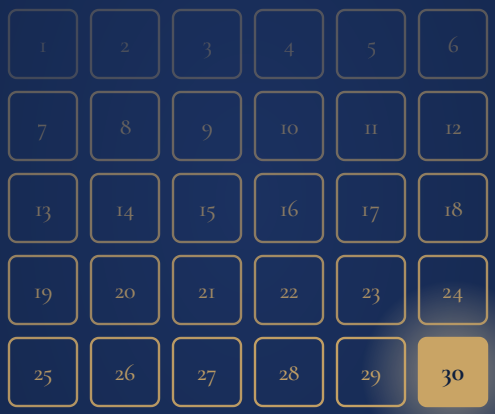
DANA BLUE LAW

PROBATE & ESTATE ADMINISTRATION GUIDES




# When a Loved One Passes Away

## *A Pennsylvania Family's Guide to the First 30 Days*

What to do, what can wait, and how to protect the family home

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# A Note from Attorney Blue

If you are reading this, someone you love has died, or is nearing the end of life, and you are trying to understand what comes next. Please accept my deepest condolences. Whatever you are feeling right now, whether it is grief, exhaustion, numbness, or all of it at once, it belongs here.

Over the years I have sat across the table from many Pennsylvania families in this exact moment. Almost all of them tell me the same thing: they did not know where to start, they were afraid of doing something wrong, and they were surprised by how much of the work landed on one person. Often that person is an adult son or daughter who is also arranging a funeral, answering dozens of phone calls, and wondering what will happen to the family house.

I wrote this guide for that person. It walks through the first 30 days in the order things tend to happen. It explains what Pennsylvania law actually requires, what is simply good practice, and the handful of moments when it is worth pausing to get advice before you act. Most of all, it is meant to show you that many things can wait, and that you do not have to carry all of this alone.

Please take what is helpful and set the rest aside for another day.

*With care,*
*Attorney Blue*

Dana A. Blue, Esq., Founder & Managing Attorney, Dana Blue Law

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BEFORE YOU BEGIN

# How to Use This Guide

*Throughout these pages you will see three markers. They help you tell the difference between what the law requires and what is simply wise.*

**PENNSYLVANIA LAW**

A rule or deadline set by Pennsylvania law. These are not optional.

**WE RECOMMEND**

A best practice that protects you, your family, or the estate. Strongly encouraged, but not required by law.

**TALK WITH US FIRST**

A decision where the right answer depends on your family's situation, and where acting first can be hard to undo.

PART 1

# The First 48 Hours

*The first two days are about a few necessary calls and a lot of support. Very little legal work needs to happen yet. If you do only the items in this section, you are doing exactly enough.*

## If the death happens at home

- **With hospice care:** call the hospice nurse first. Hospice confirms the death and helps with the next calls, usually including the funeral home.
- **Expected, without hospice:** call your loved one's doctor. If you cannot reach the doctor, call 911.
- **Sudden or unexpected:** call 911.

If the death happens in a hospital or nursing facility, the staff will handle the official pronouncement and will ask which funeral home you would like them to contact.

PENNSYLVANIA LAW

When a death is sudden, unexpected, or unattended, the county coroner or medical examiner becomes involved. In Philadelphia this is the Medical Examiner's Office; most surrounding counties have an elected coroner. Emergency responders make that contact for you, and the coroner or medical examiner will tell you when your loved one can be released to the funeral home.

## Look for your loved one's wishes

Before you meet with a funeral home, look for a prepaid funeral contract, a deed to a cemetery plot, written burial or cremation wishes, or organ and whole-body donation papers. Donation decisions must be made quickly, so look for those first.

TALK WITH US FIRST

If family members disagree about burial or cremation, call us before the funeral home proceeds. Pennsylvania law sets an order of who has the right to make these decisions, and a short conversation now can prevent a painful conflict later.

## Tell the people who matter most

Call the closest family and friends first, then ask one or two of them to spread the news. If your loved one served in the military, or if a relative you need to reach is serving now, the American Red Cross can help get word to them.

