

A SURVIVOR'S GUIDE: What to do when a loved one dies?

SCOPE

The purpose of the following information is not intended to be an exhaustive list of responsibilities, but instead a guide to assist survivors in knowing some of the steps involved in dealing with a loved one's death. This document will assume that (1) your spouse died, (2) you are the executor or trustee, and (3) you are the sole beneficiary. Your situation may be different from this, but most of the same processes will be true concerning other situations. Check boxes are provided in most cases so that you can mark off items that have been completed or do not apply to your situation.

INTRODUCTION

By the time you read this, you may have already settled (perhaps with the assistance of other family members or friends) some of the items below. The shock of death is very powerful and can devastate the most stable individuals. Our hope is that this document will guide you through this painful process.

EMOTIONS

It is good to know the emotions that usually follow a close death. We may think that we are experiencing something that is abnormal, when, in fact, the emotions we face are fairly consistent. Based upon several studies, psychologists tell us that there are usually multiple stages that we "endure." First is **DENIAL** – we can't believe that this has really happened. We want to believe that we will wake up and discover that it was all a dream. If we fail to work through denial, then we may refuse to move furniture, clothes, the favorite chair, or other such items that belonged to your loved one. Secondly, many of us face **ANGER**. We need someone to blame – the doctor, the hospital, the caregivers, the minister, or even God. Many people even feel angry at the decedent – "Why did you go and die and leave me all alone?" Remember that this is normal.

Thirdly, we tend to move into **DEPRESSION**, which is usually the longest of all the stages of grief. Life without our loved one is tough. There are so many things that happen unexpectedly. After some time of grief, then hopefully we move into **ACCEPTANCE**. The stages are not always apparent and not always in the same order. *It is important to know that you are very vulnerable after the loss of a loved one.* Your emotions are strong. The process above often takes a year or so. For that reason, a wise counselor will tell you not to make major decisions, if possible, for a year (relocating, marrying someone else, etc.). Give yourself some time to grieve.

There are so many new experiences ahead. Are you prepared to eat alone, buy groceries for one, set a table for one, go to church alone, etc.? For years, people may call on the phone and ask for your loved one by name. In other words, there will be many unexpected bumps in the road ahead. Expect that as being normal.

WHAT NOT TO DO

Before we begin, here are some suggestions of things you should avoid. First of all, don't make any major changes in your life until some time passes. There is an old rule of thumb that says: "Wait a year." The reason for this is not that you work through your emotions in exactly one year, but that this time allows you to work through the various holidays for the first time as well as birthdays and anniversaries. It is simply a reminder to give yourself some time before making major changes in your life. You are too vulnerable to make major changes now.

For example, while you might live with your children in their city for a while, if possible, we might suggest that you take some time before you make a permanent decision to move there.

Also, be careful with your trust. There will be many "friends" who will offer to help you. Many of them will be helpful, but some of them may take advantage of you. For example, there are friends who are financial advisors who will offer to help you with your situation. They know that you will be collecting life insurance proceeds and other such funds. In other words, you may have money to invest. Hopefully, you and your spouse already had a trusted advisor whom you can continue to use.

Be careful not to sell your spouse's personal property too quickly. Remember that you are in a vulnerable position. Some people will want to "help" you out by buying the truck, motor home, vacation home, etc. While you don't want to lose a good opportunity to sell those items, you do need to be careful not to sell them for less than their value.

IMMEDIATELY

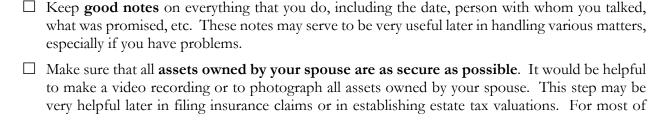
There are some things that have to be done quickly. Again, you may have already taken care of these items by the time you read this. A funeral will have to be planned. The funeral director and others will assist you in that process, but you have to set a time and place, choose a burial plot, pick burial clothes, call and inform family members and friends, recruit a minister(s) and musician(s) if desired, establish pallbearers, choose a casket and vault, assist in writing an obituary, order a desired number of death certificates, arrange appropriate flowers, set up visitation times, etc. The list seems almost endless, but others will help you with the tasks. Remember you are in grief and someone who has experience in this area can guide you through the necessary steps. Your loved one may have planned well and pre-arranged some of the items for you to relieve you of that responsibility. Many funeral homes today will encourage you to use pictures. You will have to locate them quickly.

