

SURVIVOR'S GUIDE

Courtesy of Nathan Jones Law

During this difficult time, there are immediate practical and legal issues that may arise for family members who have lost a loved one. This guide is an overview of some of the issues that you may face in the coming weeks and months. We have provided this guide for informational purposes; it does not constitute legal advice. However, if you would like specific legal advice, we would be happy to assist you. Please call us at (573) 874-1122.

1. **DEATH CERTIFICATES.** Request 5-10 certified copies of the death certificate; you will need one copy for each financial institution, life insurance company, and bank, as well as one copy for each county where the deceased owned real estate, and one copy for each motor vehicle. Check with the funeral home director for assistance.
2. **THE WILL AND OTHER LEGAL PAPERS.** Locate the original Last Will and Testament and any other estate planning documents and contact us at (573) 874-1122 to determine if any probate process should be commenced or what other actions are necessary.
3. **SAFE DEPOSIT BOXES.** If the deceased had a safe deposit box at a bank, only an individual named with the bank as an authorized signer can enter or have access to the box. If no one else has been named, we must request the Probate Court to order the bank to open the box and make an inventory of its contents. Being an authorized signer on the safe deposit box does not mean that the signer becomes the owner of everything in the box.
4. **PROPERTY LISTS.** The deceased may sometimes have a detailed listing of their property or an up-to-date balance sheet. These lists can be very useful in providing contact information and a summary of their assets.
5. **THE PERSONAL REPRESENTATIVE OR EXECUTOR.** The person named in the Will as the Personal Representative will be the individual with authority to act for the deceased, once the Probate Court confirms their appointment. This position was formerly called an executor or executrix. The Will governs many of the details of their appointment and may nominate one or more successors if the first-nominated person cannot serve. If the deceased had no Will, or if all persons nominated in the Will are unable or unwilling to serve as the personal representative, then closest family members will have preference. Wills expire - see us as soon as possible to make sure the deceased's Will is activated and can take effect.
6. **BILLS AND DEBTS.** Generally, the bills of the person who died will eventually need to be paid. However, ***do not pay any bills of the deceased without checking with an attorney first. You are not personally responsible for their bills.*** Payment of the deceased's creditors is usually done through the deceased's probate estate by the personal representative. One of the Probate Court's main functions is to see that any valid debts or claims are paid. If there are insufficient funds to

pay them all, those with a priority claim are paid first and lower priority claims may not be paid or may only be partially paid. Only the court can determine who gets paid when there are not enough funds or assets to pay everyone.

7. LIST OF CREDITORS. This step does not need to be done immediately, but should be completed within 30-60 days. Compile a list of all creditors of the deceased. This includes anyone with whom the deceased may have had an account, loan, otherwise owed money, or anyone that provided services to the deceased. This will include credit card companies, mortgage lenders, vehicle loans, utilities, medical providers, and the like. Include in your list the creditor's name, account number and mailing address. This may be an ongoing process whereby creditors are discovered as the deceased's mail and bills are delivered. ***If the deceased was a Medicaid (MO HealthNet) recipient, notify us immediately.*** Our office is very well-versed in the MO HealthNet estate recovery process and can assist you in exploring every option to reduce the amount the State can collect from the estate.

CREDIT CARDS AND LINES OF CREDIT. Cancel and destroy all credit cards and open lines of credit, regardless of the account balance. Check on credit life insurance with each credit card company. Contact at least one of the credit rating agencies and notify them of the death. This will help prevent any possible identity theft.

8. LIFE INSURANCE AND OTHER INSURANCE. Notify all applicable life and health insurance companies. You may need to contact the deceased's insurance agent to determine the types of insurance policies in place and the details of each policy. Usually, life insurance will be paid directly to the named beneficiary of the policy. Most often, life insurance proceeds are not taxable. You will need the following information to claim any life insurance:

- Policy number
- Social security number of the deceased
- Full name of the deceased
- Date and cause of death
- Certified copy of death certificate

LIABILITY INSURANCE. Do not cancel any liability insurance on the deceased's home, vehicle or other assets unless and until it is replaced with other insurance. ***You do not want to leave assets without insurance!***

