

Your First Steps After Loss: Preparing for the Estate Administration Intake Meeting

The period following the death of a loved one can feel overwhelming—especially when legal and financial responsibilities arise at the same time as grief. This guide is designed to provide guidance as you prepare for your initial meeting by outlining steps you can take prior to the initial meeting, what information may be helpful to gather beforehand, what not to do and questions and answers to frequently asked questions.

Preparing for your Estate Administration Meeting

While not required, below is a list of tasks you can complete at your discretion as you prepare to meet with the attorney:

- Obtain Certified Copies of Death Certificate (Generally, 5-10 copies will be needed to administer the estate).
- Locate original estate planning documents, if any (ex: Will, Trust, etc.).
- Secure the Decedent's property and personal effects.
 - If there is real estate, ensure doors are locked and personal property is secure.
 - Continue to pay for property insurance to avoid loss of coverage.
 - Forward mail, if appropriate.
- Make a preliminary list of the Decedent's assets and liabilities.
 - Assets may include bank accounts, investment accounts, retirement accounts, real estate, life insurance, business interests, vehicles, personal property.
 - Liabilities may include mortgages, credit cards, medical bills, personal loans, pending litigation.
- Gather current addresses and phone numbers for family members and other interested parties (ex: surviving spouse, children, siblings, fiduciaries).
- Notify Social Security Administration of Decedent's death.
- Write down questions or concerns to address at intake meeting.

*What **Not** to Do Before Your Meeting*

Until you've spoken with the attorney, it's best to avoid:

- Distributing money or personal property
- Closing accounts
- Selling real estate
- Paying large bills from estate accounts. Take care of immediate, necessary expenses only (ex: funeral expenses, property insurance, necessary utilities, etc.)
- Making promises to beneficiaries about timing or amounts

We will advise you on what is appropriate and when.

What to Expect from Your Intake Meeting

During the meeting, we will review:

- Whether probate is required (This will depend on the value of the decedent's assets as well as how they were titled).
- The type of probate petition needed (ex: Formal, Informal, Voluntary, Late and Limited).
- Who has legal authority to serve as fiduciary (ex: Personal Representative, Trustee).
- Trust administration tasks.
- What type of tax filings are needed.
- Your questions/concerns.

Following the meeting, the attorney will prepare and send you a cover letter outlining the next steps as well as an engagement agreement to represent you as fiduciary of the Estate.

*Frequently
Asked
Questions*

1. How long will this process take?

The timeline depends on the complexity involved. (Ex: whether a probate petition is needed, the terms of the trust (if applicable), the size of the estate, etc.). In Massachusetts, estates, on average, take 12-15 months to administer from start to finish.

2. Is Probate needed?

Not every estate will require a probate petition. Generally, a probate petition may be needed if the Decedent owned any assets in their individual name that did not contain a beneficiary designation. Assets held in trust, jointly owned, or with named beneficiaries typically avoid probate.

3. When can beneficiaries receive distributions?

Distributions typically occur after a majority of the expenses have been incurred, taxes have been filed, and other valid debts have been paid. For estates that require the filing of a probate petition, Massachusetts requires that the estate be open for one-year to allow for any creditor claims before distributions can take place.

4. What are my responsibilities as personal representative/trustee?

As a fiduciary you are required to: identify and safeguard assets, pay valid debts and expenses, communicate with beneficiaries, file required court documents and tax returns, and distribute assets in accordance with the Will, Trust, and/or Massachusetts law.

5. What are the legal and tax deadlines?

Not all legal and tax deadlines are applicable to every estate, but general deadlines include:

Probate Petition Filing Deadline: Generally, within three (3) years after the Decedent's passing.

Creditor Claim Period: One (1) year from the Decedent's date of death.

Estate Tax Return: Nine (9) months after the Decedent's date of death.

Final Income Tax Return: The April following the Decedent's date of death.

Estate/Trust Income Tax Return: Every April in which the estate or trust met the minimum requirements triggering the need for the filing of an estate/trust income tax return.

Final Notes

- The probate and administration process takes time. While some steps happen quickly, others move deliberately to ensure compliance with Massachusetts law as well as provide protection for you as the client.
- Please remember to fill out and return your confidential estate administration organizer prior to your intake meeting.