In writing the obituary, you will have to decide if you wish to add comments about contributions, i.e., made to the church or a favorite charity in lieu of flowers. It is best to include the mailing address of any charity that you name.

The one thing that is a little difficult at the time is deciding how many death certificates will be needed in the future. You can obtain more later, but they will be a little more expensive. It is good to order what is needed with the funeral director. You will need a certified copy for each of the following: probate court if required, financial accounts at banks and brokerage firms, insurance and annuity policies, retirement accounts, business ownership interests, etc. A few of these may accept a copy of the death certificate. Always ask if they require a certified copy or if a copy of the certified copy will suffice. Total up all the possibilities and then add another 2 or 3 more for items you might not remember. Most people need 5 to 20 copies depending on the number of accounts and policies that they have.

Hopefully, the funeral home won't insist upon immediate payments which can be fairly expensive. Even if there was a pre-paid funeral, there will still be some expenses including the casket spray, opening and closing the grave, and other such items that may not have been covered in the pre-payment. It may be that the funds to pay this bill are "locked up" until you can start the probate process, or receive life insurance proceeds after submitting a claim.

EARLY ON



you, all of the furniture, cars, and other items of personal property will belong to you now. You might want to have the pictures or recording of all such items for your own potential insurance claims in the future. ☐ Business Leadership – If your spouse was operating a business or in a profession where others are depending on certain tasks being accomplished, you may have to act quickly to ensure that the business remains open as needed or that someone else knows to accomplish the tasks. You could be facing major issues like meeting a payroll deadline or closing a major real estate transaction. Hopefully, you will have family or trusted advisors to help you if this is the case. ☐ Contact **Social Security** Administration ("SS"). The funeral home may have already alerted them, but call them at 1-800-772-1213 or on-line at www.ssa.gov/survivorplan/index.htm. If you are a surviving spouse, you can usually elect to receive your spouse's SS payments or your payments (depending on your age and previous income levels) – whichever is greater. If you have unmarried children under age 19, you may also be entitled to dependent benefits. You may also receive a small one-time death benefit if you were married to the decedent and qualify. As soon as SS is aware of the death, they will stop the monthly distributions to the decedent (usually by electronic transfer). If your loved one died toward the end of the month, it may be the SS payment for the next month will be deposited before the process can be stopped. In that case, SS will withdraw that money as soon as they are notified. ☐ Contact your loved one's **employer** and/or former employer. You may need to speak with the Human Resources or Benefits Plan Administrator about accrued salary, bonuses, commissions, sick leave, vacation, deferred compensation, life insurance benefits, defined contribution or defined benefit retirement plans, etc. Also, if you had health insurance through your spouse's employer, check into the availability of future coverage and decide if you want to continue coverage. You want to make sure that you have adequate health insurance coverage. If your spouse served in the **military**, you may be entitled to benefits, including a military pension, a bronze footstone, a flag for the casket, a death benefit, and/or funeral/burial assistance. Contact the U. S. Department of Veteran Affairs (800-827-1000, www.cem.va.gov) to get benefits statements in writing. If your spouse was retired from the military, contact the Defense Finance and Accounting Service Casualty Assistance Line to report the death and check for any survivor annuity. The funeral home will assist you with part of this process. Write **Thank-you notes** for flowers and donations. Your family members might help you with this task before they return to their homes. ☐ Locate **insurance policies** and call each company for a copy of their claim form so that you can make a claim when you receive the death certificates. These may be available on-line. ☐ One final thing – This document is written with the assumption that you do not need to have any post-mortem planning, i.e., you don't have major tax issues or planning issues. For example, you may want to disclaim something that you were given by your spouse so that it can go to your children in a more tax-advantaged way. If this is the case, be sure to consult with your estate planning attorney and/or tax advisor before you proceed with some of the items below. In order to disclaim a gift, you have to do so in writing within 9 months of the death BEFORE you have received any benefit. For example, if you were the beneficiary of your spouse's IRA and the children or charities were the alternate beneficiaries, and if you didn't need or want the IRA and it might be better for tax or other reasons to have them inherit it, then you could disclaim it through a qualified disclaimer. You would be treated as if you predeceased your spouse so that it would go to the alternate beneficiaries. Remember that if you receive any benefit (i.e., withdrawing money from the account), then it is too late for post-mortem planning.