### Three things that matter most right now

- **Keep the original Will safe.** Do not unstaple it, separate the pages, or write on it. The Register of Wills needs it in its original condition.
- **Do not pay debts or sign anything about the house yet.** Some bills should not be paid at all, and some offers that arrive after a death are not what they seem.
- **Save every receipt.** What you spend on the funeral, the home, or the estate may be reimbursed later and may reduce Pennsylvania inheritance tax.

PART 2

# The First Week

## Funeral, burial, or cremation

If you can, bring a trusted friend or relative with you to the funeral home. A second set of ears helps when you are making many decisions in a short time.

PENNSYLVANIA LAW

Under the Federal Trade Commission's Funeral Rule, funeral homes must give you price information by phone and an itemized price list in person. You are free to compare providers and to choose only the goods and services you want.

## Paying for the funeral

Funeral costs are generally paid from the estate, and Pennsylvania offers a few ways to cover them before an estate is formally opened.

PENNSYLVANIA LAW

A bank may release up to $20,000 from the decedent's deposit accounts to pay funeral expenses, or to reimburse the family member who paid them, without a court appointment. The bank will typically ask for a death certificate and a receipted funeral bill.

TALK WITH US FIRST

Before you pay a large funeral bill from your own savings, call us. Who pays, and from which account, affects reimbursement and the inheritance tax return.

## Help with funeral costs

- **Public assistance.** If your loved one received SSI or other cash assistance at the time of death, the Pennsylvania Department of Human Services may help pay for burial or cremation. The County Assistance Office decides eligibility and pays the funeral director directly, so ask the funeral director about this right away.
- **Veterans.** Eligible veterans, and in some cases their spouses and dependents, may receive burial in a national cemetery, a headstone or marker, a burial flag, and burial allowances. Washington Crossing National Cemetery in Bucks County serves our region. Call the VA at 1-800-827-1000 or ask the funeral director to do it.
- **Unions, employers, and congregations.** Many offer death benefits or help with services. Contact any your loved one belonged to.

## Write the obituary with care

WE RECOMMEND

Obituaries are usually posted online and in the newspaper days before the service, and anyone can read them. Leave out your loved one's home address and mother's maiden name, which identity thieves look for. If the obituary lists the time of the service, ask someone to stay at the house while the family is away.

## Let others help

People want to help and often do not know how. Hand them something specific: answering the phone, collecting mail, caring for pets, clearing perishable food, arranging meals, or staying at the house during the funeral service.

## Start a simple expense log

WE RECOMMEND

Keep a notebook or spreadsheet of every payment you or other relatives make for the funeral, the home, travel, or the estate, and keep the receipts. These amounts may be reimbursed from the estate, and many can be deducted on the Pennsylvania inheritance tax return.

PART 3

# The First 30 Days




**DAYS 1 TO 2**
Calls and your loved one's wishes

**WEEK 1**
Funeral and expense log

**DAYS 7 TO 30**
Certificates, protect the home, notify, gather papers, call an attorney

**MONTH 3**
Inheritance tax discount ends

**MONTH 9**
Inheritance tax due

## Death certificates

The funeral director usually orders certified copies for you, and that is the quickest route. Banks, insurers, investment firms, and title companies may each ask for one.

WE RECOMMEND

Order five to seven certified copies. If you need more later, the Pennsylvania Department of Health, Division of Vital Records issues them online, by mail, or in person at $20 per copy, with an added processing fee for online orders. Only close relatives and the estate's legal representative may order them, so be ready to show identification.

## Protect property

Your loved one's home, car, and belongings need looking after until someone has legal authority to manage them. Part 6 covers the house in detail. For everything else:

- Keep vehicles parked and insured, and do not sell or transfer a car yet.
- Leave belongings in place. Keepsakes can be shared later, once we know who is entitled to what.
- Bring in valuables, cash, and important papers from an empty home and keep a written list of what you took.

