

Before Probate: What to Do When a Loved One Passes

A practical guide for families navigating the days and weeks following a death

Key Contacts

Fill in before you need them.

Contact	Name / Phone Number
Attorney	
Accountant	
Funeral Home	
Financial Advisor	
Insurance Agent	
Real Estate Agent	

How Can Friends Help?

Friends and family will want to help. Some tasks are appropriate for them — others must stay with the executor.

Friends CAN assist with:

- Calling friends and family to notify them
- Caring for or rehoming pets
- Basic home maintenance (lawn, mail, etc.)
- Preparing meals for arriving family
- Small errands with no legal or financial risk

Only the executor should handle:

- Legal obligations and paperwork
- Property management or disposal
- Financial accounts and bookkeeping
- Any official filings or correspondence

My Loved One Just Passed. What Do I Do Now?

Some items can wait days or weeks. These cannot:

- **Honor end-of-life wishes.** Follow any instructions for organ donation, pain management, or other end-of-life care.
- **Arrange for minor children and pets.** Contact the surviving parent or guardians named by the decedent.
- **Plan the funeral or memorial.** Check for instructions in the Will or a Burial Power of Attorney. If none exist, the surviving spouse or children have authority. Check for prepaid plans. Veterans should contact the VA at (800) 827-1000 for burial benefits.
- **Prepare the obituary.** Funeral homes often assist with drafting.
- **Avoid paying expenses personally.** The estate may not have enough assets to reimburse you. You may not use the decedent’s checking account unless you are an authorized signer. The decedent’s power of attorney expires at death.
- **Gather key documents, including:** Will, checkbooks, credit card statements, investment statements, safe deposit box contents, birth certificate, insurance policies, stock certificates, and the last three years of tax returns.
- **Obtain certified death certificates.** Order 20–30 copies from the funeral home. Financial institutions require originals, not photocopies.
- **Notify contacts.** Inform the employer, religious organizations, social groups, and fraternal organizations.
- **Secure the home.** Collect all house and car keys. Notify cleaning services and yard crews. Arrange for someone to be present at the home during the funeral to prevent theft.

Starting Probate & Gathering Assets

Steps to take after the funeral, before and during the probate process

How Do I Start Probate?

After the funeral, the focus shifts to identifying the estate's assets and debts. These steps will get the process started.

- **Contact an attorney.** An attorney can guide you through probating the Will and administering any revocable trust.
- **Locate the original Will and Trust.** If you can't find originals, check with the decedent's attorney, the safe deposit box, or the county clerk's office.
- **Protect the decedent's property.** Do not remove, distribute, or transfer personal property before probate is opened.
- **Request mail forwarding.** Contact the post office to forward all mail to the executor or trustee.
- **Do not transfer assets unilaterally.** Do not make beneficiary claims or title transfers without first consulting your attorney and accountant.
- **Gather recent tax records,** including the last three years of income tax returns, any trust agreements, marital property agreements, and divorce decrees.
- **Open an estate or trust account.** Once appointed, you will likely need a dedicated checking account to pay debts, receive income, and distribute assets.
- **Obtain an EIN (Tax ID).** File IRS Form SS-4 to get a Tax ID for the estate or trust. Your attorney can request this. It is required to open estate accounts and file estate income tax returns.
- **Request police checks.** If the decedent's home is vacant, contact the local police department for periodic checks.

How Do I Gather Estate Assets?

One of the executor's primary duties is to locate and safeguard all estate assets. Work through this list systematically.

- **Contact the employer (and former employers)** to check for pension benefits, group life insurance, or other death benefits.
- **Contact the Social Security Administration** at (800) 772-1213 to report the death. Check for benefits available to a surviving spouse or minor children. Do not cash or deposit any SSA check for the month of death — return it immediately.
- **Locate all life insurance policies** and contact each insurer to report the death. Work with your attorney before submitting claims.
- **Check for accidental death benefits** if the death was accidental. Employers and life insurers often carry additional coverage.
- **Locate retirement accounts and annuities** and contact each plan administrator to report the death and obtain date-of-death values.
- **Contact business co-owners** if the decedent held any private business interests. Review buy-sell agreements and transfer restrictions.
- **Locate all bank, brokerage, and financial accounts.** Contact each institution to report the death and request date-of-death valuations.
- **Locate vehicle titles** for cars, boats, and other vehicles.
- **Identify outstanding loans or notes.** Contact anyone who owed money to the decedent.
- **Search Texas Unclaimed Property** at claimittexas.org for any unclaimed funds in the decedent's name.
- **Cancel subscriptions and memberships** including newspapers, magazines, and club memberships.
- **Veterans:** Contact the VA at (800) 827-1000 regarding Dependency and Indemnity Compensation, Death Pension, or other benefits.

A Note on This Guide

This checklist provides a general overview of executor duties under Texas law and does not constitute legal advice. Not every item applies in every estate. Once appointed, your attorney will advise you on the specific obligations, deadlines, and filings required for your matter.