After a loved one passes away

Your guide to financial and practical matters
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Introduction

Losing a family member or friend is one of life’s hardest blows. Yet even during the emotional turmoil that follows someone’s death, there are important—perhaps time-sensitive—decisions to make.

Often the person who must make the decisions is the husband, wife or partner of the person who has died. Or, the survivor may be a child, brother or sister, parent, or close friend. Although each person may have different tasks to handle, everyone must do some basic things. In the best situations, some preparation for these tasks will have already been made. A valuable lesson for all of us, at any age: Taking the time to organize papers makes a difficult time immeasurably easier for those left behind.

What are some of the important things you need to do in the first few months after a loved one has passed away? Let’s start with what’s required immediately. Then we’ll move to some issues you may have to address as time goes on.
What you can do right now

Collect important papers
You may have to search for some of them. Check file cabinets, desks, offices and even odd places—kitchen drawers, closet shelves and cartons tucked away in the garage. While it might be tempting to throw things out in hopes of making the search less overwhelming—don’t. You can’t be sure what papers might prove to be important later on. It may be helpful to ask someone you trust to help you go through the deceased’s papers, if only for support during this painful task.

For access to other documents, you may need court permission. In some states, for example, safe deposit boxes are sealed when someone dies. If this happens, you will need a court order to have the contents released. Here are some of the documents you will need:

Copies of the death certificate
Generally, you need to provide a copy of the death certificate every time you make a claim for benefits. You can get certified copies of the death certificate through your funeral director or from the county health department. Most likely, there will be a charge for each certified copy. You may want to get 10 to 12 copies initially, but you may need more later. Keep in mind that it isn’t always easy to get additional copies. So, depending on your situation, you may want to get more certificates early if you think you may need them.

Copies of all insurance policies
If you can’t find them, call the deceased’s life insurance agent or contact the insurance company directly.

Copies of your marriage license
If you’re the husband or wife of the deceased, you need a copy of your marriage certificate to apply for certain benefits. If you can’t find it, you can usually get copies from the county clerk where your marriage license was issued.

Copies of children’s birth certificates
If the deceased had any dependent children, you’ll need their birth certificates to establish claims for certain Social Security benefits. If you can’t locate them, copies are available from the public health office of the state or county where the child was born.
The revocable trust and will

The deceased’s durable powers of attorney have no further legal force or effect. Instead, the deceased’s trust or will identifies the person responsible for finalizing the deceased’s affairs and pay the deceased’s debts, taxes and administrative expenses. The trust or will also provides direction for distributing the deceased’s remaining assets. You’ll need to locate the original trust and will. It may be in the deceased’s safe deposit box or filed in the deceased’s home with other important papers. It is also possible that the deceased’s attorney has the original trust and will for safekeeping.

A copy of veterans’ discharge papers

You will need a copy of a certificate of honorable discharge to claim any veterans’ benefits. The certificate should show the branch of service, dates of service and rank. If you can’t find a copy of the discharge, you may request one by completing Standard Form 180 (SF180). You can download this form online at www.archives.gov/veterans/military-service-records/standard-form-180.html. You may also call 314-801-0800, fax 314-801-9195, or write to request Standard Form 180. Send your written request to: the National Personnel Records Center (Military), One Archives Drive, St. Louis, MO 63138-1002.

Social Security information

Be sure to have your Social Security number along with the Social Security numbers of the deceased, the spouse (if not you) and any dependent children. Look for the numbers you need on past tax returns, in employment records or with other personal papers.

Recordkeeping

Keep all documents organized, perhaps by filing each in separate folders. If you’re concerned that any documents will get lost, make copies. You should also keep all incoming mail so bills and checks won’t get lost. And, depending on your situation, you may want to have the deceased’s mail forwarded to you (or someone else).

Don’t throw anything away until you have a chance to go through it. Be alert for unordered merchandise or bills for services never performed. Some scam artists take advantage of the recently bereaved in the hope that they will pay phony bills without investigating. It’s a good idea to ask for itemized bills from doctors and lawyers. Avoid accepting bills “for services rendered” only.