## Notify, but do not close

Most early calls are simple notifications. Please notify, but do not close accounts or cash checks payable to your loved one until we talk.

| WHO | WHY |
|---|---|
| **Social Security**<br>1-800-772-1213 | The funeral home usually reports the death. Payments for the month of death and later generally must be returned. A spouse or children may qualify for survivor benefits and a one-time death payment. |
| **Pension and retirement plans** | To stop payments and request claim forms. |
| **Employer** | To ask about final wages, accrued leave, group life insurance, and retirement benefits. |
| **Life insurance companies** | To request claim forms. The named beneficiary files the claim. |
| **Banks and investment firms** | To report the death and learn what they will need. |
| **The three credit bureaus** | Equifax, Experian, and TransUnion, to place a deceased alert that helps prevent identity theft. |
| **Agents under a power of attorney** | Their authority ends at death. They should stop acting immediately. |
| **Accountant or tax preparer** | Final income tax returns will be due. We are glad to work with your CPA. |

## Gather important papers

You do not need to find everything. Send us what you have and we will help locate the rest.

- the original Will and any codicils, and any trust documents
- deeds, mortgage statements, and real estate tax bills
- bank, investment, and retirement statements (IRAs, 401(k)s, pensions)

- life insurance policies and annuity statements
- vehicle titles, and the last three years of income tax returns
- marriage, divorce, and birth certificates, and military discharge papers (DD-214)
- recent bills, loan statements, and credit card statements
- leases and rent records, if your loved one owned rental property

## When to call an attorney

Most families benefit from a conversation within the first few weeks. There is no need to rush to the courthouse, but several Pennsylvania deadlines begin running on the date of death, and a few early decisions are difficult to reverse.

PART 4

# What Passes Through the Estate, and What Does Not

*One of the most common sources of confusion is the difference between what the Will controls and what it does not. Many families are surprised to learn that a large share of their loved one's property never passes through the estate at all.*

### Passes through the estate

PROBATE PROPERTY

- A house titled only to Mom
- A bank account with no beneficiary
- A car
- Personal belongings

### Passes outside the estate

NON-PROBATE PROPERTY

- Life insurance and retirement accounts with a named beneficiary
- "Payable on death" and "transfer on death" accounts
- Jointly owned property with survivorship
- Assets held in a living trust

## Probate property

Property titled in your loved one's name alone, with no beneficiary or co-owner, passes through the estate. The Will decides who receives it. If there is no Will, Pennsylvania law decides.

## Non-probate property

Life insurance and retirement accounts with a named beneficiary, bank accounts marked "payable on death," jointly owned accounts and property with a right of survivorship, and assets held in a living trust pass directly to the named person or co-owner. The Will does not change where they go.

PENNSYLVANIA LAW

Passing outside the estate is not the same as avoiding tax. Pennsylvania inheritance tax can still apply to some non-probate property, such as certain jointly owned accounts. Life insurance proceeds are generally not subject to Pennsylvania inheritance tax.

## Does every estate need probate?

No. If everything passed by beneficiary designation or joint ownership, there may be nothing for an estate to do. Pennsylvania also offers simplified options for smaller estates.

PENNSYLVANIA LAW

When the estate's personal property, not counting real estate, is worth $50,000 or less, the family may be able to settle it by a simplified petition to the court instead of a full estate administration. This route does not transfer real estate.

TALK WITH US FIRST

If your loved one owned a house in their name alone, an estate will almost always be needed to transfer or sell it. Leaving the house in a deceased person's name is how many tangled titles begin.

PART 5

# Who Is in Charge?

*Families often assume the oldest child, or the person named in the Will, is automatically in charge. In Pennsylvania, no one has legal authority over the estate until the Register of Wills in the county where your loved one lived grants it.*

## When there is a Will

PENNSYLVANIA LAW

The person the Will names as executor applies to the Register of Wills. When the Register approves, the executor receives Letters Testamentary, the document banks and title companies will ask to see.

