

# MICHAEL A. KOENECKE

ATTORNEY AND COUNSELOR

P.O. BOX 830190

RICHARDSON, TEXAS 75083-0190

972-387-2904

MIKE@KOENECKELAW.COM

## DEATH HAS OCCURRED: CHECKLIST AND INFORMATION SHEETS

The following information may help you in your time of sorrow, as it is hard to keep a clear mind with all the confusion, shock of losing a loved one, attending to details one has never faced before, responding to sympathy calls, talking to funeral homes, contacting pall-bearers, church arrangements, and so on. I hope that this document will be useful to you. If I have overlooked something important, please let me know.

I normally give my estate planning clients a letter titled “**When There is a Death in the Family**,” but it covers generally pre-death, some general death details, and then some important things to consider regarding probate and inheritance. Along with that document, I usually give my clients, first, a “**Funeral and Disposition Wishes**” document, and second, an “**Estate Organizer**” that contain important information about the estate’s details and the client’s wishes, which were to be filled out by the client before his or her death, so that the relatives know what that person’s wishes are. Unfortunately, when the time comes for probate I usually find that most of my clients never did take the time to fill it out, or if they had done so, it was misplaced. *(But do check to see if they may have filled them out electronically, as I provide those in that format too!)* In any case, I hope this might be of some additional help.

- \_\_\_\_ 1. GET A FILE FOLDER AND NOTE PAD: In order to keep all of this information together and in some order, start a file folder (a small briefcase or something with pockets and a zipper is better) and keep a notepad in it to write facts on. Keep several pens in there. Put all receipts in it. Put the burial contract in it. Keep a copy of other documents, obituary notices, bills, cancelled checks, and so on.
  - \_\_\_\_ a. NOTE PAD AT HOME: Keep a notepad near each phone to write down who called, and the date and time. Keep one on a coffee table to record who dropped by, who house sat, who brought food, flowers, and so on. Keep one near your office phone too. THEN LOG THIS DATA IMMEDIATELY INTO THE FORMAL BOOKLET THE FUNERAL HOME WILL PROVIDE YOU WITH.
- \_\_\_\_ 2. FUNERAL HOME: Use the one the decedent has purchased a burial contract with; otherwise, get recommendations from friends and relatives. Ask how they were treated. Contact the funeral home immediately to make arrangements, but take time to gather the information below, as you will need some of it when you meet with the funeral director.
  - \_\_\_\_ a. ATTENDANCE: The family members involved (spouse and children) should all attend the first meeting at the funeral home, to select the casket, vault, type of services, etc. SELECT ONE OF THE GROUP WHO IS CONSERVATIVE WITH FUNDS TO CONSULT WITH – OR YOU WILL END UP SPENDING MUCH MORE THAN YOU SHOULD. There is no stigma in not choosing the most expensive casket and vault shown you.

- \_\_\_\_\_ b. PHOTOGRAPH: Select a good photograph of the decedent so that it can be run with the obituary. Also, it will help show the mortician and hair stylist how you want the loved one to look. Any makeup?
- \_\_\_\_\_ c. DECEDENT'S ATTIRE: What clothing do you want the decedent to wear? Start looking for that special dress or suit. What about eyeglasses? What about rings and jewelry? Any religious items to be included?
- \_\_\_\_\_ d. DECEDENT'S DESIRES: Take with you to the funeral home any document that sets out the desires of the decedent in regards funeral, burial, cremation, and so on (this should normally be the "Funeral Instructions" document I give my clients to fill out). Let them copy it, but keep the original.
- \_\_\_\_\_ e. FUNERAL BOOKLET: The funeral home normally gives you a box full of thank you cards and envelopes (for a fee, of course), along with a Guest Book for the funeral home and church services, and a formal booklet for entering who gave what and when, or who did what. Delegate someone in your family to make sure it is kept current. Make an estimate of how many thank-you's will be needed.
- \_\_\_\_\_ f. NAMES AND PHONE NUMBERS: Attach business cards (get several) of the funeral director and other parties you will deal with at the funeral home.
- \_\_\_\_\_ g. CONTRACT: Make sure you get a copy of the contract with the funeral home. There is a law that requires the funeral home to give you certain pamphlets explaining their services and requirements, along with costs of various services.
- \_\_\_\_\_ h. HEADSTONE AND WORDING: Is there to be a headstone? Is there to be any special wording? What? \_\_\_\_\_  
Make sure there is a signed, written "work order" or the engraving will be delayed.
- \_\_\_\_\_ i. PREPAID PLANS: Take these with you. Often the style or price plan of the casket selected by the loved one is no longer available (and how would you know unless the decedent kept a photograph of the one he or she chose) and the prepaid plan is never "adequate" to provide all that is now required - police escort, special permits, gifts to singers, honorarium to pastor, transporting the body some distance, pickup from another funeral home holding the body, etcetera. Be prepared to carry your check book with you to the funeral home. **There will be additional charges.**
- \_\_\_\_\_ j. DEATH CERTIFICATES: Order at least TEN (10). Order one certificate for each of the following: funeral home will use up three; one for estate attorney, each life insurance policy, each tract of land owned, each vehicle, each boat, each boat motor, each bank account, IRS, Social Security, each employer/employee plan, each joint-survivorship account, each credit life insurance policy, estate tax return, one for yourself, and a photo copy for the other heirs. There may be credit card insurance plans also. Total guesstimate is: \_\_\_\_\_.

