

## TABLE OF CONTENTS

<b>Taking the Next Steps</b> .....	<b>1</b>
<b>Overview of the Legal Account Transfer Process</b> .....	<b>1</b>
<b>Probate vs. Non-Probate: How do I tell the difference?</b> .....	<b>2</b>
What Assets Are Included in the Probate Estate?	
What Assets Are Not Included in the Probate Estate?	
<b>How Do I Know Which Applications and Forms to Complete?</b> .....	<b>4</b>
<b>Frequently Asked Questions</b> .....	<b>9</b>
<b>Glossary</b> .....	<b>10</b>
<b>Forms and Applications</b> .....	<b>11</b>

Fidelity does not provide legal or tax advice. The information herein is general and educational in nature and should not be considered legal or tax advice. Tax laws and regulations are complex and subject to change, which can materially impact investment results. Fidelity cannot guarantee that the information herein is accurate, complete, or timely. Fidelity makes no warranties with regard to such information or results obtained by its use, and disclaims any liability arising out of your use of, or any tax position taken in reliance on, such information. Consult an attorney or tax professional regarding your specific situation.

# TAKING THE NEXT STEPS

Hopefully you've had a chance to review our brochure, *Fidelity Inheritor Services, A Guide to Getting Started*. The next step is to transfer ownership of your inherited assets to your name. This booklet covers the transfer of **nonretirement assets**. If you have inherited **retirement assets**, please see the booklet titled, *Making the Most of Your Inherited IRA*.

## Overview of the Legal Account Transfer Process

Your first step in managing inherited assets is to understand the various ways that ownership may be transferred.

A primary goal at this time is to determine **which assets must pass through “probate” and which are not required to**. Any assets owned and registered in the name of the deceased individually—including cash, investments, personal property, and real estate—make up what's called the “probate estate.” These assets are controlled by a will or state intestacy laws and must pass through the probate process in order for ownership to be transferred.

A **will** is a legal document that states how and to whom assets are to be distributed at the death of the owner. A will may:

- name the executor or personal representative of the deceased's estate
- name the estate's beneficiaries
- explain how and when the beneficiaries are to receive the estate assets
- name guardians for any minor children

The will, however, only designates ownership for assets that do not have beneficiaries associated with them. Assets that do not need to be

distributed by probate go directly to the designated joint owners, transferees, or beneficiaries once the paperwork is complete. These assets are transferred **outside the probate estate**, such as through:

- ownership registered as Joint Tenants with Right of Survivorship, or as Tenants by Entirety
- ownership by a trust
- accounts registered as Transfer on Death (TOD)
- a named beneficiary on a retirement account
- a named beneficiary on an insurance policy

Use the Financial Records Organizer worksheet in the enclosed *Fidelity Inheritor Services, A Guide to Getting Started*, to help you organize the financial records of the estate, collect all the necessary information in one spot, and simplify the transfer process through and/or outside probate.

Your next step is to perform the specific actions appropriate for your situation. These actions will vary depending on the institutions in which the assets are held. When you call a Fidelity Inheritor Specialist, please have the deceased's Social Security number available, as well as his or her Fidelity Investments account numbers and account statements.

## Probate vs. Non-Probate: How do I tell the difference?

### What Assets Are Included in the Probate Estate?

As mentioned earlier, property that is individually owned and does not list a beneficiary is included in the **probate estate**. The probate estate also includes a proportional share of any assets where ownership is “Tenants in Common” or “Community Property.”

The job of transferring the assets in the probate estate to beneficiaries and taking care of outstanding debts falls to the executor (personal representative), who could be a friend or family member, or an attorney or CPA. This is known as “settling the estate.” For a checklist of the basic activities performed by the executor, refer to the enclosed *Fidelity Inheritor Services, A Guide to Getting Started*.

How estates are settled varies from state to state, but probate procedures may also vary according to the estate’s overall value, not just the probate estate. A large estate generally involves having the state’s probate court certify the will, or certify that the deceased died **intestate** (without a will). Smaller estates can sometimes be settled through more informal means of administration.

