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Post-Death Estate Administration: Basics of Handling Affairs When A Loved One Passes

Presented by Alma Soongi Beck, J.D., LL.M. Taxation
Certified Specialist, Estate Planning, Trust & Probate Law
The State Bar of California Board of Legal Specialization

For the AIDS Legal Referral Panel (ALRP)
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- I. Immediate Issues, and the role of the Advance Health Care Directive
 - A. Disposition of Remains
 - B. Memorial/Funeral Services
- II. Transfer of Assets, including Pitfalls
 - A. "Easier issues"
 - i. Joint Accounts, when there is no other heirs or beneficiaries
 - ii. Life Insurance with beneficiary designations
 - iii. Bank and investment accounts with Pay on Death (Transfer on Death) Beneficiary Designations
 - B. More complexity
 - i. Joint accounts, where there are several heirs or beneficiaries
 - ii. Real Estate
 - 1. Joint tenancy with right of survivorship – Affidavit of Death of Joint Tenant
 - 2. Community Property with Right of Survivorship
 - iii. Tax deferred retirement accounts – IRAs, 401(k), 403(b), Annuities
 - C. Even more complexity
 - i. Probate – Administrators and Executors, Notice requirements
 - ii. Trust Administration – Notice requirements
 - iii. Taxable Estates, greater than \$5.49 Million in 2017
 - iv. Property tax issues
 - 1. Property going to multiple children
 - 2. Property going to unmarried partners or domestic partners
 - v. Ongoing trusts, for spouses, partners, children, beneficiaries on public benefits
 - vi. Trust and Estate fiduciary tax returns
 - vii. Medi-Cal Recovery Claims – New 2017 Rules
 - viii. Litigation
 - 1. Trust/Will Contests
 - 2. Breach of Fiduciary Duty