- \_\_\_\_\_ 3. DELEGATION OF DUTIES: Do not try to do all of this by yourself. Get your family members to assist and/or delegate certain duties to each: someone to call friends and relatives, someone to address the thank you's, someone to keep the home guest books/gift lists filled in, someone to type the obituary you want (funeral home will only draft a short one - you will need to prepare the longer one, if selected). Definitely have someone check each food container and utensil for a name tag for later return.
  
- \_\_\_\_\_ 4. WREATHS & SHARING OF EXPENSES: If expenses are to be shared, get it in writing and signed; or, better yet, get the money paid in advance. Good intentions are sometimes slow in producing a check later when there are more pressing needs for that money. If death occurs during a holiday or weekend, it may be harder to locate a florist. Start early.
  - \_\_\_\_\_ a. WREATH/SPRAY FOR FUNERAL: Choose a nice one for the casket.
  - \_\_\_\_\_ b. WREATH FOR FRONT DOOR OF HOME: This is sometimes overlooked.
  - \_\_\_\_\_ c. WREATH FOR FRONT DOOR OF OFFICE - "CLOSED FOR DEATH IN FAMILY": Do not overlook this, or at least put a Closed sign on the office door.
  - \_\_\_\_\_ d. HOUSE CLEANING/MOWING OF LAWN: Ask some friend of the family to help to do this; or, hire a maid to clean up before, during and after the funeral service. Family members will be traipsing all through the home. **Consider hiding away some of the valuables - silverware, china, jewelry, etcetera.**
  
- \_\_\_\_\_ 5. LEGAL ADVICE: Unless you have some question regarding the terms of the pre-paid burial/funeral plan and/or the funeral contract submitted by the funeral home, there is no need to even consider contacting an attorney at this early stage. However, the need could arise to do so if the attorney has the decedent's Will or other important papers **or something out of the ordinary has happened.**
  - \_\_\_\_\_ a. LAWSUIT: If the death may involve a wrongful death or malpractice claim, contacting a trial attorney immediately is strongly recommended.
  
- \_\_\_\_\_ 6. WILLS: As to concerning yourself with the Will and probate, there is no urgency in doing so until the funeral is over and the out-of-town guests have left. Wills do not need probating immediately unless a rare circumstance occurs in the family - heirs arrive wanting to partition or take assets immediately or want to make other problems, like type of funeral, burial, and so on. Wills must be probated within four years of death. However, federal estate tax forms will have to be filed, and certain elections made, within nine months of death. Certain assets may be sold but title cannot be transferred without proper court papers. Do not wait too long in probating, as it will normally result in higher costs later.
  - \_\_\_\_\_ a. LOCATE WILL: It is a good policy to locate the Will and safeguard it. It has occurred on occasion that a disgruntled heir locates it and destroys it.