To determine whether an estate needs to go through probate, and what steps are required to complete the administration of the estate, consult an attorney or the deceased’s county or state probate court. You’ll find the court’s number in the county or state government listings in your phone book or on the Internet. Questions about probate rules should be discussed with your attorney.

### Tax Considerations

In settling the probate estate, it is important for the executor to determine if federal and/or state estate taxes and state inheritance taxes need to be paid, and then to satisfy these obligations. Note that in some states you are required to obtain an estate or inheritance tax waiver from the state tax authorities before the assets in the deceased’s account may be released. These taxes usually are based on the value of the “taxable” estate—the fair market value of all assets owned by the deceased minus certain deductions.

Federal estate taxes typically must be paid within nine months after the date of death. Other payment options may exist if the deceased was a qualified business owner. As for state estate and inheritance taxes, you may begin by consulting with state tax authorities in the deceased’s state of domicile. Where the deceased owned real estate or other property in more than one state, multiple state probates may be required. You should consult your attorney when taxes are due or when the deceased owned property in more than one state.

*Consulting an attorney or your financial advisor would be prudent when inheriting assets.*

### QUESTIONS REGARDING FEDERAL ESTATE TAXES

Consult your attorney or refer to Internal Revenue Service Publication 559 (*Survivors, Executors, and Administrators*) and Publication 950 (*Introduction to Estate and Gift Taxes*). These publications are available from the Internal Revenue Service at [www.irs.gov](http://www.irs.gov).

### TYPES OF ACCOUNTS PASSING THROUGH PROBATE

*Community Property* Method by which a married couple owns property in some states whereby each spouse owns a one-half interest. Upon the death of one spouse, the survivor’s half goes to the survivor, and the deceased’s half becomes part of the probate estate.

*Tenants in Common* A registration in which each owner is entitled to a predetermined share of an asset. Upon the death of one owner, that person’s divisible interest passes to his or her probate estate. The surviving owner receives only his or her own share of the asset.

### **What Assets Are Not Included in the Probate Estate?**

Assets passing outside the probate estate include those assets where ownership is registered as “Tenants by Entirety” or “Joint Tenants with Right of Survivorship.” These assets also include the following: retirement accounts that have a designated beneficiary other than the deceased’s estate; insurance policies that have a designated beneficiary other than the deceased’s estate; and accounts registered as “Transfer on Death” (TOD) that have a designated beneficiary other than the deceased’s estate. Transferring ownership of assets directly to beneficiaries, transferees and co-owners is largely a matter of doing the necessary paperwork, and can often be handled by the beneficiaries, transferees or co-owners themselves. Your first step is calling the institution where the account is held and informing them of the situation.

In almost every case, the institution requires a copy of the death certificate (ask whether a photocopy is sufficient, or if it must be original and certified) and a letter of instruction. In addition, you should be aware that for all of these assets, the institution may require you to obtain a tax waiver—depending on the state of the deceased’s domicile. This requirement is imposed by state law. There may be additional paperwork required for your specific situation.

Once the paperwork has been submitted, assets that pass outside the probate estate to beneficiaries, co-owners and transferees typically are available in a relatively short time.

- Many financial institutions and insurance companies require a letter of instruction. You should contact each financial institution and insurance company directly for what specifics to include. There may be specific language required in the letter to complete your transfer or there may be a standard form that is required.
- The death certificate is required for almost every transfer. You should have a copy for each institution you deal with. Remember, some accept a photocopy; others will want a certified original or certified copy.

Information and Documents Needed for Assets Passing Outside the Probate Estate Include:

- deceased’s Social Security number
- account or policy number(s)
- account statements
- certified death certificate
- letter of instruction (contact each institution separately regarding what to include)

#### **TENANTS BY ENTIRETY**

A registration in which each owner has a full interest in the account. Upon the death of one owner, the account passes to the survivor. This registration is restricted to spousal accounts and is not available in all states.

#### **JOINT TENANTS WITH RIGHT OF SURVIVORSHIP**

A registration in which, upon death of an owner, the entire account passes to the surviving owner. Joint owners need not be married. This is the most common joint registration.

#### **TRANSFER ON DEATH (TOD)**

A registration in which a securities account is transferred directly to the designated transferee(s) upon the owner’s death.

