



## EXECUTOR CHECKLIST



**Estate Administration**  
**that looks after you**  
**so you can keep**  
**looking after others.**

Any tasks listed below that are relevant to the will maker must be carried out by the executor of a deceased estate.

### IMMEDIATELY AFTER DEATH

- Provide emergency care for any children and/or pets, secure any property owned by the deceased and put plans into place to protect any business activities.
- Locate an original or copy of a valid will to check who is able to make decisions moving forward (Enduring Powers of Attorney are only valid during life time, after death an Executor becomes the decision maker for the deceased).
- Check if there were instructions regarding funeral arrangements in the will.
- Locate and secure any valuables (keep keys safe or change locks if necessary). The deceased's property should be insured for its full value (if you're unsure of their insurance provider arrange to put a cover note on the property).
- Pack up the deceased's nursing home, hospice or hospital room.
- Advise Centrelink of the death to ensure payments are stopped.

### FUNERAL ARRANGEMENTS

- Arrange the funeral in accordance with any wishes expressed and/or in consultation with the family.
- Provide the funeral director with the correct information for the death certificate.
- Pay funeral account (most banks will pay the funeral account directly from the deceased's bank account) - do this before the discount expires.

### NEXT STEPS

- Make a time to meet with Your Estate Lawyer to read through the will and scrutinise the death certificate.
- Obtain legal advice around distribution of the estate and if a Grant of Probate (if there is a will) or Letters of Administration (if there is no will) will be required.
- Keep records of any costs or expenses incurred on behalf of the estate.

## STAGE 1 - PROBATE

*If you require approval from the Supreme Court to distribute the estate, we will work with you to complete the following:*

- Collect identification and approvals from all relevant parties.
- Obtain a copy of the original will, this may require a request to the lawyer who prepared the will.
- Prepare any supporting documentation to be submitted to the Supreme Court.
- Help you prepare a list of assets and liabilities held by the deceased at date of death (includes real estate, shares, investments, cash in bank accounts, jewellery, antiques, cars, boats, loans owed to the deceased etc).
- Prepare and submit the application for a Grant of Probate or Letters of Administration to the Supreme Court (a filing fee is required to complete this).
- Notify you when approval is granted by the Supreme Court.

## STAGE 2 - ADMINISTRATION

*If the estate you are administering is small and uncomplicated you may choose to finalise and distribute assets on your own using the information on the following pages as a guide.*

*If the estate is larger, has significant assets, requires further legal assistance, or includes complications we'd be pleased to help lighten the load.*

- Meet with us to decide what the next steps are in the administration process and if you would like to manage stage 2 on your own or with assistance.
- Determine whether the estate might be subject to a deceased estate claim and what your legal obligations are around this.

## CONTACT LIST

The following is a list of organisations to contact when someone dies. You may need to add additional organisations or contacts according to personal circumstances.

All organisations will have their own processes and many will not close accounts or stop services until a copy of the Original Death Certificate is provided.

| Organisation                                                                                               | Contact Details | Account Details |
|------------------------------------------------------------------------------------------------------------|-----------------|-----------------|
| Accountant                                                                                                 |                 |                 |
| Australian Electoral Commission                                                                            | 13 23 26        |                 |
| Australian Taxation Office                                                                                 | 13 28 61        |                 |
| Bank   Credit Union 1                                                                                      |                 |                 |
| Bank   Credit Union 2                                                                                      |                 |                 |
| Bank   Credit Union 3                                                                                      |                 |                 |
| Centrelink   Medicare   Child Support<br>(all in one place)                                                | 13 23 00        |                 |
| Clubs or Associations                                                                                      |                 |                 |
| Credit or Hire Purchase Providers<br>(inc car loans, buy now pay later loans,<br>store credit and lay-bys) |                 |                 |
| Department of Veterans Affairs                                                                             | 13 32 54        |                 |
| Educational Institutions                                                                                   |                 |                 |
| Employer                                                                                                   |                 |                 |
| Foreign Pension Authority<br>(if unknown contact Centrelink<br>International Services)                     | 13 16 73        |                 |