- \_\_\_\_\_ b. MAKE COPY FOR HEIRS: Make a copy of the Will (and any Codicils, if any) and give to all family members BUT ONLY AFTER THE FUNERAL.
- \_\_\_\_\_ c. NOTIFY EXECUTOR: Only need to do so after the funeral, but do contact him or her and give him or her a copy of the Will (and Codicils, if any). **Consult with estate attorney first though, as there may be no need to probate, whereas the Estates Code requires the executor to file the will.**
- \_\_\_\_\_ 7. INSURANCE: Locate all policies and **make a photocopy of each complete policy before sending it to the insurance company.** The company will require your returning the complete policy. Keep a copy of the signed application form you will be required to sign.
- \_\_\_\_\_ 8. DID DECEDENT GIVE SPECIFIC BURIAL/FUNERAL INSTRUCTIONS FOR:  
Yes No
  - Cremation?
  - Ashes spread where: \_\_\_\_\_
  - Ashes kept in urn? Where? \_\_\_\_\_
  - Anatomical gift?
  - Masonic? other? \_\_\_\_\_
  - Military funeral? Bury in U.S. Cemetery? Where? \_\_\_\_\_
  - Church service? Name: \_\_\_\_\_
  - Funeral home service?
  - Rosary service?
  - Grave-side service?
  - Headstone included?
  - Open casket?
  - Other instructions: \_\_\_\_\_

Have you contacted the military service or will the funeral home be doing so? \_\_\_\_\_  
Will the funeral home apply for any Social Security burial benefits? \_\_\_\_\_  
Will the funeral home process the burial insurance? \_\_\_\_\_

- 9. IS THERE A PRE-ARRANGED FUNERAL/BURIAL PLAN? \_\_\_\_\_ DEFINE: \_\_\_\_\_  
\_\_\_\_\_  
Contacted?\_\_ When and whom? \_\_\_\_\_
- 10. IS THERE A PRE-SELECTED FUNERAL HOME/MORTUARY? \_\_\_\_\_  
WHO (name/address/phone)? \_\_\_\_\_  
\_\_\_\_\_  
Contacted?\_\_ When and whom? \_\_\_\_\_

11. INFORMATION NEEDED FOR THE DEATH CERTIFICATE

Full Birth Name: \_\_\_\_\_

Married Name: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Drivers License Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Citizen Of: \_\_\_\_\_

Spouse's Name: \_\_\_\_\_

Marital Facts (Place and Date): \_\_\_\_\_

Father's Name: \_\_\_\_\_

Mother's Maiden Name: \_\_\_\_\_

Decedent's Occupation: \_\_\_\_\_

1<sup>st</sup> Child Born/adopted: \_\_\_\_\_ Alive? \_\_\_\_\_

2<sup>nd</sup> Child Born/adopted: \_\_\_\_\_ Alive? \_\_\_\_\_

3<sup>rd</sup> Child Born/adopted: \_\_\_\_\_ Alive? \_\_\_\_\_

4<sup>th</sup> Child Born/adopted: \_\_\_\_\_ Alive? \_\_\_\_\_

5<sup>th</sup> Child Born/adopted: \_\_\_\_\_ Alive? \_\_\_\_\_

6<sup>th</sup> Child Born/adopted: \_\_\_\_\_ Alive? \_\_\_\_\_

Education and Where: \_\_\_\_\_

In U.S. Armed Forces? Dates of Service and List Wars or Actions Involved In: \_\_\_\_\_

Service Number: \_\_\_\_\_ V.A. Number: \_\_\_\_\_

12. IF BURIAL INSURANCE, GIVE NAME OF COMPANY, POLICY NUMBER AND AMOUNT: \_\_\_\_\_

Do not overlook other types of insurance plans and death benefits.

13. CEMETERY PLOT: Name and address: \_\_\_\_\_

Located the deeds/contracts? \_\_\_\_\_ Determined interment rights? \_\_\_\_\_

Space \_\_\_\_\_ for Husband; Space \_\_\_\_\_ for Wife; Spaces \_\_\_\_\_ for: \_\_\_\_\_

Have you viewed the cemetery's burial records showing the spaces used up? \_\_\_\_\_

Have you viewed the burial plot itself? \_\_\_\_\_

14. OBITUARY: List counties and list newspapers where it should be run: \_\_\_\_\_

ALWAYS OBTAIN PRICES IN ADVANCE AND ESTIMATE THE COST.

15. OBITUARY: Is it to mention: \_\_\_ church, \_\_\_ family members (**take a full list**), \_\_\_ education; \_\_\_ military, \_\_\_ special honors, \_\_\_ organizations (Mason, Elks, Rotary, Knights of Columbus), \_\_\_ occupation, \_\_\_ pallbearers, \_\_\_ honorary pallbearers.

Other info (look at some current ones in paper for format): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SUGGESTION: Have a family member quickly print out the obituary the way you want it. Remember, there is a time restriction on getting these to the newspapers.