Remember, this is an emotional time when your concentration and memory may not be at their best. Keep records of all outgoing mail, particularly if it’s business related.
During the first month

Choose an attorney

Unless required by the deceased’s state of residence, not all estates need an attorney. Still, a good lawyer can help handle many problems more easily than you may be able to alone.

A lawyer can answer such questions as:

- My husband’s safe deposit box is in his name only. How do I get our property out of it?
- Do I owe any estate or inheritance tax?
- What rights do creditors have to the estate of the deceased?

You may know an experienced lawyer. If not, try to get a referral from a reliable source. For example, you can contact the local probate court for a listing of lawyers who handle probate matters.

It pays to think carefully before you hire a lawyer. Be sure to discuss the lawyer’s fees. If you can’t afford the cost, but feel you need a lawyer’s help, check your local law schools or local bar associations to find out if free legal services are available where you live. Another good source of information is the American Bar Association website, www.abanet.org. The site contains a state-by-state directory of lawyer referral programs and a directory of pro bono programs for those who can’t afford to pay for legal services.

In general, the more complicated the estate, the higher the lawyer’s fees. However, the long-term savings and peace of mind that a good probate lawyer can provide may be worth the expense.

Note: Although not required, you might consider using the attorney who drafted the will. It may be helpful since he or she may be familiar with the deceased.

Consider the will

If there is a will, the deceased’s lawyer, your lawyer or you should file a petition with a local probate court to admit the will to probate. Probate is the legal process of proving the validity of a will before an estate can be distributed to the rightful heirs. And, it involves the court appointing an executor or personal representative of the estate. The executor—who is almost always named in the will—oversees the distribution of the deceased’s assets, pays any debts or taxes, and complies with any legal and accounting requirements.

Not all assets have to pass through probate. For example, any property whose title is in the names of both the deceased and another person as joint tenants with right of survivorship automatically passes to the co-owner. Proceeds from life insurance policies, retirement annuities, Individual Retirement Accounts (IRAs), etc., are paid directly to beneficiaries. In addition, any property titled in the name of the deceased person’s revocable trust at death can also avoid probate and will be distributed to the beneficiaries named under that trust.
If the deceased does not have a will, then you may need to hire a lawyer to file a petition to request appointment as the deceased’s administrator. The probate court, which is located in the county where the deceased last resided, typically has jurisdiction over the estate. The administrator’s duties and responsibilities are similar to those of a personal representative or executor. If more than one person is interested in serving as the administrator, each would file a petition with the court requesting the appointment. The court would then determine which person is best suited to serve. After all of the administrative tasks are complete, most states direct the administrator to distribute the deceased’s remaining assets, first to the surviving spouse, then children. If there is no surviving spouse or children, assets will be distributed to the deceased’s closest blood relatives, perhaps parents, brothers and sisters, half-brothers and half-sisters, grandparents, nieces and nephews, or cousins.

Each person’s interest in the estate depends on the survival scenario. If no relatives are living, then a deceased’s assets could be added to the state’s escheat fund. A lawyer’s help may be invaluable.

**Apply for benefits**

You can claim survivor benefits for life insurance, retirement plans, veterans’ benefits, Social Security or other employee benefits directly or through a lawyer. In some states, the probate lawyer receives a percentage of the value of an estate to settle all claims for benefits.

One thing to keep in mind: If you’re the beneficiary of both life insurance and retirement accounts, it may be a good idea to claim the insurance benefits first. The payment choices and benefits processing are usually simpler with insurance, as are the tax requirements. With both life insurance and retirement accounts, you may need to make decisions on how you want to receive your inherited amount. You should take into account your immediate and long-term financial situation, tax liabilities and other factors.

You can choose to have your lawyer submit all claims for you. If not, here’s how you can apply for benefits due you:

**Life insurance**

You should be aware of the four types of life insurance available when assessing the deceased’s coverage, if any. The first is *individually purchased life insurance*. Perhaps you will find individual policies among the deceased’s papers. You can also look in a checkbook or refer to old paycheck stubs for premiums to any insurance companies. Once you know whether individual policies are active and in force, you can either call the life insurance companies for instructions or write a letter requesting payment of benefits.