## How do I know which applications and forms to complete?

1. Use the chart below to determine what type of Fidelity account(s) you are inheriting and then what paperwork is required.
2. You will find the Fidelity Reregistration Form for Nonretirement Inherited Assets and the New Fidelity Account®—Nonretirement application in the back of this booklet.
3. In certain situations, additional paperwork or forms may be required.
4. Please note: If you are opening an estate account, Fidelity requires an Employee Identification Number (EIN).

Account Type	Your Situation Is:	Your Options Are:	Fidelity Forms and Additional Paperwork
<b>Individual Account</b>	<ul style="list-style-type: none"> <li>• Account owner is deceased</li> </ul>	<ol style="list-style-type: none"> <li>1. Transfer the assets to an existing account <b>Provide: A, C, D, and E</b></li> <li>2. Transfer the assets to a new Fidelity account <b>Provide: A, B, C, D, and E</b></li> </ol>	<ol style="list-style-type: none"> <li>A. Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li>B. New Fidelity Account®—Nonretirement application</li> <li>C. Letters of Appointment certified (and mailed to Fidelity) within 90 days of appointing the legal representative(s) <b>OR</b> a Small Estate Affidavit or alternate court document (accompanied by a death certificate) if eligible under state law. Please note that Fidelity cannot open an estate account with a Small Estate Affidavit</li> <li>D. Signature guarantee required from all legal representative(s) if transferring to a registration other than an estate and the amount is greater than \$10,000</li> <li>E. Copy of state tax waiver, if required by your state</li> </ol> <p>Important Note: Please consult with an attorney for qualifications when assets pass outside of probate.</p>
<b>Individual Account Transfer on Death</b>	<ul style="list-style-type: none"> <li>• Account owner is deceased</li> <li>• <b>Transfer on death: Beneficiary information provided</b></li> </ul>	<ol style="list-style-type: none"> <li>1. Transfer the assets to an existing account <b>Provide: A, C, D, and E</b></li> <li>2. Transfer the assets to a new Fidelity account <b>Provide: A, B, C, D, and E</b></li> </ol>	<ol style="list-style-type: none"> <li>A. Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li>B. New Fidelity Account®—Nonretirement application</li> <li>C. Signature guarantee required if transferring assets to an account with additional owners who are not named beneficiaries on the decedent's account and the amount is greater than \$100,000</li> <li>D. Deceased account owner's death certificate</li> <li>E. Copy of state tax waiver, if required by your state</li> </ol>
<b>Joint Account with Rights of Survivorship or Tenants by Entirety</b>	<ul style="list-style-type: none"> <li>• A joint owner is deceased</li> </ul>	<ol style="list-style-type: none"> <li>1. Transfer the assets to an existing account <b>Provide: A, C, D, and E</b></li> <li>2. Transfer the assets to a new Fidelity account <b>Provide: A, B, C, D, and E</b></li> </ol>	<ol style="list-style-type: none"> <li>A. Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li>B. New Fidelity Account®—Nonretirement application</li> <li>C. Deceased account owner's death certificate</li> <li>D. Signature guarantee required if adding a new owner and the amount is greater than \$100,000</li> <li>E. Copy of state tax waiver, if required by your state</li> </ol>

