
KAJKO, WEISMAN, COLASANTI & STEIN, LLP

ATTORNEYS AT LAW

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Peter J. Kajko
Mitchell E. Weisman
AnnMarie Colasanti
David B. Stein
Alisha S. Tomasino
Cynthia Sherman
Julie R. Hess

Edward A. Prisby*
Molly Wilson Chung

The Hon. Isaac Borenstein (Ret) **
Richard Keshian
of Counsel

430 Bedford Street, Suite 190
Lexington, MA 02420

Phone: (781) 860-9500
Fax: (781) 863-0046

*also admitted in NH
**also admitted in FL

DUTIES OF AN EXECUTOR/ADMINISTRATOR/PERSONAL REPRESENTATIVE

Schedule a meeting with your attorney at Kajko, Weisman, Colasanti & Stein to begin the process for the orderly administration of the estate of the decedent.

CHECKLIST AND DUTIES:

My attorney's name: _____

Contact deceased employer or business associates

Date contacted: _____

Was the deceased a civil service employee? Yes No

Complete the form entitled, "Estate Questionnaire" as best you can but do not be troubled by questions you cannot answer or answers you do not readily have.

Obtain several copies of the death certificate: Date Obtained: _____

Provide life insurance information to your attorney:

Date provided: _____

Locate important papers such as deeds, bank accounts, stock certificates, will.

Did the deceased have a safe deposit box? Yes No

If so: Name of bank _____

Box Number _____

Check with funeral director to see if Social Security has been contacted.

Date Checked: _____

If deceased was veteran, contact VA or have your attorney contact.

Date contacted: _____

Contact various organizations deceased belonged to.

Union: _____

Service Organizations: _____

Professional Organizations: _____

With regard to insurance on home, investment properties, vehicles, and the like, contact the deceased insurance agent to notify the agent of death and to determine if current coverages are appropriate.

Secure and protect personal and real property.

_____ Gather the deceased bills which need to be paid.

_____ Contact creditors to advise of death.

_____ Contact deceased's tax preparer or CPA.

Name and address of tax preparer or CPA:

_____ Determine if the tax preparer or CPA is prepared to file all estate and income tax returns on behalf of the deceased and the estate.

_____ Check with your attorney to determine which assets must proceed through probate.

UPON APPOINTMENT BY THE COURT

The executor or administrator or personal representative is a fiduciary and must always act in the best interests of the estate and the beneficiaries.

1. Keep a record of all of the expenses and income that the estate incurs.
2. Close all credit card accounts. Photocopy the credit card and then destroy the card(s).

3. Keep a record of your time involvement and expense advances in behalf of the estate.
4. Do a thorough search of all papers of the deceased. Discuss any documents found with your attorney.
5. Identify all of the assets of the estate.
6. Apply for the payment of all proceeds of life insurance. A federal form 712 must be obtained from the insurance company at the time of payment to each beneficiary. As an option, you may have your attorney attend to these collection matters.
7. Apply for the payment of any pension or annuity benefits. As an option, you may have your attorney attend to these matters.
8. Any real estate owned must be appraised as part of the probate and tax process. Arrange for such appraisals. As an option, you may have your attorney attend to the matter of obtaining appraisals.
9. Notify all banks of your appointment as executor, or administrator or as personal representative. Take custody of all accounts that were in the deceased's name alone, unless a beneficiary had been named by the deceased prior to death. Check with your attorney. It is important to obtain date of death values for all assets, including bank accounts, CDs, stocks, mutual funds, etc. Check with your attorney on the procedures. As an option, your attorney may attend to these matters.
10. Be prepared to manage the estate, file tax returns and pay debts. Check with your attorney to determine the procedures for determining the order of payment of debts.
11. Set up an estate account at a bank of your choice. Make copies of all checks received prior to deposit. Keep a record of all bills paid including the creditor's bill. As an option, you can ask your attorney to take custody of the estate account and attend to making all deposits and payments. You will retain the duty of signing all checks.
12. Check with your attorney before any disbursements are made to beneficiaries. Your attorney will advise you on the advantages and disadvantages of making partial disbursements.
13. Determine which assets, if any, need to be sold to pay debts. Discuss with your attorney.
14. Determine whether it is wise to sell real estate or other assets before distribution to beneficiaries. Discuss with your attorney.

15. Your attorney will contact you as the estate matters wind down. You will have to prepare an accounting which must be approved by the beneficiaries and by the Probate Court.
16. If required, Massachusetts and federal estate tax returns must be filed within 9 months from the date of death. Be sure to coordinate the filing and payment of taxes with your attorney.
17. The last day for which creditors may file claims against the estate is one year after the date of death. Your attorney will check probate records to determine if any claims have been filed.
18. After the one year after death, you may pay pecuniary legacies, file any remaining tax returns, make final distributions and file the accounting. Your attorney will coordinate these activities with you including petitioning the Probate Court to have the accounting allowed and a judgment to that effect issued.