

DUTIES OF AN ESTATE TRUSTEE WITH A WILL CHECKLIST

- ☐ **Locate the last Will and any Codicils.** Gather the deceased's most recent will, Affidavit of Execution and other memoranda or instructions. Review the will for specific instructions regarding the funeral.
- ☐ **Arrange for the Funeral.** It is the responsibility of the Estate Trustee to arrange for the funeral and to pay for it out of the assets of the estate.
- ☐ **Decide Whether You Want to Act as Estate Trustee.** If you don't want to act as Estate Trustee, you should renounce the role before taking any steps to administer the estate. If you wait to renounce, the process to renounce can be quite complicated.
- ☐ **Obtain the Death Certificate.** Obtain the funeral director's proof of death certificate.
- ☐ **Apply for Benefits.** Apply for Canada Pension Plan Death Benefit and/or other benefits available.
- ☐ **Retain a Lawyer.** An estate lawyer will provide you with advice regarding your responsibilities, probating the Will, and how to carry out the administration of the estate.
- ☐ **Locate the Estate Assets.** Prepare a complete list of the assets and liabilities of the deceased as of the date of death. This may involve contacting financial institutions and other institutions where the deceased held assets.
- ☐ **Secure and Manage the Assets.** Manage real estate and its contents and ensure that there is adequate insurance in place to protect the assets during the estate administration.
- ☐ **Notify and Cancel:**
 - The deceased's regular payments (phone, cable, internet, etc.)
 - Old Age Security, Canada Pension Plan, and other payments the deceased received to avoid having to refund later
 - Credit cards, driver's license, health card
 - Any other unnecessary expenses (subscriptions, health care, memberships, entertainment, communication, insurance etc.)

- ☐ **Mail.** Redirect all of the deceased's mail.
- ☐ **Identify and Notify Beneficiaries.** The Estate Trustee is required to notify all beneficiaries that they have an interest in the estate.
- ☐ **Advertise for Creditors.** It is the responsibility of the Estate Trustee to determine and arrange for the satisfaction of the debts and liabilities of the deceased. Also notify the CRA.
- ☐ **Keep Accurate Records.** The Estate Trustee has a duty to keep complete and accurate accounts. Record all steps in a diary in your role as the Estate Trustee. The beneficiaries are entitled on notice to inspect these records.
- ☐ **Obtain the Certificate of Appointment (a.k.a. probate).** A Certificate or what is generally referred to as 'probate' is not always required, but it is common for banks and other institutions to insist upon the Certificate as a matter of course.
- ☐ **Collect the Estate Assets.** The Estate Trustee must gather all of the assets of the estate and should transfer them into an estate bank account.
- ☐ **Pay Debts.** Debts owing by the deceased should be paid.
- ☐ **File Estate Administration Tax Return.** Submit the Estate Information Return to the Ministry of Finance within 180 calendar days of being issued a Certificate of Appointment of Estate Trustee.
- ☐ **Retain an Accountant and File Income Tax.** It is the responsibility of the Estate Trustee to prepare and file any outstanding tax returns, as well as an income tax return for the deceased in the year of death and for the estate in each year of the estate's administration.
- ☐ **Family Law Act (FLA).** If there is a possibility that a married spouse of the deceased may elect under the FLA, the estate should not be distributed within 6 months of death.
- ☐ **Deliver Specific Assets as Per the Will.** Transfer personal belongings of the deceased in accordance with the Will.

- ☐ **Maintain the Estate.** The Estate Trustee may have continuing responsibilities to invest and/or transfer a portion of the estate to be held in trust.
- ☐ **Interim Distribution.** The Estate Trustee can determine whether an interim distribution to the beneficiaries is appropriate. If so, obtain a release and indemnity from the beneficiaries.
- ☐ **Prepare Final Accounts.** Prepare a final accounting of all assets, liabilities, expenses and the distributions of assets for the beneficiaries and your compensation as executor.
- ☐ **Deliver the Final Accounts to Beneficiaries.** Determine whether the beneficiaries will approve the accounting or if it will be necessary to apply to court to pass the accounts.
- ☐ **Apply and Obtain Clearance Certificate from CRA.** Once the final tax clearance is received, any remaining assets of the deceased should be distributed to the beneficiaries.
- ☐ **Executor Compensation.** Pay Estate Trustee compensation.
- ☐ **Final Distribution of the Assets.** The Estate Trustee should obtain a written waiver and release of claims from the beneficiaries and distribute the estate.