SOON THEREAFTER

Tax Returns – hopefully, you can handle this later, but it is mentioned now because it might be
late March or early April. You will want to make sure that the tax return for the deceased loved
one has been filed. If you are a spouse, you can file for the year of death as Married Filing Jointly
(as if he or she lived the entire year). Hopefully, you have a tax professional who will assist you in
accomplishing this task at the correct time.

While we are thinking about tax returns, let's review the requirements for you. Assuming that you are the executor and/or trustee, you may have several tax returns to file in future months:

- 1. The final 1040 for the year of death due by 4/15 of the year following death. Again, if you are married, you will most likely file as if your spouse lived the entire year. Let's suppose that your spouse died in January. By April 15, you will have to file your joint tax return for last year. You can file for an automatic extension if the death has put you in a bind. By April 15 of the year following death, you will file the joint tax return for the year of death and the IRS treats your spouse as if he had lived all year. If the decedent was single, then he or she may have not received enough income in the year (especially if they die early in the year) to be required to file.
- 2. **A Form 1041** and a state fiduciary for each year that you have the "estate" open. This gets a little complicated and you may need a tax professional to help you with this. This may be done on a calendar-year basis or on a fiscal year. What you need to understand is that there is a new taxpayer at death the estate of the decedent. If the estate earns money, then it will be required to file a tax return for federal and state purposes. With a spouse, often this is not required because everything may be jointly held and the tax liability will flow to the surviving spouse. There are also occasions with a single person where distributions can be made quickly enough (due to known bills and a revocable living trust) where all the income can be shown to the beneficiaries.
- 3. **A Form 706** estate tax return if the decedent is required to file such. Currently, the exemption equivalent is \$5.45 million and is indexed for inflation. Therefore, you need to know if your loved one had ownership of more than the current exemption amount (include also previous taxable gifts that he/she had given away). If so, then you must file the form even if you, the married spouse, receive it all. In other words, there may be no tax due, but the form may be required. The form is due within nine months of the day of death. As with income tax, you can easily obtain an extension, but the tax that is owed would need to be paid within nine months to avoid a penalty. This filing will also help you in established a new higher basis in assets owned by your spouse. At death, most assets owned by the decedent (exceptions are non-ROTH retirement accounts, U. S. Savings bonds, and a few other things) are stepped-up in basis on the day of death. This can save you and your family capital gains taxes later when those assets are sold.
- Make an inventory of everything that your loved one **OWNED**. List each asset [If jointly owned with you, a spouse, then list ½ of the value on the day of death. If jointly owned with someone else in an "or" account at a bank (e.g., John Doe or Mary Smith), then list the portion that is related to your loved one's contribution to the account. If jointly owned with someone else in an "and" account, e.g., real estate, then list the portion of the value owned by your loved one.] List business interests, retirement accounts, life insurance policies, vehicles, etc. everything that was owned by your loved one. Some of these assets may require a qualified appraisal. The appraisal

may become very important, not only for potential estate tax valuations but to establish the new income tax cost basis (which is "stepped-up" at death for the portion that belonged to your spouse). Total up the values and see if you will be required to file the Form 706 estate tax return.

- Make an inventory of everything that your loved one **OWED** including mortgage lenders, credit card companies, auto lenders, etc. Contact each one and have them remove your spouse's name. Each company will likely request a copy of the death certificate. Also ask them if you have any benefits because of the death. In other words, you may have signed up for payment protection which would guarantee that payments are made for a period of time after a death. Clarify which debts are actually owed by the estate of your spouse.
- Go back now and clarify exactly how each asset on the **inventory was titled** in order to determine whether a probate process is required. Here are basic possibilities:
 - <u>Individually owned</u> this will go through probate court unless . . .
 - o There was a POD or TOD (payable on death or transfer on death) designation made to a living person or charity.
 - o There was a named living beneficiary or charity most life insurance policies and retirement accounts will have named beneficiaries.
 - <u>Jointly owned with rights of survivorship</u> this will pass to the survivors assuming that they are still alive.
 - <u>Joint Tenancy in common</u> this will go through probate court.
 - Revocable Trust these assets will be distributed according to the trust document without probate intervention IF the assets are actually titled to the trust name
- □ Probate It may very well be that you do not need to go through the probate court to transfer assets. However, if you do, then you will need to employ an attorney to help you in that process. It is recommended that you consult with an attorney who does probate work. Ask him/her how much they would charge you per hour. In other words, employ them on an hourly basis rather than for the statutory fee. Normally, you will come out much better if you do. The court will set an upper limit on what the attorney can charge. The attorney will need to work you through the probate process (if you have assets that need to be probated) as follows:
 - Filing a petition with the original will which asks the court to appoint you (assuming you are the named executor) as personal representative. This needs to be done as soon as reasonable. You will be given a statement that you are the executor or personal representative called "Letters Testamentary."
 - Filing creditor notices (and usually waiting 3 months to cut off creditors and 6 months to close out any potential tort claims)
 - Maintaining an accounting of all activity of the estate
 - Managing estate property under court supervision including paying bills and debts, making investment choices, managing business interests, maintaining adequate insurance coverage, etc.
 - After bills are paid and the time has expired for any new bills or lawsuits, then making distributions according to the will's instructions
 - Asking the court to relieve you of the responsibility as executor
 You will pay the attorney to guide you through all these steps and to tell you when to make the appropriate distributions.

