

## Settling an Estate in Massachusetts: An Executor's Checklist

A stage-by-stage worksheet for the person handling a loved one's estate

If someone close to you died and named you to handle their estate, you are now what Massachusetts calls the **personal representative** (most people still say executor). It is a real job, with court filings and deadlines, and you are doing it while you grieve. This worksheet walks you through it in four stages, so you always know what comes next. Check off each step and write in your own dates as you go.

**How to use this:** Each stage shows the timing most estates follow. Fill in the blanks with your actual dates. This is general information about how Massachusetts probate works, not legal advice for your situation. The order of steps and the deadlines can shift depending on the estate, so talk to us before you file anything.

### Do you even need probate?

Not every asset goes through probate. These usually pass straight to the new owner, no court needed:

- Property owned jointly with right of survivorship
- Accounts and life insurance with a named beneficiary
- Payable-on-death or transfer-on-death accounts
- Anything already held in a trust

If most of the estate is in those, you may qualify for a simpler path (see Stage 2). If there is solely owned property or real estate, you likely need to open probate. We can tell you which applies in one phone call.

## Your key dates (fill in as you go)

Milestone	Your date
Date of death	_____
Petition filed with the court	_____
Appointed as personal representative	_____
Inventory of assets due	_____
Estate tax return due (if owed)	_____
Estate closed	_____

## Stage 1: The first days and weeks

**Typical timing:** the first two to four weeks

Before any court paperwork, take care of the immediate things.

- Order **certified copies of the death certificate** from the funeral home or town clerk. Get more than you think you need (banks, insurers, and the court each want one). Eight to ten is a safe start.
- Find the **original will**, not a copy. Check the home, a safe, a safe deposit box, and with the lawyer who drafted it. Massachusetts law requires the original to be delivered to the Probate and Family Court.
- Secure the property and belongings.** Lock the home, bring in the mail, and protect anything valuable.
- Keep paying **time-sensitive bills** that protect assets, like the mortgage and the homeowner's insurance, so coverage does not lapse.
- Make a rough list of **what the person owned and owed**. You will refine it later.
- Do not pay off general debts or hand out belongings yet. Once you are appointed, there is an order to follow, and paying the wrong person first can fall back on you.

**Date of death:** \_\_\_\_\_

## Stage 2: Opening the estate

**Typical timing:** the first one to three months

Now you go to court to get the legal authority to act. Massachusetts gives you a few paths, and the right one depends on the estate.

- Figure out **which path fits**, with our help:

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- **Voluntary administration** for a small estate (limited personal property and no real estate). The simplest option.
  - **Informal probate**, handled by a court magistrate without a hearing, for straightforward, uncontested estates.
  - **Formal probate**, before a judge, when there is a dispute, a missing will, or a complication.
- File the **petition for probate** in the **Probate and Family Court for the county where the person lived**, with the original will and a certified death certificate.
  - Provide the required **notice to interested people** (heirs and those named in the will).
  - Send notice to **MassHealth** if the person was 55 or older or received certain benefits. The state can make a claim against the estate, and this notice is required.
  - Post any **bond** the court requires.
  - Once appointed, get your **Letters of Authority**. This is the document that proves you can act for the estate.
  - Get a federal **tax ID number (EIN)** for the estate and open an **estate bank account**. Keep estate money completely separate from your own.

**Petition filed:** \_\_\_\_\_ **Appointed on:** \_\_\_\_\_

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## Stage 3: Administering the estate

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**Typical timing:** several months, and often most of a year

With authority in hand, you gather everything, settle what is owed, and handle taxes. This is the longest stage.

- Prepare and file an **inventory** of the estate's assets and their values. Massachusetts generally expects this within about **90 days** of your appointment.
- Collect and protect the assets:** close or retitle accounts, keep insurance active, and maintain any real estate.
- Identify the **debts and creditors**. In Massachusetts, creditors generally have **one year from the date of death** to bring claims, so do not rush to distribute everything before that window is understood.
- Pay **valid debts, taxes, and expenses** in the proper order before any inheritance goes out.
- Handle **taxes:**
  - The person's **final income tax return** for the year they died.
  - A **Massachusetts estate tax return** if the estate is large enough to owe it. When it applies, the return and payment are generally due **nine months after the date of death**, so flag this early.
- Keep **clear records** of every dollar in and out. You will account for it at the end.

**Inventory due:** \_\_\_\_\_ **Estate tax return due:** \_\_\_\_\_

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## Stage 4: Closing the estate

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**Typical timing:** after debts and taxes are settled, often a year or more out

The end is in sight. You wrap up and hand out what remains.

- Prepare a **final account** showing everything the estate took in, paid out, and has left.
- Distribute the remaining assets** to the heirs or the people named in the will, and get signed receipts.
- File what the court needs to **close the estate** and release you as personal representative.
- Keep the **complete estate file** (the account, receipts, tax returns, and court papers) for several years in case a question comes up.

**Estate closed:** \_\_\_\_\_

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## You do not have to do this alone.

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Call Dunn & Phillips, P.C. at **(413) 787-9955**. We guide executors and families through probate every week, handle the filings and deadlines, and take the paperwork off your plate so you can focus on each other. The first conversation is free.

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