

Being widowed and an executor: A checklist

TAX & FINANCIAL PLANNING

When drafting their wills, many people select their spouse or common-law partner to be a primary executor (or liquidator, in Quebec), which makes the widowed individual legally responsible for settling an estate. This can be a good option for more straightforward or modest estates that have little to no chance of involving conflict among beneficiaries. A spouse or partner is often – *although not always* – the most familiar with a partner’s assets in terms of what is owned and owed. Providing the spouse or partner has the competency, capability (time and availability) as well as willingness to carry out the tasks of an executor, naming them in this role is often the best way to see that your wishes are carried out.

Professional help is also available to an executor in handling an estate. Accountants, lawyers and trust officers, among other experts, can be tapped to assist with the more technical and complex areas of an estate.

Note that if a partner dies without a valid will, their surviving spouse and family may have to deal with significant complications and delays in settling the estate.

Here is a helpful guide outlining many of the duties required of a widowed individual who is also tasked with being an executor to their partner’s estate. Each estate will unfold in its own unique time and way. Keep in mind the sequence of tasks is not critical, nor are all tasks applicable in every estate. Moreover, the size and the nature of the estate may require the executor to complete additional tasks.

Phase 1: Gather information and safeguard the estate property

Within 2 weeks

- | | |
|--|---|
| <input type="checkbox"/> Check for completed organ donor cards | <input type="checkbox"/> Verify that adequate insurance is in place to protect property |
| <input type="checkbox"/> Look for funeral arrangements or instructions | <input type="checkbox"/> Notify financial institutions where deceased partner held accounts |
| <input type="checkbox"/> Locate and review will for funeral instructions /organ donation | <input type="checkbox"/> Open an estate account to deposit income and pay expenses |
| <input type="checkbox"/> Meet with other executors, if any | <input type="checkbox"/> Transfer balances from other accounts to estate account |
| <input type="checkbox"/> Arrange for funeral | <input type="checkbox"/> Cancel all credit cards and return cards to issuers |
| <input type="checkbox"/> Obtain proof of death certificates | <input type="checkbox"/> Reroute future mail to executors |
| <input type="checkbox"/> Take possession of personal items, cash, and other valuables | |
| <input type="checkbox"/> Engage lawyer for estate advice | |



Within 1 month

- Plan for ongoing, regular communications with beneficiaries
- Review all materials and records regarding deceased partner's affairs
- Access and list contents of safety deposit box
- Apply for and collect Canada Pension Plan death benefit
- Cancel Old Age Security
- Return Social Insurance card, passport, and driver's licence
- Cancel health care insurance and return card
- Cancel subscriptions to magazines and services
- Locate all life insurance policies; notify insurers of death
- Apply for and collect life insurance benefits
- Contact former employer and determine employment benefits
- Locate investment certificates, stocks, bonds, property deeds, etc.
- Investigate all debts owed by the deceased
- Pay all legitimate debts and obtain records of payment
- Identify, value, and record estate assets as at the date of death
- Determine if there are any family law issues
- Determine if there are any dependant relief issues
- Determine if probate of the will is required
- Review business affairs of the deceased
- Arrange for valuations of estate property
- Set beneficiaries' expectations regarding distribution of the estate

Phase 2: Administer the estate

Within 3 months

- Apply for probate, if required
- Pay probate taxes to the provincial government
- Make notarial copies of grant of probate for transfer agents
- Review investments and make changes where needed
- Sell assets to meet cash requirements of the estate
- Establish any trusts stipulated in the will
- Obtain a copy of deceased partner's previous tax returns
- File any outstanding returns from previous years
- Wind up or continue deceased partner's businesses
- Advertise for creditors
- Provide an update to all beneficiaries of executor's activities

Within 6 months

- File the deceased partner's terminal tax return
- File any necessary foreign tax returns
- Pay all income taxes owing
- Consider an interim distribution of estate to beneficiaries
- Advise beneficiaries on progress of estate and decisions made

Within 9 months

- File tax return for the estate
- Obtain clearance certificates
- Ask beneficiaries to consult advisors regarding their gifts
- Respond to beneficiaries' inquiries regarding estate distribution

Phase 3: Distribute the estate

Within 1 year

- Initiate sale of assets and transfers of title
- Distribute specific bequests and legacies to beneficiaries
- Arrange for final distribution of estate property
- Obtain receipts from beneficiaries
- Reconcile your expenses and fees as an executor
- Prepare an accounting of your administration of the estate
- Obtain beneficiary consent and release
- Apply to Court to approve administration of estate
- Pay final expenses and distributions
- Close estate account
- Communicate with beneficiaries as to final closing of estate

This publication is intended for informational purposes only and is not intended to constitute investment, financial, legal or tax advice. It does not take into account your particular situation and is not intended as a recommendation. You should seek advice regarding your particular circumstance from your personal tax and/or legal advisors. This publication is based upon information considered to be reliable, but neither Richardson Wealth nor its affiliates warrants its completeness or accuracy, and it should not be relied upon as such. May 2019