



**ESTATES, WILLS &
PROBATE**

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STEPS TO TAKE WHEN YOU LOOSE A LOVED ONE

A death in your family is indeed one of the most significant life changing events. Not only do you have to deal with the emotional distress inherent in losing a loved one, but you also have to deal with stressful matters such as funeral arrangements and religious services, among others. Your grief process will be difficult and you will most certainly go through different phases from denial and isolation to acceptance. However, even if you are still getting to acceptance, you should take the necessary steps to resolve and address certain financial matters, particularly if your loved one designated you as executor or executrix in his or her will. Here are some steps that you should take after losing a loved one, always remembering that your loved one would have wanted you to be well after his or her passing.

Gather Documents

First and foremost you should obtain several copies of your loved one’s death certificate. If you are the executor or executrix, you must obtain the copies as they will be required to complete the processes that you were designated to complete. How many copies depends on the complexity of the decedent’s finances. Banks, insurance companies, creditors, government agencies, credit unions, pension plans and other entities will require a certified copy of the death certificate before disclosing information regarding the decedent’s finances. Note that most entities will not accept photocopies of the certificate.

Second, even though it seems like a daunting task, you must search the decedent’s belongings to obtain any pertinent documents. Pertinent documents include but are not limited to the following:

- Will and trust documents
- Bank statements
- Tax returns for at least the last three years
- Recent pension plan statements
- Recent credit card statements
- Recent mortgage statements
- Life insurance policy documents
- Investment account statements
- Relevant birth certificates of descendants and/or heirs and marriage certificates

Obtain Necessary Preliminary Court Documents

Once you have the aforementioned documents you will need the power to settle the estate's affairs. The Probate Court is the entity that grants you that power via Letters Testamentary or Letters of Administration. Essentially, these so called letters grant someone the power to act on the estate's behalf to perform tasks such as paying the estate's creditors. If the decedent left a will and named an executor or executrix, then the Court will issue Letters Testamentary but if that was not the case then it will issue Letters of Administration to the personal representative.

Notifications

The personal representative must notify certain creditors of the issuance of the letters and may notify other creditors of said fact. These notifications are of utmost importance as the omission of the process triggers liability to the personal representative for damages suffered by certain creditors. The Texas Estates Code specifies the deadlines for these notifications and the consequences of compliance and non-compliance.

Need for an Estates Attorney

The alluded steps are merely preliminary guidelines that you should consider when you lose a loved one. There are many details and intricacies that permeate the process. Additionally, there are underlying legal issues that must be addressed prior to any division of assets. Thus, you may want to consult an attorney to ascertain that the processes are performed according to the legal requirements and that your rights, and those of others, are adequately safeguarded. As such, feel free to contact JP Navarro, an attorney with a keen financial understanding, at jpnavarro@nacpr.net for a consultation.