RESPONSIBILITY OF THE PERSONAL REPRESENTATIVE†

SISSON
WARREN
SINCLAIR
Barristers, Solicitors, Notaries Public
Barry M. Wilson
Donald J. Sinclair
Kirk L. Sisson Q.C.
Christopher R. Warren Q.C.
Gordon G. Yake
Darwyn C.B. Ross*
Donna C. Purcell
Michael D. Keyes
Rhonda M. Elder
Kevin A. Beattie
Sander R. Gelsing**
Robert H. Scammell Q.C. Retired
* Member of Manitoba Bar
** Member of BC Bar

The extent of the legal representative's responsibility is determined according to the size and nature of the estate they must administer and may include some or all of the following:

1. Obtain and review the Will, noting particularly any immediate responsibilities such as donation of eyes or bequest of body to medical school,

2. Attend to matters requiring immediate attention, such as notification of relatives and disposition of perishable assets,

3. Attend to funeral arrangements,

4. Provide for immediate needs of dependents,

5. Review of books of account, papers and personal effects of deceased to become familiar with their affairs,

6. Take charge or custody of deceased's assets, including title documents, securities and other valuables and remove, where appropriate, to a place of safe custody,

7. Obtain access to safe depositories of the deceased to obtain listing and valuation of securities,

8. Take steps to ensure continuity in operation of business of deceased,

9. Contact financial institutions the deceased dealt with (banks, trust companies, investment firms, department stores, etc.) to advise of death and obtain a complete list of assets and liabilities including particulars of any registered retirement savings plan,

10. Ensure proper insurance is maintained on real and personal property of the deceased and arrange for supervision of real property if it is vacant,

11. Notify post office and collect mail,

12. Obtain valuations of personal property and real property and check taxes, mortgages and leases if applicable on real property and ensure the management of revenue and commercial properties,

13. Contact life insurance companies to determine benefits, terms and beneficiaries of insurance policies,

14. Contact employer, business partner or deceased's accountant to obtain details of employee benefits, eg. death benefits, group insurance, stock options, deferred profit sharing plans, pension benefits, medical insurance benefits.

15. Advise Alberta Health Care Insurance Commission and Blue Cross of death,

16. If deceased was contributor to Canada Pension Plan apply for death benefit,

17. Advertise for creditors and claimants (administrator may not advertise until after Grant received),

18. Provide Solicitor with detailed inventory of assets and liabilities, original Will and additional information required for preparation of application,

19. Locate witnesses to Will and arrange for completion of necessary documents regarding its validity and execution,

20. Execute documents for application to Surrogate Court,
21. Obtain and file proofs and other required information with life insurance companies,
22. Provide required documentation to banks, trust companies, investment dealers and employer as required to receive estate assets,
23. Transmit, transfer or sell securities as provided in Will (Obtaining tax releases if required),
24. Sell, transfer or ensure management of business and properties as provided in Will,
25. Deliver, transfer or sell household goods and personal property as provided in Will,
26. Collect all outstanding bills, accounts receivable, interest, dividends, rents, etc.,
27. Compromise, settlement and payments of debts,
28. Preparation and filing of income tax returns to date of death, payment of outstanding taxes and obtaining Tax Clearance Certificate,
29. Preparation and filing (where applicable) of provincial succession duty returns and obtain releases,
30. Maintain throughout administration an accurate account showing all receipts and disbursements separately as to capital and income, retaining vouchers and receipts,
31. Payment of specific bequests,
32. Establishment of trusts if provided for in Will,
33. Payment of interim distribution to beneficiaries,
34. Preparation of estate accounts for entire period of administration to date, accounting for all estate assets,
35. Make application to Surrogate Court for passing of accounts or obtain approval of all beneficiaries and prepare and obtain releases from beneficiaries,
36. Distribute balance of estate (if trusts are established by the Will the legal representative's responsibility continues until the termination of those trusts and they must continue to maintain accurate accounts in addition to managing the trusts and making such distributions as may be allowed or required from time to time).

Provided Courtesy of:
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