Of course, benefits will be payable only to the beneficiary or beneficiaries named in the policy. If you come across a TIAA or a TIAA-CREF Life Insurance Company policy, call us at **800-223-1200** to speak with a consultant. If you’re entitled to benefits, we’ll send you the necessary forms.
A second type is a *group life insurance* policy. The deceased may have been covered under such a policy especially if he or she was employed at the time of death. Contact the employer’s benefits office to find out if this type of coverage was provided.

The deceased may have been insured under one or more *association policies*, the third type. These are usually group policies with modest benefits, offered through membership in “affinity groups” or professional associations. If you know the deceased belonged to any professional association or group, contact a representative to ask whether life insurance is offered to its members.

*Credit life insurance* is the fourth kind of life insurance. Its purpose is to pay off outstanding debts if the policyholder dies.

One final point on life insurance: Be sure to consult with your lawyer or qualified tax advisor to determine whether “disclaimer” planning is appropriate given your circumstances. With this strategy, a beneficiary can choose to renounce part or all of his or her beneficial interest in the policy. If the disclaimer is made within nine months of the policy owner’s death, then the disclaimed amount can pass to the next policy beneficiary with no gift tax consequences to the disclaiming party.

Insurance proceeds can be paid to the beneficiaries in several ways—and no one payment method is best for everyone. If you are entitled to benefits, be sure to discuss your options with an insurance agent or representative, financial advisor or lawyer.

**Retirement plans**

If the person who has passed away worked for any length of time for a single employer, death benefits may be available under a company pension or annuity plan. If the employer was a state college or university, benefits may be payable through the state retirement system. Pension benefits earned through the federal government often carry survivor pension benefits, too. Check with any current and previous employers—the eligibility conditions necessary for survivor benefits may differ from one employer to another.

Please note that it’s important to consult with your lawyer or qualified tax advisor to see if “disclaimer” planning for retirement plan balances is suitable for your situation.

Similar to life insurance, a beneficiary can choose to renounce part or all of his or her benefit from the retirement plan. Usually, if the disclaimer is made within nine months of the retirement account owner’s death, the disclaimed amount can pass to a contingent beneficiary with no federal gift tax consequences attributable to the disclaiming party. Additionally, each state has specific rules about disclaimers; therefore, a beneficiary should consult with his or her own tax advisor to find out about any federal and state tax consequences.

Under the typical retirement account at TIAA, an individual named as beneficiary on the account in the preretirement phase will be entitled to the money in the account at the date of death. The income that is received by the beneficiary from non-Roth retirement plans is subject to income tax unless the income is a return of after-tax (previously taxed) contributions or nondeductible contributions, if from a Traditional IRA. Affected plans include non-Roth 403(b)s and 401(k)s, as well as 457(b)s and Traditional IRAs.
Until a withdrawal or “distribution” occurs, investments in the plan continue to compound tax deferred. This is why a common strategy is to keep assets in the account for as long as possible. But, at a certain point, you are legally required to start taking withdrawals—and you’ll need to make a withdrawal plan. As a beneficiary, you can speak with a TIAA financial consultant, at no additional cost, to discuss your withdrawal options. You’re also eligible to use other TIAA products and services. To arrange for an appointment with a consultant, call us at 800-842-2252.

If the deceased was already receiving TIAA retirement income, survivor benefits depend on the income option under which the deceased was being paid. In this case, it’s important for you to speak with a TIAA consultant. To arrange for an appointment (at no additional cost), call us at 800-842-2252. Once we learn of a participant’s death, we are able to prepare and send to each beneficiary a packet of information, including the forms to complete along with the estimates of survivor benefits.

Our consultants can help you to think about your withdrawal options and can explain the plan rules. For example, some 403(b) account balances are “grandfathered” and follow different required minimum distribution rules. Our consultants can also assist beneficiaries who are interested in more comprehensive financial planning and cash flow modeling. This modeling is particularly relevant for beneficiaries who have or inherit sizeable (e.g., $500,000 or more) retirement plan balances. Cash flow modeling can help with analyzing asset allocation, and evaluating investment risk and potential returns over the years you receive income.

Don’t hesitate to ask for guidance from your insurance agents or from retirement plan representatives. TIAA consultants can also answer your questions. They work with situations like yours every day and you may find that their suggestions make it easier for you to make your own informed decisions.