*Continues on next page*

Account Type	Your Situation Is:	Your Options Are:	Fidelity Forms and Additional Paperwork
<b>Joint Account with Rights of Survivorship or Tenants by Entirety</b>	<ul style="list-style-type: none"> <li>All joint owners are deceased</li> </ul>	<ol style="list-style-type: none"> <li>Transfer the assets to an existing account <b>Provide: A, C, D, E, and F</b></li> <li>Transfer the assets to a new Fidelity account <b>Provide: A, B, C, D, E, and F</b></li> </ol>	<ol style="list-style-type: none"> <li>Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li>New Fidelity Account®—Nonretirement application</li> <li>Letters of Appointment certified (and mailed to Fidelity) within 90 days of appointing the legal representative(s) <b>OR</b> a Small Estate Affidavit or alternate court document (accompanied by a death certificate) if eligible under state law. Please note that Fidelity cannot open an estate account with a Small Estate Affidavit</li> <li>Signature guarantee required from all legal representatives if transferring to a registration other than an estate and the amount is greater than \$10,000</li> <li>Deceased account owners' death certificates</li> <li>Copy of state tax waiver, if required by your state</li> </ol> <p>Important Note: Please consult with an attorney for qualifications when assets pass outside of probate.</p>
<b>Joint Account with Rights of Survivorship or Tenants by Entirety Transfer on Death</b>	<ul style="list-style-type: none"> <li>All joint owners are deceased</li> <li><b>Transfer on death: Beneficiary information provided</b></li> </ul>	<ol style="list-style-type: none"> <li>Transfer the assets to an existing account <b>Provide: A, C, D, and E</b></li> <li>Transfer the assets to a new Fidelity account <b>Provide: A, B, C, D, and E</b></li> </ol>	<ol style="list-style-type: none"> <li>Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li>New Fidelity Account®—Nonretirement application</li> <li>Signature guarantee required if transferring assets to an account with additional owners who are not named beneficiaries on the decedent's account and the amount is greater than \$100,000</li> <li>Deceased account owners' death certificates</li> <li>Copy of state tax waiver, if required by your state</li> </ol>
<b>Joint Account Community Property</b>	<ul style="list-style-type: none"> <li>A joint owner is deceased</li> </ul>	<ol style="list-style-type: none"> <li>Transfer the assets to an existing account <b>Provide: A, C, D, E, F, G, and H</b></li> <li>Transfer the assets to a new Fidelity account <b>Provide: A, B, C, D, E, F, G, and H</b></li> </ol>	<ol style="list-style-type: none"> <li>Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li>New Fidelity Account®—Nonretirement application</li> <li>Letter of Instruction from the surviving joint owner for his or her portion of the account</li> <li>Letter of Instruction from all legal representatives for the decedent's portions of the account</li> <li>Letters of Appointment certified (and mailed to Fidelity) within 90 days of appointing the legal representative(s) <b>OR</b> a Small Estate Affidavit or alternate court document (accompanied by a death certificate) if eligible under state law. Please note that Fidelity cannot open an estate account with a Small Estate Affidavit</li> <li>Signature guarantee required if transferring assets greater than \$100,000</li> <li>Signature guarantee required from the legal representative(s) if transferring the decedent's portion to a registration other than an estate and the amount is greater than \$10,000</li> <li>Copy of state tax waiver, if required by your state</li> </ol> <p>Important Note: Please consult with an attorney for qualifications when assets pass outside of probate.</p>

