

by Rebekah Sanfuentes



What to do if you have lost a loved one

Dealing with the loss of a loved one is a very difficult and emotional time

At McNamara & Associates we understand that the grieving process often gets pushed to the side so that the legal aspects of the estate administration can be dealt with. To help you get the 'necessities' out of the way so that you can focus on grieving with your family, we have prepared a simple checklist for you:-

Arrange the Funeral

- » **Does the Will provide for the funeral arrangements?** If not, the Executor has the final say if there is any dispute within the family
- » **Has the funeral been paid?** Whoever paid for the funeral will be reimbursed from the estate on the production of the tax invoice and receipt. If nobody has the means to pay for the funeral account and the deceased has sufficient funds in his/her bank account, take the funeral account to the bank and they should draw a cheque to pay the account from the deceased's funds.

Locate the Will

- » **Check at the deceased's Solicitors office.** Alternatively, is there a safety deposit box at the bank or a safe at the deceased's home?
- » **Instruct a Solicitor to assist in the administration of the estate.**
- » **Does the Will provide for the funeral arrangements?** If not, the Executor has the final say if there is any dispute within.



Collect Documents

You will need to provide the following documents to the Solicitor administering the estate:-

- » The original Last Will
- » The original Death Certificate
- » Recent bank statements/pass books and cheque books
- » Recent credit card statements
- » Recent utility invoices such as electricity/telephone/rates/water bills
- » The Tax File Number of the deceased
- » Insurance policies including life insurance and house insurance
- » Share certificates
- » Trust Deeds of any Trusts including Self Managed Super Funds
- » Original Title Deeds
- » Details of the deceased's accountant

Identify the Assets

Prepare an inventory of your understanding of the assets of the deceased and provide it to your Solicitor.

Consider the following:-

- » Real estate – in joint names and/or sole name?
- » Bank accounts – in joint names and/or sole name?
- » Shares
- » Superannuation
- » Life Insurance
- » Stocks, bonds, debentures
- » Household contents
- » Artwork
- » Motor vehicles, boats, caravans
- » Work related entitlements

Identify the Liabilities

Prepare an inventory of your understanding of the liabilities of the deceased and provide it to your Solicitor.

Consider the following:-

- » Mortgages
- » Personal loans
- » Credit cards
- » Outstanding utility accounts
- » Funeral account
- » Outstanding tax debts

Contact the following organisations to advise of the deceased's demise

- » The Electoral Roll Commission
- » Private Health Insurance
- » Centrelink
- » Medicare
- » **Post Office** – you can redirect the deceased's mail to the executor's address at no charge for 12 months
- » **Cancel driver licence** – the estate may receive a refund of fees paid for the remainder of the licence term

You may also need to contact the following utilities/parties so that services can be disconnected and final accounts issued:-

- » Electricity
- » Gas
- » Mobile phone and landline
- » Internet
- » Any subscriptions
- » Any organisation where the deceased had set up a direct debit to pay fees

The above checklist is not an exhaustive one and is to be treated as a guide only. Each estate will have its own particular requirements. Before attempting to administer an estate, and if you have any questions or concerns about the role of an executor, you should seek specialist advice from a Solicitor.

At McNamara & Associates we have a team of estate lawyers who practice exclusively in the area of Wills and Estates, making us one of the leading estate firms in the area. Contact one of our expert Wills and Estates lawyers on 07 3816 9555 or by email rsanfuentes@mcna.com.au to arrange a consultation.

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