Veterans’ benefits

There are several different types of veterans’ benefits. If a veteran was receiving veterans’ benefits at the time of death or met certain other conditions, he or she may qualify for a contribution toward his or her burial costs in a private cemetery. Grave markers are available free of charge to eligible deceased veterans. Other benefits may include educational assistance and medical care for dependents.

You can find information on veterans’ benefits, including a listing of national cemeteries by state, on the Department of Veterans Affairs (VA) website, www.va.gov, or by calling 800-827-1000. To apply for benefits, contact your local VA office (you can’t apply online). The VA will send you instructions and forms. You’ll need:

- A certified copy of the death certificate
- A copy of a certificate of honorable discharge
- Your marriage certificate (if the deceased was your spouse)
- The birth certificates of any dependent children
- All relevant Social Security numbers
Other employee benefits
If the deceased was employed at the time of death, you should contact the employer about any health or accident insurance in addition to life insurance. In some cases, an employee’s health insurance can be continued for a surviving spouse or dependent children. Also ask the employer about any payment due for unused vacation or sick leave.

Even if the deceased wasn’t employed, you may still want to contact previous employers to check if you’re entitled to any benefits. Ask if the deceased belonged to any unions or professional organizations that may offer death benefits for their members.

Social Security
If the deceased contributed to Social Security for the required period of time, you may be eligible for survivor benefits, usually as a spouse or dependent child.

Payment of Social Security survivor benefits is not automatic. You must file a claim. Call Social Security at 800-772-1213 to find out if the deceased was covered and to discuss possible benefits. One of the online calculators found on the Social Security Administration website, www.ssa.gov, may also provide helpful information. (Type “calculator” in the Search box.)

Also consider making an appointment at the nearest Social Security office, so you’ll have enough time to address all your questions. It’s helpful to ask for the name and specific phone number of the Social Security representative in case you have to reschedule or have other questions later.

You can find your local Social Security office listed in the phone book, usually in the U.S. Government section under “Health and Human Services.”

When applying for Social Security survivor benefits, bring the following documents:

- Death certificate
- Proof of age, such as birth certificates, for you and any other beneficiary(ies)
- Proof of your and the beneficiaries’ relationships to the deceased (for a spouse, the marriage certificate; for children, birth certificates or adoption papers)
- Social Security numbers of all concerned
- W-2 forms of the deceased for the past two years to help Social Security compute your benefits

IMPORTANT NOTE: If the deceased was already collecting benefits, it’s important to notify the Social Security Administration that he or she has died. Also, if Social Security benefits were being directly deposited to an account, be sure to keep the account open until the deceased’s last payment is received.
During the first few months

Change title or ownership
After a death, you may need to transfer ownership or change the title on property, or modify documents.

Your house
If you owned a house with the deceased and there is a mortgage outstanding, you’re now responsible for that debt. It may well be your largest single personal obligation. If there is mortgage insurance on the loan (a type of credit life insurance), the outstanding mortgage balance on your house or part of the outstanding balance may be payable by the insurance. Advise your creditors of the death, and they should be able to tell you if credit life insurance is in force.

Insurance policies
Check your own insurance policies to see if your beneficiary designations should be updated. Evaluate your coverage to determine if you may need less or more, depending in part on whether you have dependents. Consider whether you need to purchase your own or additional health insurance.

Automobiles
You will need to change the title of any cars owned by the deceased. Your state’s department of motor vehicles can tell you what needs to be done to change a title. You may also need to change the name on the policy of your automobile insurance.

Your will
In your own will, you may have left property to the deceased. If so, be sure to update your will.