## When there is no Will

PENNSYLVANIA LAW

Pennsylvania law sets an order of who may serve as administrator. In general the surviving spouse comes first, followed by the heirs entitled to inherit under Pennsylvania law. Others with equal or higher priority may need to sign a renunciation so that one person can serve. The administrator receives Letters of Administration.

TALK WITH US FIRST

If more than one relative wants to serve, or if no one does, call us before anyone files. These situations are very manageable when handled early.

## What the personal representative does

Whether called executor or administrator, the personal representative is responsible for gathering the property, paying valid debts and taxes, keeping careful records, and distributing what remains to the people entitled to it. It is a job of trust, and Pennsylvania law holds the personal representative to a high standard of care. With good guidance, it is very doable.

## Before Letters are granted

Before the Register of Wills grants Letters, you can and should protect property: lock the house, keep the insurance in force, and safeguard papers and valuables. What you should not do is sell, transfer, or distribute anything, or sign contracts on the estate's behalf.

PART 6

# The Family Home

*For many Pennsylvania families, the house is the most valuable thing a loved one leaves behind, and the most emotional. It is also where the most expensive mistakes happen.*

This chapter covers what to do, and what to avoid, in the first weeks.

## Keep it safe and insured

WE RECOMMEND

Lock the doors and windows, keep track of every key, and arrange regular check-ins if no one is living there. Keep the heat and electricity on to prevent frozen pipes.

WE RECOMMEND

Call the homeowner's insurance company to report the death and ask whether coverage is limited once a home is vacant. Many policies restrict coverage after a home sits empty for a set period, often 60 days. Do not let the policy lapse.

## Keep the bills current

The mortgage, real estate taxes, water, and insurance still come due. Missed payments can lead to penalties, liens, or foreclosure, which narrow the family's options.

PENNSYLVANIA LAW

A relative who inherits a home generally cannot be forced to pay off the mortgage simply because the owner died, and federal rules allow a confirmed successor to obtain information about the loan. Tell the lender about the death and keep payments current while the estate is settled.

## Be careful with cash offers

After a death, families often receive letters, calls, and even visits from people offering to buy the house quickly for cash. Some offers are legitimate. Many are well below market value, and a few are outright fraud.

TALK WITH US FIRST

Please do not sign a sales agreement, option, deed, or power of attorney for the property before you speak with us. In most cases no one has authority to sell the house until Letters are granted, and an agreement signed too early can create a lasting problem.

## Watch for deed fraud

WE RECOMMEND

If the property is in Philadelphia, sign up for the City's free Deed Fraud Guard service. It emails an alert when a document is recorded under a name you choose to monitor, so you can spot a forged deed early. Ask us about similar protections in other counties.

## When the house is still in a grandparent's name

Many families discover that the house was never transferred after an earlier death. The deed may still be in a grandparent's or great-grandparent's name, even though the family has lived there for decades. This is often called a tangled title, and it is far more common than people realize.

A tangled title does not mean the family has lost the house. It does mean that the house cannot be sold, refinanced, or easily insured in the family's name until the title is cleared, sometimes through more than one estate. The sooner it is addressed, the more options the family has. This is one of the areas where our firm focuses its practice.

# Medical Assistance and the house

TALK WITH US FIRST

If your loved one was 55 or older and received Medical Assistance for nursing home care or home and community-based services, the Pennsylvania Department of Human Services may have a claim against the estate, and the house is often the largest asset in it. Certain family circumstances, such as a caregiver child who lived in the home, may qualify for relief. Talk with us before transferring or selling the property.

PART 7

# Common Mistakes Families Make

*These mistakes are made by thoughtful, well-meaning people every day. Each one is easy to avoid once you know about it.*

1. **Paying the decedent's debts from personal savings.** Family members are generally not personally responsible for a loved one's debts, and paying them can make it harder to recover the money later.
2. **Using the decedent's bank accounts or cards after death.** Even for good reasons, this can create problems with the bank, the estate, and other heirs.
3. **Dividing belongings before the estate is settled.** Items given away early can lead to disputes, and may need to be accounted for later.
4. **Signing papers for the house too soon.** No one can sell an estate property until there is legal authority to do so.
5. **Letting the homeowner's insurance lapse.** An uninsured fire or burst pipe can wipe out the value of the family's largest asset.
6. **Missing the three-month inheritance tax discount.** Paying within three months of death earns a 5 percent discount on the amount paid.
7. **Unstapling or marking the original Will.** Any change to the original can raise questions about it at the Register of Wills.
8. **Leaving the house in the decedent's name indefinitely.** Each passing year and each later death in the family can make the title harder and more costly to clear.

