

**GENERAL FIDUCIARLY CHECK LIST
SUCCESSOR TRUSTEES AND
EXECUTORS**

SETTLING AN ESTATE OR TRUST

FIDUCIARIES:

- TRUSTEE
- EXECUTOR OF ESTATE
- GUARDIAN OF THE PERSON
- GUARDIAN OF THE ESTATE
- AGENTS ACTING PURSUANT HEALTH PROXY OR DPA
- AGENTS ACTING PURSUANT A FINANCIAL LEGAL PROXY OR DPA

STEP 2: DOCUMENTATION - Obtain and Organize all relevant Documentation

- Wills
- Pour-over wills
- Trust schedules
- Trust asset lists
- Deeds to trust property
- Asset inventory
- Income tax returns
- Life insurance policies
- Investment and retirement accounts

STEP 3: INFORMATION - Understand Your Role as Successor Trustee and Executor

An attorney helps with many aspects of administration, including the following:

- Explaining their scope of representation
- Explaining the legal implication of trust law
- Explaining your fiduciary duty to trust beneficiaries
- Act as counsel for legal challenges such as litigation

STEP 3: NOTICE

The first 60 days after the death of the decedent are critical to trust administration. If you are using the Decedent's Will, within the 30 days following the day of passing, you must file the Decedent's the estate plan and their death certificate with the probate court. Within the 60 days following the death, the Probate Code mandates notice to all heirs, beneficiaries, and other individuals outlined in the estate plan. *Section 16061.7 of the California Probate Code.*

STEP 4: MARSHEL ASSETS

To begin managing and distributing trust assets as per the estate plan, there are several pieces of information you need to collect and a trust accounting system you must develop and use. Our suggestions are to complete the following:

- **RECORD KEEPING AND FIDUCIARY JOURNAL**: Establish a penny specific record-keeping system which includes all expenses, time spent, communication notes, and meetings pertaining to settling the Estate.

- **TIN**: Obtain taxpayer-identification numbers from the IRS. See IRS.gov.

- **Inventory and Appraisal**: Record a complete inventory of all Trust assets and assign their value at the Decedent's date of death.

- **Consolidation**: Deposit liquid trust assets into checking or savings accounts. These deposits must be FDIC insured. You will need the following documents to open Fiduciary Bank accounts.
 - Taxpayer Identification Number
 - Copy of Will and Trust. Using a Certification of Trust is a Privacy Option.
 - Death Certificates
 - You must present the documents personally along with your Identification.

Tax Returns:

- File IRD Return for Decedent (Personal Income prior to Passing)
IRS FORM: 1040 & 540
- File Fiduciary Tax Returns (Estate Income earned during Administration)
IRS FORM: 1041 & 541

STEP 5: FUNDING ADMINISTRATIVE TRUST

- File a Notice of Death of Real Property Owner with the County Assessor's office if the decedent owned property.
- File Affidavit of Trustee & Preliminary Change of Ownership.
- While this beginning period contains listings of critical documentation, there are many other filing deadlines a successor trustee must keep in mind throughout early trust administration. These include:
 - File a Medi-Cal Notice to the Department of Health Services within 90 days of death
 - File Change of Ownership Forms within 150 of death
 - File Form 706 Estate Tax Returns due within 9 months of death unless otherwise given an extension.

STEP 6: BENEFICIARY DESIGNATIONS OBTAIN VESTING INFORMATION

Review Investment assets and Beneficiary Designation on ERISA (Retirement Tax Deferred investments) and Joint Tenancy assets.

STEP 7: ESTABLISH IRREVOCABLE SUPPORT & TAX PLANNING TRUSTS

If the Trust provides for Support & Tax Planning Trusts

- Apply for EIN for each Support Trust
- Open a separate Support Trust Bank account to receive assets upon Termination of the Administration Trust

STEP 8: ADMINISTRATION OF ESTATE

HOLDING, MANAGING, DISPOSITION AND FINAL DISTRIBUTION OF ESTATE ASSETS

Establish Investment and Distribution Plan: Depending on the assets involved, you may require an investment manager. If so, discuss the legal Fiduciary Standard of Care for investments with your attorney to develop an investment strategy consistent with the Decedent's Testamentary Intent and Instructions.

Record Keeping: Finally, after all the investments, real property, and liquid assets and managed and accounted for, you can begin the distribution of trust assets. The terms of these distributions are outlined within the trust and should begin roughly 120 days after formally notifying the beneficiaries of the decedent's death.

Receipts an Recordkeeping: Ensure that you receive receipts from any beneficiaries who were given distributions and save those recipes as part of your overall record keeping. If a beneficiary files a claim against you or the trust later, these receipts are valuable proof of disbursement.

STEP 9: TERMINATION OF THE ADMINISTRATIVE TRUST

- Prepare Final Accounting
- Distribute liquid assets
- Transfer assets with Legal Title
- Recommended:** Withhold a reasonable amount for future unanticipated Administrative Expenses

STEP 10: RELEASE OF FIDUCIARY LIABILITY

- Upon receipt of Final Accounting of the Decedent's Estate, the Final Plan of Distribution should be reviewed by all entitled.
- Execute a RELEASE OF FIDUCIARY LIABILITY

Experienced Trust Administration Aid

For most individuals, administering a trust on their own is a task too difficult to manage. Not only are there several deadlines to keep in mind, there is also a high risk of personal liability. To

complete your administration process with as few struggles as possible, its always best to seek legal aid from the very beginning.

Perkins Law Firm, APC is a team of experienced estate planning professionals dedicated to providing quality personal service.

[SCHEDULE COMPLEMENTARY APPOINTMENT](#)