



FOR YOUR EXECUTOR

THE
Great-West Life
ASSURANCE  COMPANY





*Your partner or loved ones will
face many decisions upon your death.*

This brochure is for you and your executor (executrix). It helps you understand the many responsibilities your executor carries out on your behalf. It also serves your executor as a reference after you die. For this reason, we refer to “the deceased” throughout.

You and your executor should review this brochure together, then discuss and clarify your expectations. Taking time to do this now will ensure your final wishes are carried out in the way you intend.

Please note: In Quebec, executors are known as “liquidators.” Accordingly, references to “executors” include liquidators in Quebec. Also in Quebec, some estate planning duties may be performed by either lawyers or notaries, with some being more typically performed by notaries.

Making arrangements

This guide explains what you need to do as an executor (or liquidator in Quebec). Not all points apply in every situation, especially if you administer your spouse's estate.

ARRANGE THE FUNERAL

- List the names, addresses and birth dates (or approximate ages) of all immediate family members, including spouse, children, grandchildren, brothers, sisters and parents.
- Notify family, friends, heirs and employer about the death.
- Arrange for burial or cremation and funeral services, according to the deceased's wishes. The deceased may have already made funeral arrangements.

ATTEND TO PERSONAL MATTERS

- Locate the will and all documents relating to the estate.
- Consider consulting or hiring a lawyer (or a notary in Quebec).
- Locate all bank accounts and determine whose name each account is in and the balance in each account.
- Unless you had a joint bank account with the deceased, you probably need to open a bank account in the estate's name to pay the estate's debts. The financial institution will close the deceased's personal accounts when the estate account is opened. Banks and other financial institutions may refuse to honour cheques written by the deceased but not cleared before his or her death.
- List the names, addresses and birth dates of all beneficiaries named in the will or other documents relating to the estate.
- Notify the beneficiaries of their interests.

In Quebec:

- Obtain the official proof of death from the Registrar of Civil Status.
- Locate the last will and testament by contacting the *Chambre des notaires du Quebec* and the *Barreau du Quebec*.
- Publish the designation of liquidator in the *Register of personal and moveable real rights* and in the *Land Register*, where applicable.

ARRANGE FOR LIVING AND OTHER EXPENSES

- Contact the deceased's bank or credit union to provide money for the family's immediate living expenses.
- Determine whether any immediate family members have urgent financial needs. If so, and if they can't wait for the estate to distribute assets, look to the following sources of funds:
 - *Life insurance benefits payable to the immediate family*
Gather the information you'll need to claim life insurance benefits: life insurance policy numbers, the deceased's full name and any nicknames or other names he or she may have used, home address, social insurance number and, if applicable, veteran's file and service number. You'll need the names, addresses and birth dates of the beneficiaries named in the life insurance policies. You'll also need the deceased's birth certificate with place of birth, and the deceased's death certificate with the date and place of death from the attending physician, or a statement of death from the funeral director.



□ *Company benefits*

Contact the employer to have unpaid salary, pension, group insurance or union benefits made payable to the estate or the designated beneficiaries.

□ *Canada/Quebec pension or survivor benefits*

Contact the Canada or Quebec Pension Plan office nearest you to determine if any pension or survivor benefits are payable.

LOOK AFTER ASSETS AND DEBTS

- Protect the assets before probate. Take cash, jewellery and other valuables into your possession. This is to ensure there's enough money to settle all debts and pay all taxes before you distribute the assets to the heirs. In Quebec, arrange for a notice of closure of the inventory of property to be published in a newspaper in the locality of the deceased's last known address, and in the *Register of personal and moveable real rights*.
- Re-register assets in the estate's name, if applicable.
- Where appropriate, lock up the residence and notify the police the home is vacant. In winter, ensure the house remains heated or pipes are drained to prevent freezing.
- Examine insurance coverage and insure the estate's assets, such as motor vehicles, house, furniture, jewellery and art, against fire and other perils.
- For motor vehicles, check the insurance policy for adequate coverage and permitted uses. If someone uses a vehicle and coverage is inadequate, the estate may be liable, or you, as the executor, may be liable personally.
- Organize interim management for the deceased's business or farm, where applicable. If you, as the executor, decide to run the business, you must consider personal liability.

- Collect income generated by the estate's assets or payable to the deceased. Have any uncashed cheques made payable to the estate.
- Check the accuracy of all debts, including credit card bills, medical and dental bills, personal loans, guarantees, utility charges, land taxes, repair bills, etc.
- Search the titles of all residential property, rental housing, vacation property and agricultural or commercial lands that the deceased owned. Determine the details of ownership and obtain legal descriptions.
- Determine if any money is owing on mortgages or other encumbrances.
- Check on property insurance and arrange for transfer, if necessary. Ensure that premium payments continue until the property is sold or transferred to heirs.
- Check leases and tenancy agreements, arrange for payment or collection of rent and give notice, if appropriate.
- Cancel charge accounts and destroy credit cards.