Trust Assets – If assets are owned by a trust, the administration of the trust may require several steps to satisfy the requirements of the trust language and the Arkansas Trust Code. If you have a revocable trust where everything simply passes to the survivor at the first death, then your situation may be fairly easy. You may need to change the social security number on the various trust accounts. If the trust, however, establishes two or more trusts at the first death, then you may need to read carefully (and possibly have tax and legal advisors to help you) in order to understand what steps are necessary. If you are a child or other non-spouse trustee and the revocable trust became irrevocable at the death of your loved one, then you may have legal notices to give beneficiaries and other such requirements. Trusts can be very helpful planning tools, but there are so many variations that attention may need to be given to your particular situation by someone who understands trusts.

ALSO TO DO

- Once you have received death certificates, go to each **bank and brokerage firm** where the decedent's name is on an account. In each case, ask if they can use a copy of the death certificate and let you keep the original. Some may require an original certified copy, but some will take a copy.
 - If you are the joint owner or the account is in a joint revocable trust, then ask for the decedent's name to be removed and for your social security number to be used as the tax identification number for the account (if not already). An exception might be the account where retirement income might be automatically deposited. You will want to keep both names on the account until you are sure that everything is being issued in your name. Also, any tax refunds will be issued in both names, and so it may be helpful to have both names on the account. The bank should allow you, however, to change the tax identification number to your social security number for tax reporting purposes.
 - If the account has a POD/TOD designation to someone else, then inform the beneficiaries that they will need to collect the assets for themselves. Of course, you may be the sole beneficiary. Usually, each beneficiary will need a copy of the death certificate. However, each financial custodian can have different requirements.
 - If the account was owned solely by the decedent, then use the Letters Testamentary obtained from the Probate Court to transfer the account(s) into a new account in the name of "Estate of John Doe" with a new tax identification number that you will have to obtain from the IRS. (Your accountant or your lawyer can obtain this for you.) Be careful to use this account only for legitimate deposits and debts of the estate and maintain careful accounting of all transactions.
 - Be sure to ask each financial custodian if there was any insurance associated with the account. Your loved one may have mortgage insurance or an accidental death policy (common with credit unions and some banks).

Unless you settled this already, follow-up with Social Security Administration and make sure tha you have chosen the best option for your future.
Unless you settled this already, follow-up with your loved one's employer or former employer Make sure you know all the available options and benefits. Ask if you are entitled to any retired medical coverage. If there is a 401(k) or similar plan, be sure that you know your options. One
option may be to leave it there and continue the investments in that plan. Another option is to
transfer the account out to an IRA in your name. Your financial consultant can assist you in tha

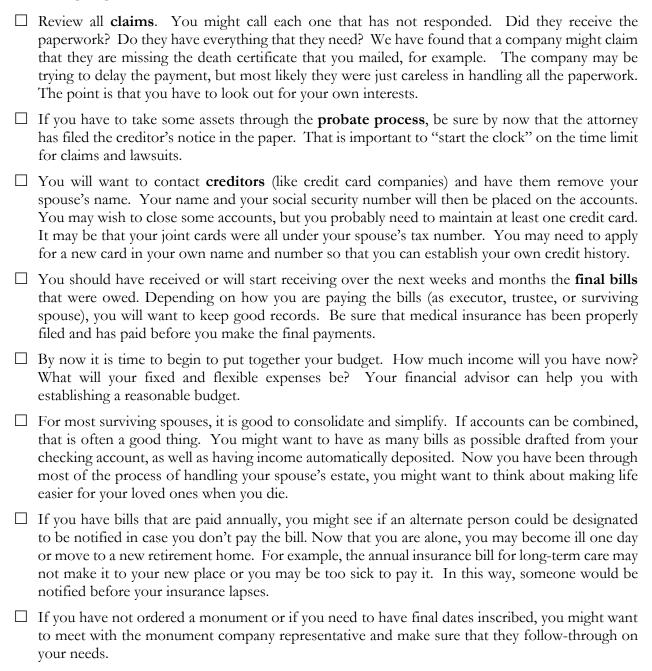
transfer as well as in establishing a new beneficiary form for primary and contingent beneficiaries.