PART 8

# What Families Wish They'd Known

*Every one of these families loved the person they lost and was trying to do the right thing. A little information at the right moment would have saved them time, money, and heartache.*

*These examples are composites, not real clients. Names and details are invented to illustrate common situations.*

KEVIN'S STORY

## The offer on the front door

**WHAT HAPPENED**

Two weeks after his mother died, Kevin found a note from an investor tucked in her door, offering to buy the house for cash and close fast. Kevin was overwhelmed and wanted one less thing to worry about, so he signed. But no one had been given legal authority to sell the house yet, and his two sisters had never agreed. Instead of a quick sale, the family now had a signed agreement to untangle before the house could be sold the right way.

> **WHAT WOULD HAVE HELPED**
>
> Before anyone signs anything about the house, the right person or people should be given legal authority to act for the estate by the Register of Wills. Then the family can weigh any offer together, with the facts in front of them and an accurate sense of what the house is worth.

TANYA'S STORY

## The sister who paid for everything

### WHAT HAPPENED

When their father died, Tanya stepped up. She paid for the funeral, then kept paying the mortgage, the water bill, and the insurance so the house would be safe. Over six months it added up to almost $18,000, and she kept every receipt. But Dad's bank account held only a few hundred dollars, and the house was the only thing of real value. Tanya is entitled to be paid back from the estate, but there is no money to repay her unless the house is sold, and her brothers want to keep it.

> **WHAT WOULD HAVE HELPED**
>
> A conversation early on, before the bills piled up. The family could have agreed in writing who would cover which costs and how each person would be repaid, and talked honestly about whether keeping the house was realistic. Tanya's generosity would have been protected, instead of becoming a source of tension.

LISA'S STORY

## The house that was cleared out too soon

### WHAT HAPPENED

A month after their mother passed, Lisa's brother, who lived closest, decided to help by clearing out the house. He donated the furniture, sold the dining room set, and gave Mom's jewelry to his daughter. He meant well. But some of those things had been promised to his sisters, and one piece of jewelry had real value. The family stopped speaking, and now everything given away has to be accounted for in the estate.

> **WHAT WOULD HAVE HELPED**
>
> Leaving belongings in place until someone has been appointed to handle the estate and the family knows who is entitled to what. Taking photos and making a simple list of what is in the house, then deciding on keepsakes together, keeps both the property and the relationships intact.

PART 9

# Pennsylvania Deadlines at a Glance

| WHEN | WHAT HAPPENS |
|---|---|
| **Days 1 to 7** | Funeral, burial, or cremation; first certified death certificates ordered. |
| **Within 3 months of death** | PA LAW Pennsylvania inheritance tax paid within three months of death receives a 5 percent discount on the amount paid. |
| **Within 9 months of death** | PA LAW The inheritance tax return is due and any remaining tax becomes delinquent. Interest and penalties can apply after that. |
| **After Letters are granted** | PA LAW Notice to heirs and beneficiaries, and advertisement of the estate in a newspaper and a legal journal. Our office prepares and tracks these. |
| **April 15 of the following year** | Final individual income tax returns are generally due. Your accountant can help. |
| **About one year after advertisement** | Many estates wait until roughly a year after the estate is advertised before final distribution, so that creditor claims can come forward. |

## Inheritance tax rates

PENNSYLVANIA LAW

Pennsylvania inheritance tax depends on who inherits: 0 percent for a surviving spouse, 4.5 percent for children, grandchildren, and other lineal heirs, 12 percent for siblings, and 15 percent for most others. Transfers to a parent from a child age 21 or younger are also taxed at 0 percent.

