

## **DUTIES OF THE ESTATE TRUSTEE**

### **I. First Considerations**

- Locate and examine will.
- Make funeral arrangements, if necessary.
- Confer with solicitor who drew will and those familiar with deceased's affairs in order to obtain all information concerning deceased's private and business affairs and other pertinent information.
- Communicate with all persons properly interested in estate.

### **II. Determination of Estate Assets**

- Investigate and become familiar with deceased's private and business interests, and take all steps necessary to protect estate property.
- Transfer cash, securities, jewellery and other valuables, real estate deeds, mortgage, insurance policies and other documents, from residence or place of business to executor's safekeeping.
- Ensure adequacy of insurance on real estate, household contents, automobiles and other property.
- Arrange for protection and supervision of vacant real estate.
- If private business involved, take immediate steps to ensure continuity of operation, and arrange for competent management.
- Consult immediately with deceased's banks and other financial institutions holding cash and securities.

### **III. Preparation of Inventory and Valuation**

- Determine cash on deposit and investments by writing to banks, trust companies, investments firms, department store and other depositories.
- List contents of safety deposit box, value securities, and arrange for collection of future income.
- Arrange for listing and valuing of household goods, objects of art, collections, furniture, automobiles, jewellery and other personal effects.
- Ascertain particulars of insurance policies, including amounts, benefits, terms, and beneficiaries. Determine benefit, if any, due under federal and provincial government pension benefits.
- Obtain details of employee benefits, outstanding salary, death benefits under personal and group life insurance plans, benefits due under stock option and profit sharing plans, retirement plans, medical and other health insurance benefits.
- Inspect and value real estate, including summer residence, farm and other property including commercial and apartment buildings. Check leases, mortgages and taxes, and provide for continuing supervision of all real estate investments.
- Determine value of mortgage investments, and arrange for collection of future payments.
- Ascertain deceased's interest in estates and trusts.

### **IV. Dealing with Ontario Superior Court of Justice**

- Prepare detailed inventory of assets and their value.
- Provide estate solicitor with copies of will and inventory of assets. Instruct solicitor to prepare appropriate applications to Ontario Superior Court of Justice.
- In conjunction with solicitor, complete application and identify original will. Instruct solicitor to present application for grant with necessary supporting documents. Pay court fees.
- Locate witnesses to complete affidavits of execution of will if necessary.
- On receipt of probate documents, instruct solicitor to prepare copies required to deal with estate assets.

## V. Settlement of Liabilities

- (a) **Debts and Liabilities**
  - Advertise for creditors in newspapers.
  - Check all claims as to their validity, and make payment.
  - As funds become available, discharge any bank or private loans, mortgages and business liabilities.
- (b) **Income Tax**
  - Prepare income tax return for portion of year to date of death, and any unpaid period.
  - Pay tax(es) and obtain tax clearance.
  - Prepare income tax returns for estate until wound up, and advise beneficiaries of taxable income.
- (c) **Other Duty or Tax**
  - Estimate duty or tax in respect of foreign jurisdiction, and instruct estate solicitor to arrange for filing of returns.
  - Pay estimate duty, and obtain asset releases.
  - Settle any pay balance(s) owing to other jurisdictions. Obtain discharges of all liabilities.

## VI. Realization

- (a) **Cash**
  - Withdraw cash balances and close out bank, stock and investment firm accounts.
  - Where feasible, invest part or all of cash balances until moneys are needed.
- (b) **Bonds and Stocks**
  - Remove securities from safety deposit box, and transfer securities from investment firms and other institutions to vault.
  - Register securities in executor's name.
  - Review securities to determine which are to be held and those to be sold.
  - Sell securities indicated by investment review in order to pay tax and other liabilities and to provide for cash bequests.
  - If foreign assets are held, comply with requirements of foreign jurisdictions.
  - Provide continuous investment management of balance of estate investments.
- (c) **Real Estate and Mortgages**
  - Where necessary, convey or sell residence and other property, such as a farm, or summer residence, or commercial or apartment buildings.
  - With mortgage and real estate investments, arrange to collect mortgage and real estate income.
  - Arrange for continuing management of these assets and for their ultimate realization or sale.
- (d) **Insurance and Annuities**
  - Submit necessary claim forms and supporting documents to life insurance companies, and collect proceeds of life insurance and annuity policies. Change beneficiaries on other policies where deceased was beneficiary.
  - Arrange for cancellation or transfer of general insurance on assets that have been conveyed or sold.
- (e) **Household Goods and Personal Possessions**
  - Deliver to beneficiaries all household goods, jewellery and other personal possessions which have been bequeathed, and obtain receipts.
  - Arrange for remaining assets to be removed and sold at auction.
- (f) **Other Assets**
  - *Private Business:* Value interest in private business. Arrange for, and participate in, continuation and competent management of business, or provide for its sale, transfer through partnership agreement or winding up.
  - *Interest in Estates or Trusts:* Collect accrued income due from deceased's interest in estates and trusts. Where deceased is to share in capital of estate or trust, arrange for immediate or later collection of deceased's interest.
  - *Other Assets:* Deal with mining claims, royalties, sale contracts, stock options and other assets.