CONTACT LIST cont...

| Organisation                                                                          | Contact Details | Account Details |
|---------------------------------------------------------------------------------------|-----------------|-----------------|
| Health Professional 1 (GP)                                                            |                 |                 |
| Health Professional 2 (Dentist)                                                       |                 |                 |
| Health Professional 3 (Allied Health)                                                 |                 |                 |
| Health Professional 4 (Specialist)                                                    |                 |                 |
| Health Professional 5                                                                 |                 |                 |
| Health Professional 6                                                                 |                 |                 |
| Insurance (house & contents)                                                          |                 |                 |
| Insurance (vehicles)                                                                  |                 |                 |
| Insurance (health)                                                                    |                 |                 |
| Insurance (funeral)                                                                   |                 |                 |
| Landlord or rental agent (if renting)                                                 |                 |                 |
| Local Council (if own home)                                                           |                 |                 |
| NDIS or RDNS services                                                                 |                 |                 |
| Online Accounts & Subscriptions<br>(ie Amazon, GumTree, Social Media<br>Accounts etc) |                 |                 |
| PayPal                                                                                |                 |                 |
| Post Office<br>(arrange mail redirection)                                             |                 |                 |
| Religious leader or church                                                            |                 |                 |

CONTACT LIST cont...

| Organisation                                                                                | Contact Details | Account Details |
|---------------------------------------------------------------------------------------------|-----------------|-----------------|
| Subscriptions<br>(ie newspaper, magazines, food delivery services, frequent flier programs) |                 |                 |
| Superannuation Fund                                                                         |                 |                 |
| Service Providers<br>(ie ongoing maintenance or cleaning services)                          |                 |                 |
| Utilities (Gas)                                                                             |                 |                 |
| Utilities (Electricity)                                                                     |                 |                 |
| Utilities (Water)                                                                           |                 |                 |
| Utilities (Solar)                                                                           |                 |                 |
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## NOTIFYING AUTHORITIES

- Obtain certified copies of the death certificate and Grant of Probate / Letters of Administration to give to authorities if required.
- Keep proper estate accounts.
- Notify relevant institutions and authorities of the death (such as banks, Centrelink, Veterans' Affairs, employer, electoral roll, asset holders, insurers, professional advisers and so on). See additional checklist on final page.
- Contact the deceased's accountant to gather information about business affairs, tax affairs, date of death return, and information that might be needed for capital gains tax reasons.
- Contact financial planner of deceased and/or relevant non-estate asset holders (such as superannuation and life insurance) and provide a copy of the death certificate and seek advice as to their requirements to release the assets held by them.
- Advise beneficiaries of any requirements for them to seek financial or accounting advice around testamentary trusts or receipt of the inheritance.

## ASSETS AND LIABILITIES

- Consider non-estate assets of the deceased such as trusts. Get a copy of the trust deed and any other relevant records to ascertain what occurs in the event of death.
- Searches should be made of PPS register for registered securities over any assets of deceased. Check that none of the debts are statute barred.
- Debts owed to the estate are an asset. If debts are owed to the estate, make sure a claim is made before recovery of the debt becomes statute barred.
- Run searches for any 'missing' assets or unclaimed monies that may have been held by the deceased.
- Gather information about Superannuation death benefit nominations and any life insurance policies.

