Aboriginal Affairs and
Northern Development Canada

Affaires autochtones et
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Estate Administrator/ Executor Checklist

Canada

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Estate Administrator/Executor Checklist

When someone in your family dies, their real and personal property, called an "estate", must be managed by an executor (if there is a will) or administrator (if there is no will). If you have been named the administrator/executor of an estate you are responsible for gathering, protecting and distributing the estate to those entitled.

This checklist is intended to provide you with guidance in some of the steps you may need to take as an administrator/executor of an estate.

☐ Post a Notice to Creditors, Heirs/Beneficiaries and Other Claimants

The notice should state that anyone having a claim against the estate must send the information to the administrator/executor. The notice should be posted for six weeks at the First Nation office, the post office and in any other location the deceased carried on business.

☐ Open an Estate Trust Account

Create or change an existing bank account so that there is an estate trust account to gather all the estate's funds. You can do this at any bank of your choice.

☐ Identify and Gather Assets

- ☐ Send letters to banks notifying them of the death and asking them to advise as to whether the deceased held any accounts, safety deposit boxes or securities.
- ☐ Send letters to service companies such as electric and phone companies notifying them of the death and asking them if there are outstanding balances.
- ☐ Investigate whether the deceased had life insurance, death benefits or a pension.

☐ Secure and Protect Assets

Ensure that all assets are secure and protected. This could include:

- ☐ Freezing bank accounts
- ☐ Ensuring vehicles or homes are properly insured
- ☐ Ensuring mortgage payments are up to date
- ☐ Arranging for building repairs where there are safety issues
- ☐ Harvesting any crops or feeding livestock
- ☐ Storage of any cars, boats, recreational vehicles, tractors, campers, jewels or other valuables
- ☐ Renewing licenses or leases.

☐ Assess Claims Against Estate and Verify Debts

The onus is on the creditor to prove their claim against the estate. The creditor must submit proof such as a contract, bill of sale or sworn statement to substantiate a claim.

☐ Obtain Tax Slips (T4, etc) and File Income Tax Return(s) with the Canada Revenue Agency

☐ Prepare an Inventory of all Assets and Debts

Make a complete list of all assets and all valid debts against the estate.

☐ Determine How Assets will be Distributed

If there is a will, assets are distributed according to the will. If there is no will, assets are distributed in accordance with the provisions of the *Indian Act.* You will be provided with a copy of the Act. You can call our office if you have any questions.

☐ Obtain a Clearance Certificate

The distribution of the estate should be postponed until a clearance certificate has been obtained from Canada Revenue Agency. The clearance certificate verifies that there are no funds owing to the government. Without it you can be liable for any amount the deceased owes.

☐ Prepare a Proposal for Distribution

Send a proposal for distribution to all heirs/beneficiaries and seek their consent to the proposal. The proposal should contain the following documents:

- ☐ List of assets to be distributed and their estimated value
- ☐ List of debts to be paid
- ☐ An explanation of how the estate will be distributed (according to the will or the *Indian Act*)
- ☐ A calculation of the heirs/beneficiaries' shares
- ☐ An outline of how the assets will be applied to debts and the remainder distributed to heirs/beneficiaries.

☐ Distribute Assets to Heirs/Beneficiaries and Creditors

Pay debts and transfer assets to heirs/beneficiaries according to the agreed upon proposal for distribution.

☐ Provide a Statement of Account to all Heirs/Beneficiaries

Once all the assets have been transferred, the administrator/executor must give a full report of the estate administration to heirs/beneficiaries.

☐ Close Estate Trust Account

☐ Contact us for more information:

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This checklist is to be used as a guide only and is not considered a comprehensive legal resource. The information provided does not replace a lawyer's advice and may not provide you with all the information you need.