16. Send copy of obituary to or contact personally (church, societies, college, etc.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. SOCIAL MEDIA: Post an appropriate notice on decedent's social media accounts:

Yes N/A

Facebook

Twitter

Instagram

Other: \_\_\_\_\_

17. Musician: \_\_\_\_\_ Soloist: \_\_\_\_\_  
Address and phone: \_\_\_\_\_

18. Songs to sing: \_\_\_\_\_  
Songs NOT to sing: \_\_\_\_\_  
Music for pianist/organist: \_\_\_\_\_

19. Pastor/person to officiate at funeral: \_\_\_\_\_  
Address and Phone: \_\_\_\_\_

20. Flowers? \_\_\_\_\_ or in lieu of flowers, send donations to Decedent's favorite charity/church/organization: \_\_\_\_\_  
\_\_\_\_\_

21. Pallbearers: \_\_\_ Picked by decedent; \_\_\_ Picked by funeral home; \_\_\_ Picked by church? Which  
Names and addresses (for thank you notes): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

22. HONORARY PALLBEARERS? \_\_\_\_\_ If so, list NAMES and ADDRESSES:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
23. Favorite scripture/poem/inscription to be placed in funeral brochure:  
\_\_\_\_\_
24. Headstone markings: \_\_\_\_\_  
\_\_\_\_\_
25. Articles of clothing, jewelry, glasses, etc. to be worn by decedent:  
\_\_\_\_\_
26. Selected a favorite, color photograph of decedent? \_\_\_\_\_  
Given to funeral home and newspapers? \_\_\_\_\_
27. Name and phone numbers of parties to be notified:  
IN PERSON: \_\_\_\_\_  
\_\_\_\_\_  
BY PHONE: \_\_\_\_\_  
\_\_\_\_\_  
BY MAILING: \_\_\_\_\_  
\_\_\_\_\_  
Personal Doctors: \_\_\_\_\_  
Find decedent's church membership directory, personal phone list, social club list of members, organization membership lists, etc.
28. What church or organization to HOUSE SIT while the funeral is being conducted?  
\_\_\_\_\_
29. HOUSE VACANT: Be sure to maintain lighting using timers. STOP THE NEWSPAPER DELIVERY OR HAVE SOMEONE PICK IT UP DAILY AT A REGULAR TIME.
30. DURABLE POWER OF ATTORNEY EXECUTED? \_\_\_\_\_ **Note: These powers cease upon death.** To terminate the power so that no bona-fide purchaser or lender can rely upon one already in their possession, the death notice may be required to be recorded.  
Recorded in what counties: \_\_\_\_\_  
Name of appointed agent: \_\_\_\_\_  
Addresses and phone numbers: \_\_\_\_\_  
Where original kept: \_\_\_\_\_  
Bring to attorney for reviewing, as it may be imperative to give termination notice as specifically spelled out in the document.

31. EXECUTOR NAMED IN WILL: \_\_\_\_\_  
Present address and phone number: \_\_\_\_\_  
Date notified: \_\_\_\_\_

32. MEDICAL POWERS OF ATTORNEY? \_\_\_\_ Death terminates this power.

33. ORIGINAL WILLS: Where kept: \_\_\_\_\_  
Attorney/address preparing Will: \_\_\_\_\_  
Have you placed them in a safe place? \_\_\_\_\_  
Who have been provided with copies? \_\_\_\_\_

34. LIFE INSURANCE (company name, policy number, insured amount, cash surrender value):  
a. \_\_\_\_\_  
b. \_\_\_\_\_  
c. \_\_\_\_\_  
Where are policies kept: \_\_\_\_\_  
Name/address of agent: \_\_\_\_\_

**Retain a copy of the policies before mailing them to insurer. Each of them will require an original death certificate.**

35. INVENTORY OF ASSETS: Did decedent have an inventory? \_\_\_\_\_. If so, where is it being kept?  
\_\_\_\_\_

**There is no need to start on an inventory until such time as you retain an estate attorney for probate or deciding if probate is necessary. DO NOT ALLOW ANY PARTITIONING OR DIVISION OF THE DECEDENT'S EFFECTS UNTIL LEGAL ADVICE IS SOUGHT, ELSE CRIMINAL LAWS MAY BE INVOLVED. IT IS ALMOST IMPOSSIBLE, WITHOUT A COURT ORDER, TO GET THESE ITEMS RETURNED TO THE EXECUTOR.**

36. HOLOGRAPHIC CODICILS OR SPECIFIC GIFT INSTRUCTIONS? In many instances the decedent will have drafted an informal request as to some personal items and whom they should go to, as with the "Memorandum of Wishes" I supply to my clients. Did this decedent leave such instructions?\_\_ Make sure the estate attorney gets this document for review.