Credit cards
Cancel credit cards held exclusively in the name of the deceased. If there is an outstanding balance:

- Determine if the account is insured. Insurance through the credit card provider may pay off any balance upon notification of the death.
- Determine if the account was shared. If a spouse, family member, or business partner co-signed the card application, that person is likely responsible to pay the balance. However, if a second cardholder is an “authorized user” (i.e., only has charging privileges), they are not responsible.
- Determine if the account is owned solely by the deceased. If the deceased lived in a community property state (Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, or Wisconsin), his or her spouse may be responsible to pay the balance, even if the account is individually owned. Generally, if the account is owned solely by the deceased, the executor is likely responsible to pay the balance. The Credit Card Act of 2009 requires card providers to notify the executor in a reasonable time, and refrain from adding fees and penalties while the estate is being settled. The Federal Trade Commission also provides debt collection guidelines, allowing legitimate collection activity while reining in overaggressive tactics.
If you’re the spouse of the deceased, you may have credit cards in both your names. You should notify the credit card companies that your spouse has died and the card should list your name only. Continue making payments in the meantime to keep your own good credit rating. When applying for new cards, be sure to tell the lender about credit cards you shared with your spouse.

**Bank accounts**

If you had a joint bank account (savings, checking, CD, etc.) with the deceased, it will usually pass to you automatically. Speak with a bank representative to see about changing the title and signature card on the account. You may need to show a death certificate to do this.

In some states, joint accounts are frozen upon notification of a death. Check with the bank to learn how to have your funds released. Bank accounts that were solely in the name of the deceased will have to go through probate.

Note: If you plan to open a bank account for the estate, the estate will need its own tax identification number. You can find information and forms to apply for a tax identification number on the Internal Revenue Service website, [www.irs.gov](http://www.irs.gov).

**Stocks, bonds and other investments**

If you shared investments with the deceased and ownership passes directly to you, check with your stockbroker to change the title on stocks, bonds, mutual funds, etc. The broker may need a copy of the death certificate.

If the deceased owned the investment account(s) in his or her name only, title will be changed to the beneficiary. The financial institution will usually request copies of the death certificate and the will to confirm a beneficiary’s right to the portfolio assets.

**Safe deposit box**

You’ll generally need a court order to open any safe deposit box rented only in the name of the deceased. Until the will has been probated, only the will, life insurance policies or other documents relating to the death can be removed from the safe deposit box.

**Locate tax returns and financial statements**

Along with other important documents mentioned earlier, you should locate federal and state (if applicable) tax returns for the three years prior to the deceased’s death. Plus, keep at least three months’ worth of bank and brokerage account statements on file.

Note: It’s very important that you keep bank and brokerage statements for the month the deceased passed away and the prior month, for future reference.

**Complete notifications**

The funeral home or memorial service firm will usually prepare an obituary and submit it to local newspapers. You might want to think about others who should know about the death. Consider notifications to alumni groups, professional organizations, societies and any other groups to which the deceased belonged.
In months 3 – 6

Consider hiring an accountant

Depending on how involved you’ll be with settling the estate, you may want to find an accountant to help you coordinate your efforts with your attorney.

For the year in which the death occurs, the deceased’s income taxes will be due on the normal filing date of the next year. Of course, you can easily request an extension, which will be granted if your extension request is filed by the original due date of the return. If you’re the husband or wife of the deceased, you can still file a joint return for the year of death as long as you have not remarried.

Upon a loved one’s death, it’s possible that you are required to prepare and file estate or inheritance tax returns at both the state and federal level.

About 30 states now have implemented their own estate tax or inheritance tax at the state level. Often the exemption amount from those state death taxes is less than the federal amount. This means that the deceased’s estate could be exempt from federal taxes but may still owe taxes at the state level.

Federal estate tax returns are due within nine months of the date of death. For 2018, the federal applicable exclusion amount is set at $11.2 million per person (an increase from $5.49 million in 2017). The exclusion will revert back to the 2017 level beginning in 2026—unless Congress takes affirmative action to keep it. And, as a result of the 2010 tax law changes, “portability” of the estate tax exclusion amount between spouses is now available. “Portability” simply means if a spouse dies and has not fully used his or her federal estate tax exclusion amount, the unused portion rolls over to the surviving spouse — that is, it’s portable. The ability to port or carry over the unused estate tax exclusion amount of a deceased spouse to the surviving spouse is a significant development. Your attorney or accountant can guide you in preparing tax forms and give you valuable information on your state’s estate tax, inheritance tax or gift tax, and fiduciary income tax, if applicable.

An attorney or accountant can also advise a beneficiary on whether it may be appropriate to consider disclaiming property from the deceased person to facilitate certain planning objectives.

