



BARLAY LAW GROUP LLC

ESTATE PLANNING | REAL ESTATE | BUSINESS

GUIDING CLIENTS IN PROTECTING THEIR MOST IMPORTANT ASSETS: FAMILY, PROPERTY & BUSINESS

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The Duties of a Personal Representative

Disclaimer: This is intended to be a general summary of the law and not a detailed analysis based on a particular situation. Do not rely on this to make specific decisions without having discussed your actions with Barlay Law Group first. I am providing this to you for educational purposes and not as a legal opinion.

The Personal Representative may be an executor (where there is a valid will) or an Administrator (where there is no valid will or estate plan).

The personal representative is charged with performing three essential tasks: (1) gathering the assets of the estate, (2) retiring any indebtedness of the estate and (3) distributing whatever is left pursuant to the terms of the will or pursuant to the laws of descent and distribution.

- Obtain a **tax identification number** for the estate
- Establish a bank account solely for the benefit of the estate
 - These accounts may be title “Estate of John Smith” or “Mary Johnson as Personal Representative of the Estate of John Smith”
- Reimburse for any funeral costs and/or expenses
- Cancel Utilities and Credit Cards
 - With utilities, make sure the estate does not have any obligation to keep the utilities on (in regards to others)
 - Credit Cards – should be canceled *in writing* promptly – prior to canceling consider whether any of the cards are being used to pay decedent’s regular bills
 - Keep careful records regarding the amount of credit card bills outstanding as of the time of the decedent’s death for the preparation of tax returns for the estate.
 - Subscriptions may be stopped, and memberships in clubs and other activities can be cancelled.
- Prepare an Inventory of the Estate
 - Gather Assets:
 - Place any cash or cash equivalent in the estate bank account
 - Identify all assets
 - File Estate Inventory with the Probate Court within 6 months of appointment



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- Give notice to creditors and debtors:
 - Creditors have within three months after the date of the last publication to an equal participation with creditors of equal priority (they do not, however, lose their ability to recover their unpaid claims against the estate if there are sufficient assets in the estate)
 - Personal representative is not required to pay timely filed claims until six months after the date of appointment
 - Priority Order:
 - Year's Support
 - Funeral Expenses
 - Expenses of Administering the estate
 - Reasonable expenses of the decedent's last illness
 - Unpaid taxes or debts due to the state or the United States
 - Judgements, security interests and other liens created during decedent's lifetime
 - All other claims
 - The Personal Representative is personally liable for distributing assets to beneficiaries when he or she knows that unpaid claims exist. Furthermore, the personal representative may be personally liable if he or she pays timely filed claims out of the priority order.
- File an annual return with the Probate Court
 - Should be done within sixty days of the anniversary of the appointment of the personal representative
- File for discharge of personal representative