

The Law Office of
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*Estate, Trust, Tax and
Long Term Care Planning*



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**"Accumulating wealth is one thing. Preserving it is another.
Let our family help yours."**

Special Report

Ten Important Reminders for Personal Representatives

From Someone who Knows – An Experienced Paralegal

1. As a Personal Representative, you are in a professional role. Your duties are specifically dictated and monitored by the Court. Your role as Personal Representative is separate from your role as a beneficiary and/or a family member. Your sole and impartial responsibility is to the estate and to its beneficiaries.
2. Open an estate account as soon as possible after your appointment as Personal Representative and use this account for all income and expenses. It is important to track all the income or cash flow coming into the estate, as well as, money (cash) transferred out of the estate.
3. Keep a detailed accounting of all income and expenses. Utilize an accounting ledger or computer program for ease of transfer to the Court's Final Accounting when the estate is in the process of being closed. Please keep in mind an accounting of all estate transactions will be provided to the beneficiaries for review and to the Court for review (depending on how you close or finalize the estate with the Court).
4. The estate account is for estate income and expenses only and cannot be used for personal expenses of the personal representative, even if you are an estate beneficiary. To commingle estate assets with those of the personal representatives opens the personal representative to attacks by the heirs and the Court.
5. Liquidate and consolidate assets, other than those to be distributed to the heirs, in kind by agreement, or in accordance with the specific bequests, which are part of the decedent's

estate plan and place the proceeds into the estate account in a timely manner (depending on the specifics of the estate).

6. Assets and accounts owned in joint tenancy are not probate assets. A joint tenancy account cannot be used for estate income and expenses except by agreement of the surviving account owners and estate beneficiaries.
7. The Decedent's Estate Inventory required by the Court is a listing of the probate estate assets and their values on the day the Decedent died, not on the date the form was completed or signed.
8. Do not pay creditor claims before the end of the creditor's period until you know the other liquidity needs of the estate. There are effective ways in dealing with creditors depending on the specifics of the estate. The Decedent's debt is not directly transferred to the heirs. Indirectly it the heirs who must pay the debts prior to receiving their distribution from the estate.
9. Do not automatically make distributions of estate assets until after the end of the creditor's period (and possibly after one year from date-of-death depending on the estate), without understanding the consequences of doing so.
10. Most importantly, when in doubt on any issues which may arise, contact the attorney you are working with or the Probate Clerk of the Court. There are no "stupid" questions in the probate process. Probate professionals are here to help you.