

PERSONAL REPRESENTATIVE DUTIES IN ALBERTA

A Personal Representative (Executor) has many responsibilities and duties. Of course, the first duty is to look after the funeral arrangements. The Personal Representative will need to check the will to see if any arrangements have been made or paid for. If not, the Personal Representative decides on the arrangements after consulting other family members. After the funeral, executor duties in Alberta include:

Death Certificate

- Obtaining copies of the death certificate from the funeral home or the Alberta Government Vital Statistics, if required by certain parties like Land Titles or financial institutions.

The Deceased's Home

- Visiting the deceased's home and making a list of all assets in the home.
- Taking possession of cash, credit cards, identification and valuables in the home.
- If the deceased lived alone, the landlord or the insurer should know that the home is vacant.
- Re-keying the locks, since the executor is responsible for any losses or damages.
- Arranging for redirection of mail.

Notification of Death

Each situation is different, but some or all of the following parties will have to be notified of the death:

- All co-owners of estate assets
- Beneficiaries
- Landlord or insurer of deceased's home
- Banks and other financial institutions and advisors
- Employers or business associates
- Providers of health, benefits and life insurance plans
- All government agencies including: CRA, Canada Pension Plan, Old Age Security
- Insurance companies: home, vehicle
- All phone, internet and utility providers
- Associations in which deceased was a member
- Subscription providers

Legal Advice

In most cases, the executor will need to retain a lawyer to review the will and apply for a grant of probate if necessary. This is usually determined by the terms of the will and the requirements of third parties, such as banks. If there is no will, a grant of administration must be obtained before the personal representative can act for the estate.

Obtaining Information for Application

A great deal of information must be collected to fill out all necessary forms submitted with the probate application.

Banking Executor Duties in Alberta

- Finding out what banks and financial institutions the deceased dealt with, notifying them that you are the executor or administrator, and determining the details of assets in all accounts.
- Accessing all safety deposit boxes and listing their contents. You will probably have to show the banks the will and death certificate. If you are an administrator, this will have to wait until you have obtained the Grant of Administration.
- Opening an account for the estate that you will administer.

Page Two

Assets & Liabilities

- Taking an inventory of all the assets and liabilities of the estate, including real estate, and determining their value. This information is required to apply for the Grant of Probate or Administration.

- Advertising for creditors. There is no obligation to do this but it's advisable since the personal representative is responsible for settling all debts and if any are omitted, it could be costly.
- Assessing all claims against the estate.
- Paying all debts and other obligations.
- After receipt of the grant, collecting all assets and ensuring they're in a form that can be distributed.
- Investing all estate funds in interest-bearing accounts.

Pensions & Benefits

- Contacting the Alberta and federal governments and any other organizations to cancel benefits, such as Canada Pension or Old Age Security, being paid to the deceased.
- Applying for Canada Pension death benefits, and other pensions and life insurance benefits.

Insurance

- Reviewing all insurance policies and ensuring coverage is adequate on all the assets of the estate.

Business Interests

- Protecting all business assets and, in some cases, arranging for short-term management of any businesses.

Leases

- Reviewing any leases owned and arranging for collection of lease payments.
- Reviewing and, if necessary, cancelling lease obligations.

Taxes

- Filing the deceased's final tax return, paying any taxes owing and obtaining Clearance Certificate from Revenue Canada.. Unless very simple, this will likely be done by the deceased's accountant.

Documentation

- Reviewing the accounts of any appointed Powers of Attorney or Trustees.
- Preparing periodic financial statements of estate assets, liabilities, income and expenses and providing them to the beneficiaries.

Finalization

- Distributing the estate and obtaining releases from the beneficiaries.