

# Florida Successor Trustee Checklist

By Phillip B. Rarick, Miami Trust Attorney

You are named the successor trustee and the trustmaker has just died. No doubt these are difficult times, but thankfully there are many resources to help. The following is a checklist of initial important tasks to help guide you after the funeral or memorial service.

**Note:** You are not required to accept the trustee duties. However, if you begin to act as successor trustee you will likely be held responsible for all acts as the trustee to the beneficiaries and the IRS. Therefore, do not begin to take any actions as Trustee before you know what your duties are. Consult a Miami trust attorney and see our [12 Point Summary of Florida Successor Trustee Duties.](#)

## First Priority Action Items

- \_\_\_\_\_ 1. Sign Acceptance of Trustee Duties and Affidavit of Trust
- \_\_\_\_\_ 2. Take possession of all legal records including:
  - ☐ Original trust
  - ☐ Original will (usually called a pour-over will if decedent had trust)
- \_\_\_\_\_ 3. Take possession of all financial records such as:
  - ☐ Inventory of assets
  - Note:** This may be on paper or on decedent's computer.
  - ☐ Passwords to computer, internet media, or social media
  - ☐ Checkbooks
  - ☐ Credit cards
  - ☐ Statements from all banks or financial companies
- \_\_\_\_\_ 4. Take possession of all keys or codes to:
  - ☐ All vehicles or boats
  - ☐ Safe or bank safe deposit box
  - Note:** Do not allow entry to Safe Deposit Box without a witness and prior discussion of arrangements with a Miami trust attorney. Remember:
    - ☐ House and other real estate or rental properties
    - ☐ Storage room
- \_\_\_\_\_ 5. Lock and secure all real estate and household contents
- \_\_\_\_\_ 6. Engage an experienced Florida trust administration attorney
- \_\_\_\_\_ 7. Engage CPA or accountant and determine deadlines for filing tax returns
- \_\_\_\_\_ 8. Contact decedent's Financial Advisor
- \_\_\_\_\_ 9. Order minimum of 10 death certificates (these can usually be obtained through the funeral home) and collect documents on Document Checklist.

Click Here for: [Document Checklist](#)

- \_\_\_\_\_ 10. Calendar important dates: such as deadline for filing decedent's final 1040 tax return and 1041 tax return for the trust.  
**Note:** As Trustee, you are liable to the IRS for all trust tax matters.
- \_\_\_\_\_ 11. Buy a notebook and keep track of your time and work on behalf of the trust:  
**Note:** Few beneficiaries will appreciate the time and extensive work of the trustee. To be fully compensated for your time, you likely will need to account for all your time incurred as trustee.

## Second Priority Action Items

- \_\_\_\_\_ 12. Complete **Master Information List**: This is an inventory of all the decedent's assets and most importantly how they are titled and what, if any, beneficiary designation. Contact [info@raricklaw.com](mailto:info@raricklaw.com) for List.
- \_\_\_\_\_ 13. Open Trust Checking Account with bank
- \_\_\_\_\_ 14. Set up Quicken/QuickBooks or similar accounting program  
**Note:** As Trustee you must account for all funds received and all funds paid out. If you are not adept and diligent at accounting, hire a bookkeeper or accountant. Remember as Trustee you will need to provide a detailed accounting to all trust beneficiaries for all trust income and expenses.
- \_\_\_\_\_ 15. File Notice of Trust with the Clerk of Court
- \_\_\_\_\_ 16. Determine names and addresses of all qualified beneficiaries with assistance of Trust attorney
- \_\_\_\_\_ 17. Within 60 days of accepting Trustee duties, send Notice of Trust to all qualified beneficiaries; this notice must comply with Florida law
- \_\_\_\_\_ 18. Deposit Will with the Clerk of Court
- \_\_\_\_\_ 19. Advise Post office to forward mail
- \_\_\_\_\_ 20. Cancel utilities, subscriptions
- \_\_\_\_\_ 21. Contact homeowner's insurance and keep insurance current
- \_\_\_\_\_ 22. Review insurance for all rental properties and keep payments current
- \_\_\_\_\_ 23. If homeowner association, contact and keep payments current
- \_\_\_\_\_ 24. Inventory Safe Deposit Box with at least one witness after first consulting with trust attorney
- \_\_\_\_\_ 25. Search records for potential creditors  
**Note:** Do not pay creditors until you have ascertained their legal validity and priority. As trustee you have the duty to contest creditor claims that are not valid and pay claims according to their priority. A spouse is typically not liable for the debts of the deceased spouse.
- \_\_\_\_\_ 26. Keep current payments to legally valid secured creditors.
- \_\_\_\_\_ 27. Determine if any Employee Benefits
- \_\_\_\_\_ 28. Contact health care providers, such as doctors, hospitals, clinics and determine if they have accepted Medicare assignment for their services. If they have, then they have agreed to accept Medicare and any other insurance payments for their services. Therefore there should be no reason for them to file a claim in the estate for any unpaid portion of their statement. If we have a list of the Medicare providers, we will prepare objections to any claims they file against the estate.

- \_\_\_\_\_ 29.     Social Security: If the decedent was receiving Social Security, contact (a) the Social Security Administration to inform them of the decedent's death; (b) the bank where the social security check is being deposited directly into to inform them of the decedent's death. The Social Security checks are issued at the first of the month and they are in payment for the previous month. The decedent must have lived the entire month to be entitled to the Social Security check. For example, if the decedent died August 15, and the Social Security check was automatically deposited on September 3, the decedent is not entitled to the September 3 check or any checks thereafter. You must contact the bank and request that they return the check to Social Security. Often the bank does this automatically as a service to customers. If the check is not returned, the Social Security Administration will take steps to collect the check(s).
- \_\_\_\_\_ 30.     Make a claim for Social Security death benefit if (a) decedent has enough hours worked during his or her lifetime; and is (b) survived by a spouse or dependent child. For additional information contact Social Security at 800-772-1213.
- \_\_\_\_\_ 31.     Determine if any claims for life insurance or veteran death benefits.

This is a short list of initial tasks for a person who accepts the duties as Successor Trustee. It is not a complete list of tasks. The trustee will only be able to determine all tasks after carefully reviewing all trust instructions with a Miami trust attorney. Attorneys at **Rarick & Bowden Gold, P.A.** have helped many family members navigate these tasks as the Trustee, Co-Trustee or Personal Representative of the Estate. We are ready to help you. Contact us at **(305) 556-5209** or email to [info@raricklaw.com](mailto:info@raricklaw.com).

### **Special Note**

The information on this blog is of a general nature and is not intended to answer any individual's legal questions. Do not rely on information presented herein to address your individual legal concerns. If you have a legal question about your individual facts and circumstances, you should consult an attorney that is experienced in Florida probate law. Your receipt of information from this website, blog, or Miami trust attorney does not create an attorney-client relationship and the legal privileges inherent therein.