



The Role & Responsibilities of Being Someone's Trustee

What is a Trustee?

A Trustee is the person legally appointed and granted authority to oversee property and assets held inside a Trust. In essence, the Trustee is the legal owner of a Trust and all the assets inside of it. Trustees are responsible for not only managing the assets inside a Trust, but also for doing things such as filing taxes and distributing assets to beneficiaries per the terms of the Trust, when the time comes.



If you've been named Trustee of a Trust, you should be honored. It's a great responsibility, and the Settlor (Trust creator) clearly thought highly of your ability to manage their estate and act in their best interest per the wishes they outlined in their Trust.

We know it can feel overwhelming to step into the role of Trustee, but we're here to help with a complete checklist of everything you should expect as you fulfill your role and responsibilities as Trustee.

After the Trust Grantor Has Passed Away (Immediately):

- Look to state law for specific obligations you must fulfill; occasionally, you will have required duties that may not be outlined in the Trust itself, for example, a Duty to Account
- Review the Will (if there is one) with the named Executor (if a different person has been appointed to that role; although, it's not uncommon for the same person to be named to both roles)
- Find the Declaration of Trust if there is one – this document confirms your appointment as Trustee and is generally notarized and sometimes recorded
- Ensure you have access to certified copies of the Death Certificate
- Reach out to the decedent's attorney and accountant
- Determine which assets are inside the Trust and in your control – this can include: finding and reviewing bank and brokerage statements, stocks and bonds certificates, life insurance policies, any business documentation, property deeds and more
- Create a comprehensive list of all assets - get exact values as of the date of death
- Get a TaxID number for the Trust – especially important if assets will stay in the Trust for the benefit of minors or surviving spouses, for tax purposes or if inheritances will be distributed in installments
- Manage the Trust per the terms defined – this can include managing bank and brokerage accounts and other investments
- Keep all Trust assets separate from personal finances and assets (unless Trust states otherwise)
- Ensure consistent treatment of Beneficiaries (unless Trust states otherwise)
- Keep detailed records about all Trust assets
- Send letters to financial institutions (you will need copies of the Death Certificate)
- Reach out to life insurance companies where policies were held; fill out forms to file a claim (again, you will need a Death Certificate)
- Contact Social Security Administration – inform them of the death
- Contact Beneficiaries - provide each with a copy of the Trust agreement (unless Trust states otherwise)
- Change locks on properties, secure assets and ensure proper insurance is maintained
- Determine and pay off any outstanding liabilities
- Cancel credit cards
- Decide if you need to stop utilities and services (cell phone, cable, Internet, etc.); note if the property is Trust-Owned, you may want to keep power and water services on. Contact any service providers who may owe the decedent a refund - for example: long-term care facilities or insurance companies where premiums were paid in advance, prepaid service providers, magazine subscriptions, etc.
- Make a list of all the last healthcare providers; review outstanding medical bills and ensure insurance is covering payments

After the Trust Grantor Has Passed Away (Final Steps):

- Administer the estate (pass assets to Beneficiaries)
- File all/final tax returns – this could include:
 - The decedent’s final income tax return in the year they passed away
 - A final federal estate tax return, due 9 months after death
 - Annual tax returns to report any income the Trust makes
 - Gift tax returns if any taxable gifts were made prior to death

If Decedent Was a Business Owner:

- Review specific direction in the Trust about how the business should be handled. You may need to:
 - Have the business and assets appraised
 - Sell or liquidate assets and inventory
 - Contact a broker