

## INSTRUCTIONS FOR EXECUTOR

*An Executor/Administrator/Personal Representative of an estate has many responsibilities. The following is a guide to help you fulfill those responsibilities under the state's laws in which the decedent resided at the time of death.*

*Please consult an attorney licensed in the state where the estate will be administered to ensure you complete all the actions required to administer the estate properly.*

Before the legal formalities begin, you should complete the following tasks:

- Check estate planning documents and driver's license, and arrange for organ donations and for disposition pursuant to decedent's wishes.
- Arrange for the decedents' requested or appropriate funeral or memorial service and public notices.
- Notify all family members and friends.
- Arrange for the proper care for any person or pet for whom the decedent had custody.
- Obtain death certificates that a funeral director can order
- Locate the original Will or other estate plan. If the Will cannot be located, the *Illinois Safety Deposit Box Opening Act (755 ILCS 15/)* permits the executor or "interested party" to access the box to find the Will or burial instructions.
- Within 30 days of the death of the decedent, the original Will must be filed in the county where the decedent resided at their death.

Once you have completed all the personal tasks, you should complete the following administrative tasks:

### **Determine if Probate is Necessary**

In Illinois, small estates—those with a value under \$150,000 and no real estate—may qualify for a small estate affidavit, bypassing formal probate entirely. (755 ILCS 5/XII-101.)

Similarly, assets such as life insurance proceeds with named beneficiaries, tax-qualified retirement accounts, and jointly owned properties can often be avoided through the probate process. Start by identifying the decedent's assets and their ownership to determine if formal probate is necessary.

### **If Probate is Necessary**

Within 30 days of learning you are named as an executor in a Will, you must either initiate proceedings to have the Will probated or refuse your role as executor. *Illinois Statute for Duty to Probate a Will (755 ILCS 5/6-3.)*

Failure to do so, without a good reason, can result in the court denying the right to serve, as if the person were disqualified.

The following checklist is designed to simplify the probate process in Illinois and organize your tasks, determining priority and importance.

- Assuming you have filed the Will, seek the advice and services of the attorney who drafted the Will, or an attorney of your choosing, and file a Petition to Open Probate in the county clerk's office.
- After you are appointed the estate's representative and receive Letters of Office/Administration, you can apply for an EIN, or request that your CPA apply.
- Notify Heirs and Beneficiaries. All interested parties must be informed about the probate process. This includes heirs named in the will (or those entitled under Illinois intestacy laws).
- Secure all real estate and other property. Pay continuing expenses, such as mortgage payments, utility bills, and homeowner's insurance premiums, until a property is sold or re-titled.
- Identify any e-mail accounts of the decedent and review for helpful information.
- Review decedents' correspondence, personal papers, invoices, and other documents, and search for records of assets and accounts.
- Inventory decedent's real and personal property with a complete description and location of each asset.
- List the names, addresses, and phone numbers of decedent's advisors, including lawyers, accountants, insurance agents, and bankers.

- Determine whether the decedent held property in another state and, if so, how to proceed.
- Notify the post office of forwarding information.
- Locate any military records.
- List all of the decedent's creditors and claims, with addresses, amounts due, due dates, and all other relevant information, as well as any defenses to the claims. Send notice and death certificate to each credit card company. Destroy all credit cards. Check to see whether the decedent was a surety, guarantor, co-signer, or had any other kind of liability.
- Cancel all automatic bill payments, club memberships, car leases, cell phone plans, magazine subscriptions, social media accounts, and prescriptions.
- Publish Notice to Creditors. To address outstanding debts, the estate must alert creditors by publishing a notice in a local newspaper. This step gives creditors a chance to file claims against the estate, ensuring all valid debts are accounted for before distributions are made.
- Open an estate bank account and bring the court order along with a death certificate.
- Collect debts due the decedent.
- Keep good records. The record of each receipt and payment will be used in accounting. Keep detailed records of each check written and the amounts received. List each item separately.
- Manage estate funds. The executor must carefully manage the estate's finances. This includes safeguarding funds, ensuring bills are paid on time, and complying with the Illinois Probate Act. Proper management protects the estate's value and ensures a smooth process.
- Search for cash, cashier's checks, traveler's checks, bonds, securities, passbooks, bank statements, brokerage account statements, valuables, and other assets owned by decedent.
- It is essential to thoroughly search all investment assets, such as stocks, deferred compensation, IRAs, Savings Bonds, cryptocurrencies, and NFTs. A separate memo containing detailed information for cryptocurrency, exchange accounts, digital wallets, etc., includes private keys, usernames, PINs, passwords, security codes, or information regarding an alternative secure digital archive storing such information.
- Search: [U.S. Government unclaimed property](#)  
 Search: [Illinois Treasury for unclaimed property](#)  
 Search: [Unclaimed Property by State](#)

- Inventory and secure personal items such as cars, trucks, boats, recreational vehicles, mobile homes, motorcycles, furniture, fine jewelry, art, and personal contents of the home(s.)
- If the decedent was an artist, author, musician, composer, or other creative person, arrange for the continued management of royalties and ongoing sales.
- File and collect insurance claims as applicable – life, medical, health, disability, travel, accident, homeowners, car, and/or credit.
- Check with the decedent’s employer for unpaid wages, salary, profit sharing, or bonus.
- If the decedent had their own business, arrange for management of the business.
- Check any outstanding contracts, leases, or other agreements and determine whether any action needs to be taken.
- Obtain a copy of any prenuptial agreement signed by the decedent, or any divorce decree or separation agreement, to determine any rights of any surviving spouse or ex-spouse.
- Notify Medicare and claim any death or burial benefit from Social Security, Veterans Administration, union, or other agency or fund.
- Determine whether the decedent was a party to any pending lawsuit, and contact the attorney handling that suit for the decedent.
- File and pay taxes. File any final income tax returns, estate tax returns (if applicable), and pay outstanding taxes. Failing to do so can delay the process or result in penalties.
- Provide regular updates to beneficiaries. Good communication goes a long way. Keeping beneficiaries informed of the probate timeline and significant milestones fosters trust and minimizes confusion. Simple updates can prevent unnecessary questions or conflicts.
- Firearms: Consult an attorney in the resident state for current local and federal laws. In Illinois:
  1. Chosen beneficiaries must have a valid FOID card if their state recognizes FOID. A 60-day grace period applies to obtaining the FOID card. The grace period does not apply to the executor, so transfers must be timely.
  2. Suppose there is no named beneficiary for firearms. In that case, the beneficiary has no valid FOID card, cannot obtain a FOID card,

or rejects the gift: A timely transfer/sale of the firearm must be made to a licensed gun dealer or turned over to the state police.

3. The executor must record the transfer for at least ten years. The document must include the date of the transfer, the transferee's name and address, the firearm's serial number, and a description of the firearm.

- Sometimes, a beneficiary will disclaim (i.e., refuse to accept) assets from the estate for tax reasons. Disclaimers must be made within nine months of the date of death and before the beneficiary has received any benefits of ownership of the assets.
- Distribute remaining assets to beneficiaries. Once debts, taxes, and administrative expenses are resolved, the remaining assets can be distributed to the rightful beneficiaries. This final step often marks the closure of probate and allows heirs to move forward with their inheritances.
- The court will require a signed receipt of distributions from each beneficiary, and you should also obtain a signed release from each beneficiary, releasing you from further responsibility or future liability.