decedent's bank accounts into the Estate account. Other potential assets include stocks and bonds, real property, business interests, cars, furniture, and jewelry.

Third, inform all interested parties about the decedent's death and the current status of the Estate. Identify yourself by name and address, and the place and date the Will was filed with the Surrogate's Court. If there are charitable donations, the Attorney General of New Jersey must also receive notice. A copy of the letter to the Attorney General should be sent to the Surrogate's Court.

Now the debts. What did the decedent owe at the time of death? Collect the bills and pay them. You are not personally liable for paying the debts of the Estate. The debts are paid out of the monies in the Estate. Debts may include medical bills, mortgage, rent, utilities, funeral expenses, credit cards, loans, and child support obligations. Check the amount and validity of each debt. If the debt is correct, pay it and keep a record of each payment. If the debt is not valid, challenge it.

The burden of taxes is next. You must calculate the value of the Estate and the state and federal taxes. Inheritance tax returns and federal inheritance tax returns must be prepared. Once the amounts are determined, personal property or real estate taxes must be paid through the Estate.

Finally, the remainder of the Estate must be distributed. The Will directs how the assets are to be distributed. If there are securities, arrange for their transfer or registration to the Estate. On payment to a beneficiary of his/her share of the Estate, the executor must obtain a Refunding Bond and Release form from the beneficiary and file it with the Surrogate's Court. Refunding Bond and Release forms are available from the Surrogate's Court.

After the assets are distributed and the debts are paid, the executor may file an accounting with the Surrogate's Court. This accounting should track all the monies that came into the Estate and all the payments or distributions out of the Estate.

There are many balls to juggle, but if you stay organized, you will have discharged an important duty for a loved one.