Continues on next page

Account Type	Your Situation Is:	Your Options Are:	Fidelity Forms and Additional Paperwork
<b>Joint Account Community Property</b>	<ul style="list-style-type: none"> <li>All joint owners are deceased</li> </ul>	<ol style="list-style-type: none"> <li>Transfer the assets to an existing account <b>Provide: A, C, D, E, and F</b></li> <li>Transfer assets to a new Fidelity account <b>Provide: A, B, C, D, E, and F</b></li> </ol>	<ol style="list-style-type: none"> <li>Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li>New Fidelity Account®—Nonretirement application</li> <li>Letter of Instruction from all legal representatives of the deceased account owners</li> <li>Letters of Appointment certified (and mailed to Fidelity) within 90 days of appointing the legal representative(s) <b>OR</b> a Small Estate Affidavit or alternate court document (accompanied by a death certificate) if eligible under state law. Please note that Fidelity cannot open an estate account with a Small Estate Affidavit.</li> <li>Signature guarantee required from the legal representative(s) if transferring to a registration other than an estate and the amount is greater than \$10,000</li> <li>Copy of state tax waiver, if required by your state</li> </ol> <p>Important Note: Please consult with an attorney for qualifications when assets pass outside of probate.</p>
<b>Joint Account Tenants in Common</b>	<ul style="list-style-type: none"> <li>A joint owner is deceased</li> </ul>	<ol style="list-style-type: none"> <li>Transfer the assets to an existing account <b>Provide: A, C, D, E, F, G, and H</b></li> <li>Transfer assets to a new Fidelity account <b>Provide: A, B, C, D, E, F, G, and H</b></li> </ol>	<ol style="list-style-type: none"> <li>Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li>New Fidelity Account®—Nonretirement application</li> <li>Letter of Instruction from the surviving joint owner for his or her portion of the account</li> <li>Letter of Instruction from all legal representatives for the decedent's portion of the account</li> <li>Letters of Appointment certified (and mailed to Fidelity) within 90 days of appointing the legal representative(s) <b>OR</b> a Small Estate Affidavit or alternate court document (accompanied by a death certificate) if eligible under state law. Please note that Fidelity cannot open an estate account with a Small Estate Affidavit</li> <li>Signature guarantee required if transferring assets greater than \$100,000</li> <li>Signature guarantee required from the legal representative(s) if transferring the decedent's portion to a registration other than an estate and the amount is greater than \$10,000</li> <li>Copy of state tax waiver, if required by your state</li> </ol> <p>Important Note: Please consult with an attorney for qualifications when assets pass outside of probate.</p>
<b>Joint Account Tenants in Common</b>	<ul style="list-style-type: none"> <li>All joint owners are deceased</li> </ul>	<ol style="list-style-type: none"> <li>Transfer the assets to an existing account <b>Provide: A, C, D, E, and F</b></li> <li>Transfer assets to a new Fidelity account <b>Provide: A, B, C, D, E, and F</b></li> </ol>	<ol style="list-style-type: none"> <li>Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li>New Fidelity Account®—Nonretirement application</li> <li>Letter of Instruction from all legal representatives for the decedents' portion of the account</li> <li>Letters of Appointment certified (and mailed to Fidelity) within 90 days of appointing the legal representative(s) <b>OR</b> a Small Estate Affidavit or alternate court document (accompanied by a death certificate) if eligible under state law. Please note that Fidelity cannot open an estate account with a Small Estate Affidavit</li> <li>Signature guarantee required from the legal representative(s) if transferring to a registration other than an estate and the amount is greater than \$10,000</li> <li>Copy of state tax waiver, if required by your state</li> </ol> <p>Important Note: Please consult with an attorney for qualifications when assets pass outside of probate.</p>

Account Type	Your Situation Is:	Your Options Are:	Fidelity Forms and Additional Paperwork
<b>Trust Account</b>	<ul style="list-style-type: none"> <li>• Sole Trustee is deceased</li> </ul>	<ol style="list-style-type: none"> <li>1. Transfer the assets to an existing account <b>Provide: A, C, D, E, and F</b></li> <li>2. Transfer assets to a new Fidelity account <b>Provide: A, B, C, D, E, and F</b></li> </ol>	<ol style="list-style-type: none"> <li>A. Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li><b>B. Trust Fidelity Account Application (sent under separate cover)</b></li> <li>C. Trustee's death certificate</li> <li>D. Signature guarantee required from the successor trustee(s) if the amount is greater than \$10,000</li> <li>E. Certification of Trust form or copy of the trust document. We do not require the entire trust document, but three pages described as follows: copy of the first page of the trust document (not including the cover) showing the full official name of the trust, the page(s) identifying trustee and successor trustees, and the page(s) with trustee signatures</li> <li>F. Copy of state tax waiver, if required by your state</li> </ol>
<b>Trust Account</b>	<ul style="list-style-type: none"> <li>• All Trustees are deceased</li> </ul>	<ol style="list-style-type: none"> <li>1. Transfer the assets to an existing account <b>Provide: A, C, D, E, and F</b></li> <li>2. Transfer assets to a new Fidelity account <b>Provide: A, B, C, D, E, and F</b></li> </ol>	<ol style="list-style-type: none"> <li>A. Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li><b>B. Trust Fidelity Account Application (sent under separate cover)</b></li> <li>C. Trustees' death certificates</li> <li>D. Signature guarantee required from the successor trustee(s) if the amount is greater than \$10,000</li> <li>E. Certification of Trust form or copy of the trust document. We do not require the entire trust document, but three pages described as follows: copy of the first page of the trust document (not including the cover) showing the full official name of the trust, the page(s) identifying trustee and successor trustees, and the page(s) with trustee signatures</li> <li>F. Copy of state tax waiver, if required by your state</li> </ol>
<b>Custodial Account</b>	<ul style="list-style-type: none"> <li>• Custodian is deceased</li> <li>• Minor is 21 years of age or over</li> </ul>	<ol style="list-style-type: none"> <li>1. Transfer the assets to an existing account <b>Provide: A, C, D, and E</b></li> <li>2. Transfer assets to a new Fidelity account <b>Provide: A, B, C, D, and E</b></li> </ol>	<ol style="list-style-type: none"> <li>A. Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li>B. New Fidelity Account®—Nonretirement application</li> <li>C. Custodian's death certificate</li> <li>D. Signature guarantee required if transferring assets to an account with additional owners and the amount is greater than \$100,000</li> <li>E. Copy of state tax waiver, if required by your state</li> </ol>
<b>Custodial Account</b>	<ul style="list-style-type: none"> <li>• Custodian is deceased</li> <li>• Minor is between 14 and 20 years of age</li> </ul>	<ol style="list-style-type: none"> <li>1. Transfer the assets to an existing account <b>Provide: A, C, D, and E</b></li> <li>2. Transfer assets to a new Fidelity account <b>Provide: A, B, C, D, and E</b></li> </ol>	<ol style="list-style-type: none"> <li>A. Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li>B. New Fidelity Account®—Nonretirement application</li> <li>C. Custodian's death certificate</li> <li>D. Copy of state tax waiver, if required by your state</li> <li>E. One of the following appointing a new custodian: <ul style="list-style-type: none"> <li>• <b>If within 60 days of death</b>, Letter of Instruction from the minor appointing new custodian</li> <li>• <b>OR if after 60 days</b>, one of the following: <ul style="list-style-type: none"> <li>– Copy of the minor's birth certificate naming the parents, one of which will be custodian</li> <li>– Copy of court appointment of the new custodian, conservator, or guardian of the minor's assets, if the new custodian is not the parent of the minor, certified within 90 days</li> <li>– Letter of Instruction from a parent appointing the new custodian, with signature guarantee if the account is more than \$10,000, and a copy of the minor's birth certificate</li> </ul> </li> </ul> </li> </ol>