PART 10

# Questions Families Ask

## Am I responsible for my parent's debts?

Generally, no. Your loved one's debts are paid from the estate, not from your personal savings. You may be responsible if you co-signed a loan, held a joint credit account, or personally guaranteed a bill.

TALK WITH US FIRST

Pennsylvania is one of the few states where a family-support law has been used to hold adult children responsible for an indigent parent's care costs in some circumstances, most often unpaid nursing home bills. If a nursing home or care provider contacts you about a balance, talk with us before you pay or respond.

## Can I stay in the house?

Often, yes, for now. Family members commonly continue living in a loved one's home while the estate is settled. Long-term, it depends on who inherits the house and whether the estate needs to sell it to pay debts. Keep the bills and insurance current, and let us help you plan.

## How long does an estate take?

Many Pennsylvania estates take twelve to eighteen months from start to finish. Estates with a house to sell, family disagreements, tax questions, or a tangled title can take longer.

## What if the original Will cannot be found?

Look in home files, a safe deposit box, and with the attorney who prepared it. If only a copy exists, there may still be a path forward, but it requires more work. Call us before filing anything.

## Should I go into the safe deposit box?

Call us before you go to the bank. Each bank has its own procedures for opening a box after the owner's death, and we can help you get in without delay.

## What if a family member is already living in the house and will not leave?

This happens more often than people expect. The answer depends on who inherits, what the Will says, and whether that person has their own ownership interest. These situations are best handled calmly and early.

## Do we need a lawyer?

Not every family needs one for every step. But a short conversation early on can help you understand your options, avoid costly mistakes, and decide how much help you actually need.

PART 11

# Your Next Step

*You do not need to have everything figured out before you reach out. Many families call us with nothing more than a death certificate and a lot of questions.*

## Schedule a Complimentary Discovery Call

Learn how Dana Blue Law can help you understand your options and decide on the right next steps for your family. The discovery call is a brief introductory conversation, not a legal consultation.

**BOOK ONLINE AT DANABLUELAW.COM**

**267-768-8387** · info@danabluelaw.com

## About Dana Blue Law

Dana Blue Law is a Pennsylvania law firm focused on estate planning, probate and estate administration, and inherited property and tangled titles. Founded by Dana A. Blue, Esq., the firm serves families in Philadelphia and the surrounding counties from its office in Kennett Square. We help executors and administrators through each step of settling an estate, and we help families keep, sell, or clear title to inherited homes, including homes that have stayed in the name of a relative who died many years ago.

Our approach is simple: explain the process in plain language, handle the legal work carefully, and help families move forward with clarity and confidence.

**Dana Blue Law** | 110 E. State St., Suite 305, Kennett Square, PA 19348 | danabluelaw.com

✂ TEAR OUT & KEEP

# Checklist: Who to Call

*Keep this page on the refrigerator. Check items off as you go.*

## First 48 hours

- [ ] Hospice nurse, doctor, or 911
- [ ] Funeral home
- [ ] Close family and friends

## First week

- [ ] Clergy or officiant
- [ ] Employer, union, or congregation (death benefits)
- [ ] VA, if a veteran (1-800-827-1000)

## First 30 days

- [ ] Social Security (1-800-772-1213)
- [ ] Homeowner's insurance company
- [ ] Mortgage lender
- [ ] Pension and retirement plan administrators
- [ ] Life insurance companies
- [ ] Banks and investment firms (notify only)
- [ ] Equifax, Experian, and TransUnion
- [ ] Accountant or tax preparer
- [ ] **Dana Blue Law: 267-768-8387**

*This guide provides general information about the first steps after a death in Pennsylvania. It is not legal advice about any particular situation, and reading it does not create an attorney-client relationship with Dana Blue Law. An attorney-client relationship begins only once an engagement with our office is in place. Laws and procedures change; please confirm current requirements before acting.*