You can download forms and find more information on the Internal Revenue Service website, www.irs.gov.

Check your own insurance policies to see if you need to update your beneficiary designations.
Review your finances and consider hiring a qualified financial planner

It is important to review your cash flow (i.e., to take a look at how much money is coming in each month and how much money is going out to meet expenses). From this, you can put together a short-term budget.

If your monthly expenses are greater than your income, look for ways to cut spending or for possibilities to boost your income. If your monthly income exceeds your expenses, you can consider additional savings or investments using the inherited assets—to provide for your future.

Retaining the services of a qualified financial advisor can be invaluable to you because your financial situation and income needs will likely change over time. Financial planners play a critical role in the quality of life enjoyed by millions of people by functioning as their personal financial advisor and helping them to plan for and take control of their futures.

The planner’s investment oversight and review can help with asset allocation (i.e., diversification) and can help to assess market risks. In addition, planners are trained to recognize how changes in your health or family situation, new hobbies or goals, market fluctuations, changes in tax laws, or changes in risk tolerance can all impact your financial situation.

For this reason, it can be beneficial to meet regularly (e.g., annually) with a planner to determine if there are any material changes in your situation and to determine whether your financial plan is still on track. From time to time, you’ll likely want to adjust your investment goals, change your risk tolerance, rebalance your assets, or implement a new income strategy in response to changes to your situation.

It is important to us that you know that you are eligible to work with a TIAA consultant at no additional cost. And, if you have $500,000 or more in investible assets invested with TIAA, you’re eligible to meet with a TIAA Wealth Management Advisor at no additional cost. To arrange for an appointment with a consultant or advisor, call us at 800-842-2252.
By month 9

Complete estate settlement
Perhaps you won’t be involved in settling an estate. However, if you are, there are usually only a few details left by the ninth month after the death. The most important is to file and pay estate and gift taxes, if required.

On to the future

Some final thoughts
Right now, the future may seem very far away. When you’re grieving or feeling emotionally off balance, it’s natural to feel overwhelmed by practical matters that need attention. Try to take things one step at a time. Focus on what needs to be done right away, today; and then tomorrow; and then the day after. Before too long, the list of things to do will look more and more manageable.

While we’ve tried to address most of what needs to be done after a loved one passes away, many situations will be unique. For more detailed guidance on what to do after a death, you may want to seek legal or other professional advice.
After a loved one passes away

Executor/Personal Representative
The person appointed to administer the estate of someone who has died leaving a will which nominates that person. The executor/personal representative must ensure that the person’s desires expressed in the will are carried out. Practical responsibilities include gathering the assets of the estate, obtaining information in regard to all beneficiaries named in the will and any other potential heirs, collecting and arranging for payment of debts of the estate, ensuring estate taxes are calculated, forms filed and tax payments are made.

Testator
The person who creates a valid will.

Probate
The general term for the entire process of administration of estates of deceased persons, including those without wills, with court supervision. The initial step in the process is proving a will is valid and then administering the estate of the deceased according to the terms of the will. The will must be filed with the clerk of the appropriate court in the county where the deceased lived, along with a petition to have the court approve the will and appoint the executor named in the will. If the court determines the will is valid, the court then “admits” the will to probate.

Probate Court
A specialized court that has jurisdiction over probating wills and administering estates.

Intestate
The position of dying without a valid will in place.

Closing Letter
For estate tax returns filed on or after June 1, 2015, closing letters will be issued only at the request of the taxpayer. Instead, account transcripts from the Transcript Delivery System (TDS) are available online to tax professionals. Transcripts reflect transactions including the acceptance of Form 706 and/or the completion of an examination. File this with your state tax authority, which will then issue its own estate tax closing letter, confirming the closure of the estate. If the estate went through probate, you will need the assent of the beneficiaries that the estate is distributed. Submit this to the probate court to receive final approvals of the estate closure.
# Suggested Checklist

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<td>Stocks, bonds, other investments</td>
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<td>Safe deposit boxes</td>
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<td>7. Complete notifications of death</td>
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<td>8. Hire an accountant</td>
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<td>9. Review finances</td>
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<td>10. File and pay taxes</td>
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