If your husband was a minister, it was important while he was alive for the retirement account to be held at Guidestone. As a minister, he could receive retirement distributions as income-tax free housing allowances. Unless you were commissioned with him as a missionary, that benefit ended at his death. In other words, you will need to decide if you want to leave your account at Guidestone or move it to another financial institution (to your own IRA). Unless you have handled this already, check with the **Veteran's Administration** if your spouse was a veteran. You will want to collect any benefits you may be entitled to receive. ☐ File the appropriate paperwork for each **insurance policy**. Hopefully, by now you have received the necessary form from each company. They will need that form along with a certified death certificate. The insurance company will offer you several options. They do not want to give up the money, and so they will sometimes offer you a very attractive money market account until you decide what to do with the money. Unless you have a better account somewhere else, that may be worth considering in the short term. Eventually, you will want to pull the money out to pay bills, pay off the mortgage, invest for income or growth, etc. Of course, this assumes that you are the beneficiary. If the "estate" is the beneficiary, then you will collect the money as executor and deposit it into the account you established above in the name of the estate until distributions are finally made.

- Contact the **Department of Finance and Administration** to cancel your spouse's driver's license and change titles on any vehicles into your name or the name dictated by your spouse's will. If the vehicle title has your name with "and" or "or" the decedent's name, then you can wait until you sell or trade the vehicle to clarify with a death certificate that one owner has died and you are the remaining owner.
- ☐ Contact your **automobile insurance** company and ask them to remove your spouse's name on the policy.
- Let's talk about **retirement accounts**, because they can be a little tricky. First of all, if your loved one was over 72, then you may have to take the required minimum distribution for the year of death if that money has not been taken out already. Assuming you are the named beneficiary...
 - For a spouse inheriting an IRA, you can (1) roll the IRA into your current IRA, (2) set up a new IRA in your name, or (3) simply treat yourself as the beneficiary of your spouse's IRA. The decision may depend on your age and your spouse's age, but your financial advisor can help you with this.
 - For a non-spouse inheriting an IRA, the general rule is the non-spousal beneficiary has ten (10) years to withdraw all assets from the inherited IRA. However, certain eligible beneficiaries may withdraw the Required Minimum Distributions based on their life expectancy so check with your IRA custodian. Of course, charities can cash their portion out without taxation. Many beneficiaries simply cash out of the IRA without realizing the full tax consequences in doing so.
 - For 401(k), 403(b), and other such accounts, you may be able to roll these accounts over into your own account or into an IRA. You must check with the plan administrator to see what your options will be. In most cases, you will want to make a direct transfer from custodian to custodian to avoid a required 20% withholding for taxes. Be aware that some custodians may try to sell you an annuity. Realize that this is a major investment decision. What was Rule #1? Don't make major decisions quickly. In other words, be sure that you have carefully considered all the implications before making such a purchase.

try to sell you an annuity. Realize that this is a major investment decision. What was Rule #1? Don't make major decisions quickly. In other words, be sure that you have carefully considered all the implications before making such a purchase.

LEFT TO DO



WHAT CAN YOU DO NOW FOR THOSE WHO FOLLOW YOU?