37. SAFETY DEPOSIT BOX: Where: \_\_\_\_\_  
Whose name is on it: \_\_\_\_\_  
Who has keys: \_\_\_\_\_

Do not allow any asset in it to be removed until it has been inventoried with a bank official present. State law requires the bank to allow the widow and executor to open the box to inventory its contents and to remove any Will and life insurance policy therein, or the bank can file the will with the court. Life insurance policies will be given to the executor or named beneficiary. Otherwise, a court order will be required.

38. JOINT SURVIVORSHIP AGREEMENTS? \_\_\_\_\_ The *agreement* controls who receives those funds and *not* the decedent's Will. Normally all that is required is a death certificate. Community ownership rights in the funds could become a contested issue. Such survivorship



rights may be created with stock certificates, bank accounts, savings, IRAs, retirement plans, car titles, mobile home titles, and deeds to realty. The estate attorney will have to sort this out.

39. **JOINT CHECKING ACCOUNTS:** In most joint accounts, both account owners place money in them; but sometimes accounts are created where a child or sibling is given joint checking privileges for “accommodation” purposes. This does not create survivorship rights and/or co-ownership rights, unless the bank documents contain such rights in the signature cards. Thus, it may become necessary to place a bank or savings on notice of death and the possible conflict of ownership claims to the account, and to do this in writing as required by law. Otherwise, the named co-signer on the account can withdraw all of those funds and the institution would have no liability for having released them.  
Do you have knowledge of such accounts? \_\_\_\_\_  
Is there a need to notify them in writing? \_\_\_\_\_

\_\_\_\_\_ **WE HOPE THAT THE DECEDENT DID SET UP A JOINT CHECKING/SAVING ACCOUNT AS AN ACCOMMODATION SO THAT SOME FAMILY MEMBER CAN WRITE CHECKS FOR THAT PARTY IF SICK, HOSPITALIZED, OR DIES. *Bring that check book and check writer to the funeral home.***

40. **ANATOMICAL GIFTS:** State law allows hospitals and morticians to instantly remove the cornea of the decedent’s eyes if there is no one present at the time of death, unless some notice is on the driver’s license and medical examiner/funeral home notified not to do so. What were the decedent’s desires: \_\_\_\_\_  
Was there an anatomical gift directive? \_\_\_\_\_
41. **DO NOT PLAN TO DISPOSE OF ANY ASSET OF THE DECEDENT UNTIL SUFFICIENT TIME HAS HEALED SOME OF THE SORROW. WAIT AT LEAST A YEAR BEFORE CONSIDERING THE SALE OF ITEMS THAT NOW BRING BACK SAD MEMORIES. LATER, THOSE ITEMS MAY BRING BACK JOYFUL MEMORIES. MANY A FAMILY MEMBER HASTILY DISPOSED OF CERTAIN PROPERTIES, MOTOR HOMES, SENTIMENTAL ITEMS THAT THEY LATER REGRETTED HAVING DONE.** Discuss this with the estate’s attorney. There may be items that must be disposed of or sold.
42. **FINAL TAX RETURNS:** Discuss with your CPA or tax return preparer, and estate attorney. Extensions may need be acquired.
43. **DECEDENT’S HOME NOW VACANT:** **Immediately** consult with your insurance agent about new coverage, as the old policy may no longer be relied upon. Retain utilities for a while so that the home will look like it is being used; and have someone regularly check it. Vacant homes can become vandalized quickly. If possible, have a family member move into the home. Pets of the decedent need to be cared for and adopted by family members. Gather up all duplicate keys.
44. **CASUALTY INSURANCE:** Car policies and similar type of policies need be looked into quickly. Check with your insurance agent **immediately**.

45. OTHER IMPORTANT INFORMATION THE FUNERAL HOME OR ESTATE ATTORNEY SHOULD KNOW: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hope this memorandum can reduce some of the trauma and confusion that you are now going through. I know that it does not cover everything, but it will cover most, at least some of the ones that I recall having to go through. One last suggestion – do see your family doctor immediately if you have trouble sleeping or have any medical complications. The doctor needs to know about your current pressures and grief.

If I can help in any other way, please let me know. Take care, and may God bless you during this difficult time. With my deepest sympathies, I remain

Sincerely yours,

Michael A. Koenecke