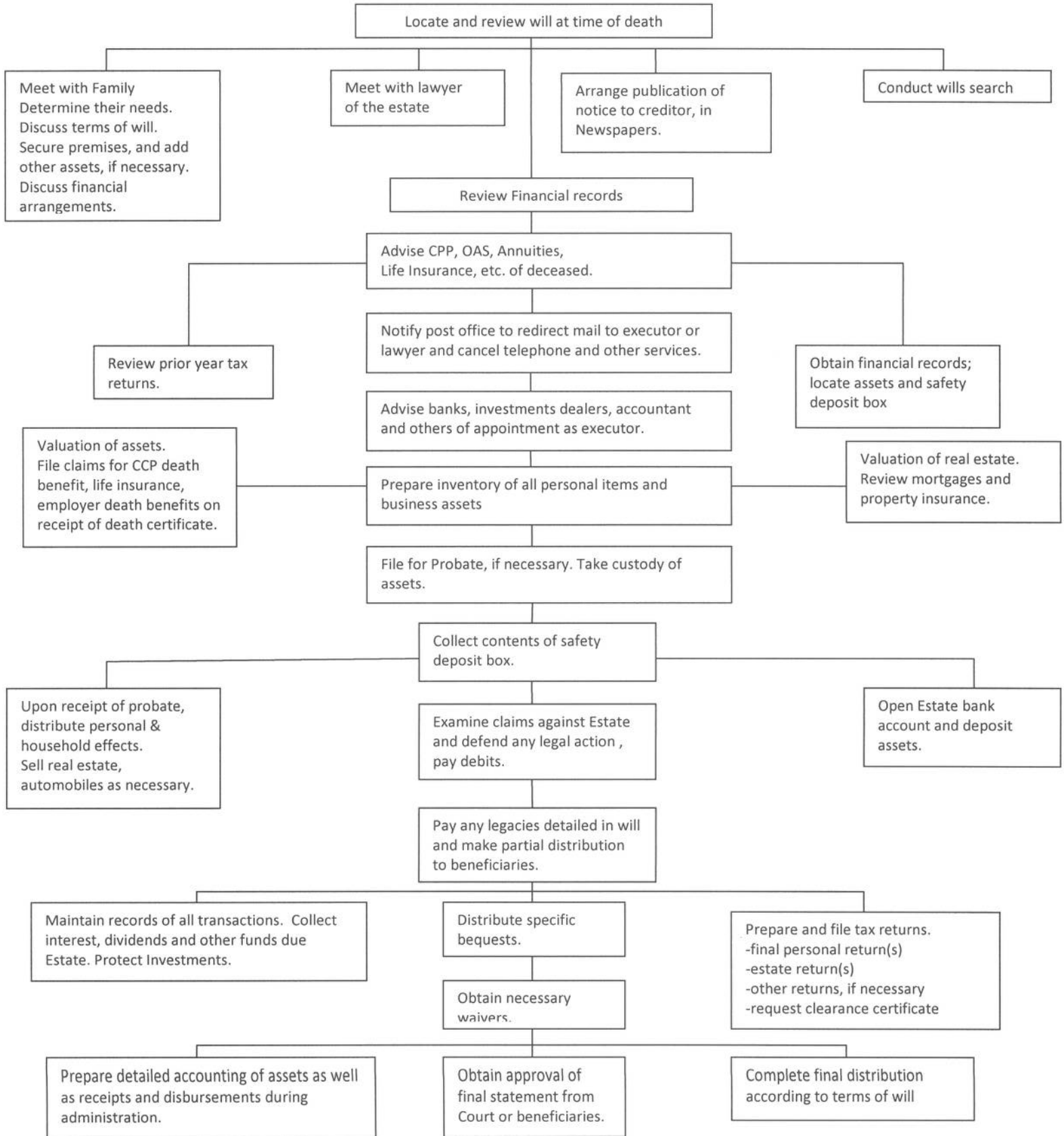


EXECUTOR'S RESPONSIBILITIES



Priority Estate Issues

- Confirm if the deceased has made prepaid funeral arrangements.
- Make funeral arrangements and pay for this expense. Most banks will reimburse funeral expenses from the deceased's bank account upon presentation of the funeral home's bill.
- Confirm if there are life insurance funds.
- Social assistance may be available for those family members left behind depending on their circumstances.
- Retain a solicitor if necessary.
- Locate the last will of the deceased.
- Open estate bank account.
- Establish who the beneficiaries are and obtain their names and addresses.
- Notify the beneficiaries of their interest.
- Determine if immediate family members have any urgent financial needs. The following are good sources for funds when an immediate family member has urgent financial needs, and cannot wait for the estate to distribute assets:
 - ◆ life insurance policies – only if the designated beneficiary(ies) are immediate family;
 - ◆ employment pay – if the deceased was an employee at the time of death, there may be some type of termination pay available (only if payable to a family member and not to the estate);
 - ◆ death benefit – there may be a death benefit through the employee's pension plan (only where directly payable to family);
 - ◆ Canada Pension Plan - if the deceased contributed to the CPP, the executor can potentially obtain a lump-sum death benefit, while the surviving spouse and children may be entitled to monthly payments.

