



Important Contacts:

Lee County Health Dept. (death certificate)
(239) 332-9572 M-F 9:00 a.m. to 4:00 p.m.

Social Security Administration
(800) 772-1213 www.ssa.gov

Veterans Administration
(800) 827-1000

Document Checklist:

- Death Certificate
- Prepaid Burial/Plot
- Last Will and Testament
- Trust Documents
- Compile names, phone numbers, addresses (physical & E-mail) of immediate family members, heirs beneficiaries
- Funeral Bill



NEILSON LAW

When Trust Matters



Jennifer M. Neilson
Attorney at Law

Areas of Practice

- *Decedent's Estates*
- *Probate*
- *Trust Administration*
- *Will & Trusts*
- *Guardianship*
- *Business*
- *Real Estate*

NEILSON LAW, P.A.

3501 Del Prado Blvd. South, Suite 306
Cape Coral, Florida 33904

Email: jn@nlaw.us

Phone: (239) 443-3866

Fax: (888) 443-5219

www.nlaw.us

*Evening and Weekend Appointments
Home Visits Available*

Where do I begin?

*A legal guide for family members of
the deceased.*

Jennifer M. Neilson
Attorney at Law

Disclaimer:

The foregoing information is intended to be a brief summary and is not a substitute for legal advice. It is recommended that you seek the advice of an attorney.

Who has authority to make decisions?

PERSONAL REPRESENTATIVE/ NEXT OF KIN

Powers of Attorney terminate on the date of death with few exceptions. A named Power of Attorney has NO authority to make burial and cremation decisions because the document is no longer valid. A **Personal Representative** NAMED in a **Last Will and Testament** but NOT APPOINTED has NO authority to make burial and cremation decisions. Once a Personal Representative is APPOINTED by a Probate Judge, the Personal Representative has priority to make burial and cremation decisions. If a Personal Representative has not been appointed, only the next of kin have the authority to make burial and cremation decisions in the following order: (1) spouse, (2) adult children, (3) parents, (4) siblings, (5) aunts/uncles.

Immediate Concerns:

ARRANGEMENTS

- Contact funeral home for transport and services
- Obtain **ten (10)** certified copies of the death certificate, **5** with cause of death, **5** without
- Was Decedent in the armed forces?

SECURE DECEDENT'S PROPERTY

- Secure real estate from invasion and damage.
- Verify home insurance.
- If a family member is not staying in the property, change the home insurance to vacant
- Secure valuable personal property
- Decedent's vehicle should not be driven

FINANCIAL

- Cancel health insurance, possible premium reimbursement
- Contact Social Security Administration if decedent received benefits
- Contact pension administrator for notification of death
- Contact life insurance company to initiate claim; if utilizing life insurance to pay funeral expenses, bring policy to funeral director.

Estate Administration:

MARSHALL ASSETS

- Locate life insurance policies
- Gather bank records and other asset documentation
- If Armed Services, contact Federal Government Office of Personnel Management regarding death benefits

PAY EXPENSES NOT DEBTS

Personal Representative has authority to pay regular expenses of the Decedent and funeral / burial arrangements without court approval. Do not pay debts or large expenses without advice of counsel. Decedent's estate may not be liable for certain debts and the payee could be held responsible.

PROBATE

Probate is the court supervised administration of a Decedent's estate; three types of probate in Florida:

1. Disposition of Personal Property Without Administration;
2. Summary Administration
3. Formal Administration

The appropriate procedure depends on the amount of assets held in the name of decedent at death.

RESIDENCE AS HOMESTEAD

Protected homestead passes to surviving spouse and minor children. Homestead is protected from the claims of estate creditors. A Petition to Establish Homestead transfers title to the residence to a surviving spouse or descendants outside probate.

Probate Not Required:

JOINT ASSETS

If all of Decedent's assets were titled in joint tenancy, Pay on Death or direct beneficiary, probate may not be necessary.

TRUST ASSETS

Assets properly transferred to a valid trust are not subject to probate. If Decedent was a Settlor, Trustee, or Beneficiary of a Trust, the Trust requires review by a qualified professional.

EXEMPT ASSETS

F.S. 732.402

Exempt assets pass to surviving spouse or if none, to the children of decedent outside of administration: (1) Household furnishings/appliances up to \$20,000.00, (2) two motor vehicles.

Florida Laws:

FILING THE ORIGINAL WILL

F.S. 732.901

Any person in possession of the Decedent's will must deposit the will with the clerk of the court of the county in which the Decedent resided within ten (10) days after notice of death.

OPENING A SAFE DEPOSIT BOX

F.S. 655.935

The spouse, parent, adult child and named PR have authority to open the box upon presenting proof of the death to the bank. Only the following may be removed: (1) will, (2) burial plot/instructions, (3) life insurance policy.