



MEMORIAL MERITS

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FREE PRINTABLE CHECKLIST FROM MEMORIAL MERITS

Probate Checklist

How to Settle an Estate Step by Step

Every step an executor takes, in order: the court papers, letters testamentary, the inventory, the debts, the taxes and the final distribution. Includes worksheets for costs, assets and debts.

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Named as executor in a will

Start with page 3. It lists every step in order, from the death certificate to closing the estate.

How to Use This Checklist

This checklist follows the order most estates are settled in. Each state has its own probate rules, forms and fees. Check with the probate court in the county where the person lived.

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Words used in this checklist

- **Probate:** the court process that confirms a will, names the executor and oversees paying debts and passing on property.
- **Executor:** the person named in the will to settle the estate. If there is no will, the court names an **administrator**.
- **Letters testamentary:** the court document that gives the executor authority to act for the estate.
- **Letters of administration:** the same authority, given to an administrator when there is no will.
- **Estate:** everything the person owned and owed when they passed away.

Sharing this checklist

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Probate Checklist, Step by Step

First month

Done	Step	Notes
☐	Order certified death certificates. Banks, insurers and the court each need one.	
☐	Find the original will.	
☐	Lock the home and vehicles. Move valuables somewhere safe.	
☐	Find out if probate is required (page 4).	
☐	File the will and the petition with the probate court in the county where the person lived.	
☐	Get letters testamentary, or letters of administration if there is no will (page 5).	
☐	Get an Employer Identification Number (EIN) for the estate from the IRS. Banks ask for it.	
☐	File IRS Form 56 to tell the IRS you are acting for the estate.	
☐	Open an estate bank account. Pay estate bills only from this account.	

Months 2 to 6

Done	Step	Notes
☐	Notify creditors. Publish a notice to creditors if your state requires it.	
☐	List every asset and its value on the date of death (page 7).	
☐	Collect life insurance and annuity payments that go to the estate (page 9).	
☐	Pay valid debts from the estate account (page 8). Keep every receipt.	

Closing the estate

Done	Step	Notes
☐	File the final income tax return and any estate income tax return (page 10).	
☐	Pay final costs: court fees, attorney, appraiser and accountant.	
☐	Give the heirs, and the court if required, an accounting of money in and money out.	
☐	Pass on the property as the will directs, and get a signed receipt from each heir.	
☐	Ask the court to close the estate.	

The full guide for executors: [how to be an executor, step by step](#).

Is Probate Required?

Probate covers only property in the person's name alone with no beneficiary named. Many assets pass directly to a person without the court. Mark each asset below.

Type of asset	Usually passes without probate?
Account with a named beneficiary (life insurance, 401(k), IRA)	Yes, to the named beneficiary
Bank account marked payable on death (POD)	Yes, to the named person
Investment account marked transfer on death (TOD)	Yes, to the named person
Property owned jointly with right of survivorship	Yes, to the surviving owner
Property held in a living trust	Yes, the trustee passes it on
Property in the person's name alone, with no beneficiary	No, this usually needs probate

Small estate check

Every state has a simpler process for small estates, often a small estate affidavit, with its own dollar limit. Add up the assets that need probate and compare the total with your state's limit.

Asset that needs probate	Value

Total

My state's small estate limit

State limits and when probate is required: <https://memorialmerits.com/when-is-probate-required/>.

How to Get Letters Testamentary

Banks, brokers and the county recorder will not let you act for the estate until you show them letters testamentary. Here is how to get them.

- 1 Find the probate court for the county where the person lived. Search the county name plus probate court.
- 2 Get the court's petition form for probate of a will. Many courts post it online.
- 3 Fill in the petition with the person's name, date of death, the heirs and your contact details.
- 4 File the petition with the original will and a certified death certificate. Pay the filing fee.
- 5 Notify the heirs as the court directs.
- 6 Attend the hearing if the court sets one.
- 7 Receive the letters testamentary. Order several certified copies.

Papers the court may ask for

Have it	Paper	Notes
☐	Original will	
☐	Certified death certificate	
☐	Petition form	
☐	Filing fee	
☐	List of heirs with addresses	
☐	Bond, if the will does not waive it	

No will? Ask the court for letters of administration instead. More detail: [letters testamentary](#).

Probate Cost Worksheet

Probate costs are paid from the estate, not by the executor personally. Track each one here. Average costs by state: [how much does probate cost](#).

Cost	Estimate	Actual	Paid on
Court filing fee			
Publishing the notice to creditors			
Certified copies of letters			
Bond			
Attorney fees			
Appraisal			
Accountant or tax preparer			
Executor fee			
Mailing and travel			
Other			
Total			

Notes

Assets Inventory

List every asset with its value on the date of death. The court and the heirs may ask for this list.