- Search for assets and safeguard such assets until distributed or sold:
 - ◆ Search for cash, securities, jewelry and other valuables, and arrange for safekeeping;
 - ◆ Lock up the residence and notify the police that the home is vacant. In winter, ensure that the house remains heated or drain pipes to prevent freezing;
 - ◆ Examine insurance coverage and insure estate assets (motor vehicle, house furniture, jewelry, art etc.) against perils and fire;
 - ◆ For motor vehicles, check the insurance policy for adequate coverage and permitted uses. For example, if someone is using the vehicle and there is not adequate coverage, the estate may be liable, or you, the personal representative may be liable personally;
 - ◆ Dispose of all perishable assets to ensure that the value of the estate is not diminished.

- Organize interim management for the business of the deceased, where applicable. If you , as the personal representative, decide to run the business, you must consider matters of personal liability.
- Collect income generated by the estate assets or payable to the deceased.
- Pay bills, mortgage payments, property taxes, income taxes, insurance premiums, credit cards.
- Check leases and tenancy agreements, arrange for payment or collection of rent, and give notice, if appropriate.
- Banks and other financial institutions may refuse to honor cheques written by the deceased, but not cleared, prior to his or her death.
- Redirect or cancel subscriptions to newspapers and magazines.
- Redirect mail and cancel health insurance coverage, driver's license, cable, telephone, club memberships, subscriptions and credit cards.
- Arrange for care of pets.

Interim Estate Issues

- Prepare an inventory of original assets, including a safety deposit box listing, real estate, moneys on deposit at financial institutions, personal life insurance, any interest in an estate or trust, and any other investments such as a mortgage.
- Arrange for valuation of assets, where necessary.
- Advertise for creditors and prepare inventory of debts.
- Ascertain any debts to family members and locate evidence regarding loan balances.
- Instruct lawyer to apply for the appropriate grant of probate or death certificate.
- Supply lawyer with information required for making the application.
- Prepare and file income tax returns for the year of death and for all prior years due but not filed, at the date of death.
- Make reasonable inquires for next of kin, if required.
- Consider any claims or potential claims against the estate and obtain legal advice if necessary.
- Assess the rights of the surviving spouse under provincial family law. Depending on the province, the personal representative is generally required to advise the surviving spouse that he or she might have a claim, and to seek independent legal advice.
- Assess the rights of any dependants who were financially dependent on the deceased.
- Set aside reserve funds for estimated debts, taxes (including potential taxable capital gains or property, such as a cottage), and executor's compensation.
- Prepare an interim release and make an interim distribution to beneficiaries, if appropriate.

Final Estate Issues

- Convert investments and other assets (except those specific assets to be given to certain individuals under the will such as a car, a watch, or a house) to cash, and deposit to the estate account, or invest the estate balance in interest-earning investments pending final distribution to beneficiaries.
- Re-register assets in Executor's name, if applicable.
- Prepare transfer/deed for conveyance of real property, if required by the will. As real estate transactions can be quite complex, a solicitor should probably prepare the legal documents.
- Arrange rollover of an RRSP or RRIF to the spouse if required.
- Settle and pay all legitimate claims against the estate.
- Apply for any benefits payable on death, including CPP death benefit, life insurance proceeds, and death benefits from pension plans or annuities. Deposit benefits received to the estate account.
- File a T-3 income tax return.
- Obtain tax clearance certificate from Canada Revenue Agency, if necessary.
- Prepare and maintain estate accounts for approval by the beneficiaries or examination by the court, where appropriate.
- Prepare or have prepared the final releases.
- If there is no will, distribute assets according to the rules for intestate succession.
- Dispose of or distribute assets according to instructions in the will.
- Prepare cheques and pay legacies and transfer bequests as provided in the will.
- Invest assets for establishment of trusts, if the will so directs.
- Send releases to beneficiaries and request signatures.
- Prepare cheques and pay balances to residuary beneficiaries.
- Advise beneficiaries regarding inclusion on income from the estate in their income tax forms, if appropriate.
- Close the estate account.