9. LOANS OR CREDIT LIFE INSURANCE. Sometimes, individuals have a life insurance policy that will pay off an existing loan balance or may pay a certain amount to either a named beneficiary or the deceased's estate. Contact the bank, credit union or mortgage lender of the deceased for possible loan insurance or "credit life" insurance. Specifically, you should contact the follow to determine if such a policy exists:

- The lender of the home or real estate loan
- The lender of any vehicle loans
- The lender of any home equity loans
- Credit card companies (you may see a recurring monthly charge for credit life protection on the previous monthly statements)

10. **THE DECEASED'S EMPLOYERS.** Contact the personnel or human resources (HR) department of the deceased's current and former employers for possible group life insurance, pension information or additional employee benefits that may have a death benefit or payment. If the deceased was working at the time of his or her death, they may have accrued vacation or other time off as well as being entitled to a last paycheck.

11. **SOCIAL SECURITY.** Social Security should be notified as soon as possible when a person dies. In most cases, the funeral director will report the person's death to Social Security. If the deceased was receiving Social Security benefits, you must return the benefit received for the month of death or any later months. If the benefits were paid by check, do not cash any checks received for the month in which the person dies or later. **Write "Deceased" across the check and return the check(s)** to Social Security as soon as possible. The address is:

Department of Treasury
Financial Management Service
Kansas City Financial Center
P.O. Box 12599-0599
Kansas City, Missouri 64116-0599

Some of the deceased's family members, such as minor children, may be able to receive Social Security benefits if the deceased person worked long enough under Social Security to qualify for benefits. Contact Social Security to check on survivor benefits. You will need the following information:

- Certified copy of death certificate
- Copy of your marriage license
- Social Security account number of deceased
- Social Security account number of spouse/dependents
- Birth certificates for spouse and dependent children
- Approximate earnings of deceased in past year/last employer

12. **BANK ACCOUNTS.** Identify all bank and brokerage accounts, such as savings, checking, investment and other accounts. Determine if there are any joint owners or P.O.D. (pay on death) beneficiaries. Accounts with joint owners transfer automatically to the surviving joint owner(s). Accounts with P.O.D. beneficiaries will transfer to those beneficiaries upon the presenting of a certified death certificate to the bank. Any accounts in the deceased's name alone will need to be transferred by order of the local Probate Court. We can help obtain this order.

13. **CLUBS AND ORGANIZATIONS.** If the deceased was a member of any social organizations (Rotary, Eagles, Elks, Masons, etc.) or a labor union, contact that organization for assistance to determine any membership benefits.

14. **MAIL AND TELEPHONE SERVICE.** If the deceased lived alone, forward their mail and the telephone service. You may need to be officially appointed as personal representative to forward the mail to your address, but make arrangements so that the mail is not returned to

sender and does not accumulate in a mailbox. It is often helpful to have the deceased's phone number either forwarded to you or request the phone company place a forwarding phone number recording on the phone so that you can be reached.

15. **OTHER FINANCIAL PAPERWORK.** Review financial paperwork for other details (check stubs, canceled checks, previous bank statements, automatic credit and debits, prior tax returns, stocks and bonds, real estate, safe deposit boxes, etc.).

VETERANS OR CIVIL SERVANTS

Contact the Veterans Administration for applicable benefits for the deceased and/or surviving spouse and dependent children. You will need the following information:

- Certified copy of the death certificate
- Copy of your marriage certificate (spouses only)
- Copies of birth certificate for dependent children

If the deceased was retired military, contact the Defense Finance and Accounting Service Casualty Assistance Line to report death and check for a survivor annuity (SBP, RSFPP). You will need the following information:

- Certified copy of the death certificate
- Copy of your marriage certificate (spouses only)
- Copies of birth certificate for dependent children

Contact Civil Service Office of Personnel Management if deceased was an active or retired employee of Civil Service.

Social Security	1-800-772-1213 or www.ssa.gov
Veterans Administration	1-800-827-1000 or www.va.gov
U.S. Office of Personnel Management	1-202-606-1800 or www.opm.gov/retire
Office of Service Members Life Ins	1-800-419-1473 or www.benefits.va.gov/insurance
DFAS Retiree Office	1-800-321-1080 or www.dfas.mil/retiredmilitary

We can assist you in this process. Please call us to setup a free meeting with an attorney.

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