MAKE HOUSEHOLD ARRANGEMENTS

- Arrange with the local post office to re-address mail.
- Cancel magazine subscriptions and club memberships.
- Arrange for care of pets.



PREPARE AN INVENTORY OF ALL ASSETS AND DEBTS

- Review the deceased's personal papers for all assets and debts.
- Locate the safe deposit box, obtain keys and list the contents.
- Take an inventory of assets and debts and, if necessary, have them valued. Include the following:
 - *Bonds*: kind of bond, serial numbers, face value, interest rate, maturity date, market value, total value, any coupons that have been clipped and the name and location of registration for any corporate bonds
 - *Stocks*: company name, type of shares, whether transferable or non-transferable, current market value per unit and total value of all shares
 - *Business or farm assets*: equipment, machinery, accounts receivable, goodwill, etc.
 - *Personal belongings*: household furniture and goods, clothing and jewellery, artwork, stamp and coin collections, electronic and sports equipment, motor vehicles (with details on registration and insurance) and recreational vehicles
- If you're concerned about debts coming to light after you've settled the estate, or if the estate is large or unfamiliar to you, place newspaper advertisements to try to locate creditors.
- Identify any debts to family members and find evidence of the loan balances.
- 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, he or she might have a claim and you should advise him or her to seek independent legal advice.
- Assess the rights of anyone who was financially dependent on the deceased.

- Set aside reserve funds for estimated debts, taxes (including potential taxable capital gains on property, such as a cottage) and your compensation as executor.
- File a final T-3 income tax return. Quebec residents must also file a TP-646-V (Trust Income Tax Return).
- Consult an accountant to help you file the appropriate returns and pay any taxes due. An accountant can also help you determine whether previous years' returns need to be re-filed.
- Obtain tax clearance from Canada Revenue Agency (formerly Canada Customs and Revenue Agency) and, in Quebec, from the Quebec Minister of Revenue, to ensure all outstanding taxes are paid before you distribute the assets to heirs.
- In Quebec, before paying any claim of the estate, establish through the prepared statement of assets and liabilities that the estate is solvent. If the estate is not solvent, seek further legal advice before carrying out actions to settle the estate.

SETTLE THE ESTATE

- Supply the lawyer (or a notary in Quebec) with a detailed statement of assets and liabilities. Have the lawyer or notary apply to the court to obtain the grant of probate, if necessary. Not all wills need to go through probate in Quebec.
- If there is no properly drawn will, apply to the court for authority to settle the deceased's estate and distribute assets according to the rules for intestate succession, i.e., the provincial laws that govern distribution of estate property where there's no valid will.
- Identify trust agreements or outside estate interests to determine whether any assets are held in trust, separately from the estate.
- Depending on the circumstances, you may have to convert investments and other assets into cash and deposit the funds into the estate



account. You may have to invest the estate balance in interest-earning investments, pending final distribution to beneficiaries.

- Ensure all legitimate claims against the estate are settled and paid.
- Prepare the transfer or deed for conveyance of real property, if required by the will. Real estate transactions can be quite complex. Your lawyer (or notary in Quebec) will probably prepare the legal documents.
- Arrange the rollover of registered retirement savings plans or registered retirement income funds to the surviving spouse, common-law partner or dependent child, if required.
- Apply for any benefits payable on death, including Canada/Quebec Pension Plan death benefit, life insurance proceeds, death benefits from pension plans or annuities. Deposit the benefits received into the estate account.
- Prepare and maintain estate accounts for approval by beneficiaries or examination by the court, where appropriate.

- Have your lawyer (or notary) prepare and send the final releases for beneficiaries to sign, stating that they will make no further claims on the estate.
- Dispose of, or distribute personal property as instructed by the will.
- Prepare cheques, pay legacies and transfer bequests, as provided in the will.
- Invest assets to establish trusts, if required by the will.
- Prepare cheques and pay balances to residuary beneficiaries, i.e., beneficiaries who receive the part of the estate remaining after all specific gifts by will are made and all debts, taxes, fees and other costs are paid.
- Advise beneficiaries about including income from the estate in their income tax returns, if appropriate.
- Pay funeral expenses.
- Close the estate bank account. In Quebec, arrange for a notice of closure of the liquidator's account to be published in the *Register of personal and moveable real rights*.

Notes: _____





The information in this brochure is general in nature. Since laws vary from province to province, we recommend you obtain legal advice for the administration of an estate.

Information is provided by Great-West Life and is current as of December 2005.