Now that you have been through the process of finalizing a death, you may have strong incentives to get your own house in order. Here are several things that you might do to make your passing easier on those who will handle your affairs: Pre-arrange your funeral. It is easier for you to choose a casket and make other important decisions than for your family members to be burdened with that when you die. ☐ Write your own obituary. Who would know the details of your life better than you? You might save a great deal of stress on your family members by having this basic information written down. Some funeral homes will help you with this as you pre-arrange your funeral. ☐ Make a list of all **important information** for your family and/or executor. This would include accounts and where they are located, policies and where they are kept, names of trusted advisors (attorney, financial broker, accountant, etc.), specific matters of information that you only might know, etc. Since you have just gone through the loss of a loved one, what information would you wish that your loved one had written down for you? ☐ Sign a **Living Will** (medical directive to your doctors). This is your right to give instructions to your doctors in the event of a terminal illness or permanent unconsciousness. This can relieve some of the pressure off of your family members in making tough decisions. ☐ Make sure that your **estate planning documents** in order. The Foundation will be happy to help you think through the various issues involved. Your attorney can help you with any changes that you need to make. • Check your Will – now your spouse has died, what has changed or needs to change? Do you need to add a new backup executor? Have you included ministries in your plan? • If you have a <u>trust</u>, the same issues may apply. Also, it is a good time to verify that all your assets except retirement accounts and potentially life insurance have been titled to the trust name. Your advisor or attorney can help you with this. • Does your <u>durable power of attorney</u> include the appropriate agents? Do you need to name a new backup now that one of your agents has died? • Beneficiary statements – It is important to review each one of your insurance policies and retirement accounts. Do you have the correct beneficiaries listed as well as alternate beneficiaries? Record on video or audio your **Christian testimony**. The greatest testimony for your faith at your funeral would be your own words. Also, you might want to record family history, important

FINAL WORD

At the Foundation, we know the difficulty of managing the estate of a person who has died. We have done it numerous times, and so we are aware of the pressure and stress that this may add to your life. We encourage you to take one thing at a time and seek help when you need it. Ask your family and friends to pray for you too as you work through all the "business" of surviving a loved one's death. May God bless you in this process. Our prayer is that this will draw you closer and closer to Him.

stories, or details about life events that need to be passed down to future generations.

☐ Create an "ethical will" which simply shares your heart and values with your family.

FOR REFLECTION (NKJV)

Psalm 23

The Lord is my shepherd; I shall not want. He makes me to lie down in green pastures; He leads me beside the still waters. He restores my soul; He leads me in the paths of righteousness for His name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil; for You are with me; Your rod and Your staff, they comfort me. You prepare a table before me in the presence of my enemies; You anoint my head with oil; my cup runs over. Surely goodness and mercy shall follow me all the days of my life; and I will dwell in the house of the Lord forever.

John 14:1-6

Let not your heart be troubled; you believe in God, believe also in Me. In My Father's house are many mansions; if it were not so, I would have told you. I go to prepare a place for you. And if I go and prepare a place for you, I will come again and receive you to Myself; that where I am, there you may be also. And where I go you know, and the way you know." Thomas said to Him, "Lord, we do not know where You are going, and how can we know the way?" Jesus said to him, "I am the way, the truth, and the life. No one comes to the Father except through Me.

John 11:25-26

Jesus said to her, "I am the resurrection and the life. He who believes in Me, though he may die, he shall live. And whoever lives and believes in Me shall never die. Do you believe this?"

Revelation 21:1-7

Now I saw a new heaven and a new earth, for the first heaven and the first earth had passed away. Also there was no more sea. Then I, John, saw the holy city, New Jerusalem, coming down out of heaven from God, prepared as a bride adorned for her husband. And I heard a loud voice from heaven saying, "Behold, the tabernacle of God is with men, and He will dwell with them, and they shall be His people. God Himself will be with them and be their God. And God will wipe away every tear from their eyes; there shall be no more death, nor sorrow, nor crying. There shall be no more pain, for the former things have passed away." Then He who sat on the throne said, "Behold, I make all things new." And He said to me, "Write, for these words are true and faithful." And He said to me, "It is done! I am the Alpha and the Omega, the Beginning and the End. I will give of the fountain of the water of life freely to him who thirsts. He who overcomes shall inherit all things, and I will be his God and he shall be My son.

I Thessalonians 4:13-18

But I do not want you to be ignorant, brethren, concerning those who have fallen asleep, lest you sorrow as others who have no hope. For if we believe that Jesus died and rose again, even so God will bring with Him those who sleep in Jesus. For this we say to you by the word of the Lord, that we who are alive and remain until the coming of the Lord will by no means precede those who are asleep. For the Lord Himself will descend from heaven with a shout, with the voice of an archangel, and with the trumpet of God. And the dead in Christ will rise first. Then we who are alive and remain shall be caught up together with them in the clouds to meet the Lord in the air. And thus we shall always be with the Lord. Therefore comfort one another with these words.

