

BASIC CHECKLIST TRUST ADMINISTRATION

- Review trust instrument, pay particular attention to:
 - General dispositive provisions
 - Prorata or nonprorata distribution
 - Disclaimers
 - Estate tax payment clause
 - Reporting and accounting clause
 - Trustee provisions
 - Power to divide trust
 - Payment of interest
 - Gift provisions
 - Prohibited transferees
 - Ambiguities and drafting errors
- Review Asset schedule
- Review Pourover will
- Review other documents
- Collect asset information and review title to assets:
 - Assets in the trust
 - Assets outside the trust and subject to distribution by will
 - Assets outside trust not subject to distribution by will
- Determine whether legal action is required to collect assets into trust
- Identify need for investment advice
- Collect liability information
 - Determine nature and amount of outstanding liabilities
 - Identify potential creditors and outstanding lawsuits
 - Consider 1-year statute of limitations
- Collect beneficiary information
- Send Prob C §16061.7 notice to beneficiaries and heirs
- Understand reporting and accounting requirement
 - Duty to keep beneficiaries informed

- Mandatory accounting requirements
- Contents of account
- Accounting on request of any beneficiary
- Waivers
- Voluntary account even when not required

- Obtain TIN for trust
- Open trust checking account
- Determine whether administrative expenses are already paid and arrange for reimbursement
- Determine estate tax issues, if any
- Determine income tax issues
- Obtain TIN for administrative trust
- Determine real property tax issues
- Determine trustee compensation and time records
- Lodge pourover will with county clerk and obtain certified copy
- Prepare and send Medi-Cal notice
- Prepare certification of trust and affidavit of death of trustee
- Prepare and file Preliminary Change Ownership Record form
- Prepare and send letters to insurance companies
- Order appraisals
- Record certification of trust in each county where real property is located
- Determine need to start court proceedings and prepare petitions
- Prepare documents to collect nontrust assets
- Cancel decedent's credit cards and contact national credit reporting agencies to close decedent's credit profile