Asset	Value on date of death	Passes by (will, beneficiary, joint, trust)	Done

Debts After a Death

The person's money and property go toward their debts. Family members are not responsible for those debts unless they shared legal responsibility, for example as a co-signer or joint account holder. If there is no money in the estate, the debts usually go unpaid. Debt collectors may not suggest that you pay from your own money if you do not owe the debt. Source: Consumer Financial Protection Bureau, consumerfinance.gov.

You may owe a debt yourself if you were

- A co-signer on the loan
- A joint account holder
- A surviving spouse in certain states
- Living in a community property state
- The executor, and you did not follow the state's rules for paying debts

Steps for each debt

- 1 Send each creditor a letter with a copy of the death certificate and your letters testamentary.
- 2 Ask for the balance in writing.
- 3 Pay valid debts only from the estate account, in the order your state requires.

Creditor	Balance	Date notified	Paid

More detail: [what happens to debt when you die](#).

Life Insurance Claims and Inherited Annuities

How to file a life insurance claim

Done	Step	Notes
☐	Find the policy, or the insurer's name, in the person's papers, bank statements and mail.	
☐	Call the insurer and ask for a claim form. The beneficiary files the claim.	
☐	Send the claim form, a certified death certificate and the policy number.	
☐	Choose how to receive the money: one lump sum or payments.	

Full steps: [how to file a life insurance claim](#).

If you inherit an annuity

Done	Step	Notes
☐	Call the annuity company and ask what payout choices you have as the beneficiary.	
☐	Ask how much of each payment will be taxed as income.	
☐	Estimate the tax for each payout choice before you decide.	
☐	Talk with an annuity specialist if the amount is large (page 12).	

Estimate the tax on each choice with the free [Inherited Annuity Tax Calculator](#).

Policy or annuity company

Policy number kept at

Beneficiary

Claim filed on

Final Tax Returns

Source: Internal Revenue Service, [irs.gov](https://www.irs.gov) and the instructions for Form 1041.

Return or form	What it is for
Form 1040 (final return)	The person's last income tax return. Report income up to the date of death. File it the same way the person would have.
Form 1310	Claims a refund owed to the person who passed away.
Form 56	Tells the IRS you are acting for the estate.
Form 1041	The estate's own income tax return. Required when the estate has gross income of \$600 or more in a tax year.

Checklist

Done	Step	Notes
☐	Gather the person's W-2s, 1099s and last year's return.	
☐	File the final Form 1040.	
☐	File Form 1310 if a refund is due.	
☐	File Form 1041 if the estate earned \$600 or more.	
☐	Keep copies of every return with the estate records.	

Contact Log

Write down every call and letter. Courts and banks often ask for dates and reference numbers.

Date	Who you contacted	Phone or email	Reference number and notes

Notes

Services for Families

Memorial Merits has reviewed each service below. Scan a QR code with your phone camera, or type the web address under it.

Legal Templates  Attorney-drafted probate and estate forms, including a small estate affidavit. 7-day free trial, then a paid plan unless you cancel. https://memorialmerits.com/legal-templates	LegalShield  Legal plan with access to an attorney for a monthly fee, for questions about executor duties. https://memorialmerits.com/getlegalshield	Annuity.org  Free consultation about an inherited annuity and your payout choices. https://memorialmerits.com/annuity-consult
LVED  Online will, trust and document vault, for your own plan. Code YFY63MX8 takes 33 percent off any plan. https://memorialmerits.com/lved33	Trust & Will  Online wills and trusts, for your own plan. Code EXCLUSIVE10 takes 10 percent off. https://memorialmerits.com/trustandwill10	Your Digital Vault  Online storage for estate papers, receipts and account details. https://memorialmerits.com/digitalvault

Disclosure

Memorial Merits may earn a commission when you use the links and QR codes in this section, at no extra cost to you. Codes and offers were checked in October 2026 and can change.

Free Memorial Merits Tools and Pages

Each page below is free to use. Scan a code, or type the web address.

Probate Guide



Every probate and executor guide on Memorial Merits.
<https://memorialmerits.com/probate-guide/>

Inherited Annuity Tax Calculator



Estimates the tax on each annuity payout choice.
<https://memorialmerits.com/inherited-annuity-tax-calculator/>

How Much Does Probate Cost



Probate costs and court fees by state.
<https://memorialmerits.com/how-much-does-probate-cost/>

Memorial Merits Start Page



Choose your situation and find the right page.
<https://memorialmerits.com/start/>

More free printable downloads

Executor checklists, an executor liability workbook, a death certificate tracker and more:

<https://memorialmerits.com/free-legacy-estate-planning-downloads-worksheets-checklists-workbooks/>. Main site:
<https://memorialmerits.com/>.

About Memorial Merits

Memorial Merits is a free planning platform for families before, during and after a death. It was founded by Gabriel Killian. Prices, codes and benefit amounts in this checklist were checked in October 2026; confirm them with each provider before you pay.

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