## CLAIMS AGAINST ESTATE

- If there are any claims on foot seeking damages on behalf of the deceased, contact the solicitors acting to discuss the impact of the deceased's death on the claim and then take appropriate next steps to progress that claim to finalisation.
- Identify estate or testamentary expenses and liabilities (including secured creditors, domestic and personal debts, unsecured creditors, and tax liabilities (including any international inheritance or death tax liabilities if applicable) – including personal, CGT and income). Don't forget debts like taxes and credit card debt.
- If claims are on foot against the deceased, then contact the solicitors acting to advise on the impact of the death of the deceased and determine next steps to conclude the matter as quickly as possible.
- If assets aren't enough to pay all of the claims against the estate, payment must be made in the following order:
  1. Reasonable funeral expenses.
  2. Estate administration expenses.
  3. Debts and taxes.
  4. Reasonable medical and hospital expenses of the Deceased's last illness.
  5. Judgments entered against the Deceased.
  6. All other claims.
- Consider publishing an advertisement in the local newspaper in the location where the deceased lived giving notice to all creditors, beneficiaries and other persons having claims against the estate to provide details of full particulars and proof of such claims within say 30 days or they will be excluded from the distribution of the estate. Although this is not compulsory, it provides you, as the executor with considerable protection against future claims (Section 29 of the Trustees Act 1936 (SA)).

## PAYING BENEFICIARIES

- Identify and locate named beneficiaries (if appropriate, advise them of death and provide copy of will) and obtain relevant statutory declarations (regarding identity, bankruptcy status, residency status, debts owed to deceased, and so on).
- Open bank account in the name of the estate (or convert an existing account) by providing a certified copy of will, death certificate and any other documentation requested by the bank including the executors' proof of identity.



- Close other bank accounts by directing those into the estate account.
- Apply for a TFN for the estate or ask the deceased's accountant to do that for you (at the same time notifying the ATO of death).
- If there are 'specific' gifts of specific assets in the will, identify whether that asset still exists. If so, check the wording of the will for how the costs of transferring the asset will be borne, and keep an account of the income and the outgoings of that asset so that the net income can be distributed with the asset in due course. If not, seek advice on whether the gift has failed, or if there is an obligation to purchase the specified asset or to instead pay the value to the beneficiary.
- If there are any life interests over any assets, or rights of residence in the will, check the wording for how ongoing rates, insurance and maintenance costs are to be paid. Consider whether the asset still exists (and if not seek advice on whether the gift has failed) and if there is an obligation to consider purchase of a replacement residence or funding for aged care.
- Determine whether to sell or postpone sale of assets (consider tax consequences and obtain investment advice).
- Consult with the beneficiaries on their preference on sale or transfer of assets.
- After six months from date of grant of probate has passed (with no notice of claim being made), then once all estate expenses and liabilities are paid, then pay out legacies (with interest if payable from date of death), transfer the specific bequests (with net income earned) and distribute the residuary estate (if possible).
- If final distribution cannot be made, consider whether to make an interim distribution to the beneficiaries (by distribution of cash or transfer of assets) – retaining enough to cover ongoing administration costs.
- Pay interest to beneficiaries on any legacies from the first anniversary of death.
- Establish and manage any testamentary trusts on behalf of beneficiaries. (Obtain investment advice.)
- Monitor life interests and manage any ongoing rights of residence (if any).
- If appropriate, make distributions to beneficiaries either by payment in cash or transfer of assets (in specie).
- If appropriate, transfer control of testamentary trusts to beneficiaries when they come of age.

## TAX OBLIGATIONS

- Prepare and lodge deceased's date of death tax return (and any prior outstanding returns) and pay any resulting tax liabilities.
- Obtain taxation advice regarding CGT and stamp duty implications on sale or transfer of any assets and non-resident tax for any overseas beneficiaries.
- Consider any foreign inheritance taxes that might apply (due to any connection the deceased had with any other country).
- Obtain taxation advice concerning annual distribution of income to beneficiaries and prepare annual tax return/s.
- Obtain taxation advice regarding CGT and stamp duty implications on sale or transfer of any assets and non-resident tax for any overseas beneficiaries.
- Consider any foreign inheritance taxes that might apply (due to any connection the deceased had with any other country).

## FINALISING THE ESTATE

- Consider applying for executors' commission by way of obtaining beneficiaries' consent or making an application to the court.
- Prepare final estate accounts and final estate tax return.
- Obtain beneficiary receipts and releases before making final distribution.

# ESTATE YOUR LAWYER

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