Continues on next page

Account Type	Your Situation Is:	Your Options Are:	Fidelity Forms and Additional Paperwork
<b>Custodial Account</b>	<ul style="list-style-type: none"> <li>• Custodian is deceased</li> <li>• Minor is under 14 years of age</li> </ul>	<ol style="list-style-type: none"> <li>1. Transfer the assets to an existing account <b>Provide: A, C, D, and E</b></li> <li>2. Transfer assets to a new Fidelity account <b>Provide: A, B, C, D, and E</b></li> </ol>	<ol style="list-style-type: none"> <li>A. Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li>B. New Fidelity Account®—Nonretirement application</li> <li>C. Custodian’s death certificate</li> <li>D. Copy of state tax waiver, if required by your state</li> <li>E. One of the following appointing the new custodian: <ul style="list-style-type: none"> <li>• Copy of the minor’s birth certificate naming the parents, one of which will be the custodian</li> <li>• Copy of the court appointment of the new custodian, conservator, or guardian of the minor’s assets, if the new custodian is not the parent of the minor, certified within 90 days</li> <li>• Letter of Instruction from a parent appointing the new custodian, with signature guarantee if the account is more than \$10,000, and a copy of the minor’s birth certificate</li> </ul> </li> </ol>
<b>Custodial Account</b>	<ul style="list-style-type: none"> <li>• Minor is deceased</li> </ul>	<ol style="list-style-type: none"> <li>1. Transfer the assets to an existing account <b>Provide: A, C, D, E, and F</b></li> <li>2. Transfer assets to a new Fidelity account <b>Provide: A, B, C, D, E, and F</b></li> </ol>	<ol style="list-style-type: none"> <li>A. Fidelity Reregistration Form for Nonretirement Inherited Assets</li> <li>B. New Fidelity Account®—Nonretirement application for the establishment of an estate account for the minor</li> <li>C. Minor’s death certificate</li> <li>D. Letters of Appointment certified (and mailed to Fidelity) within 90 days of appointing the legal representative(s) <b>OR</b> a Small Estate Affidavit or alternate court document (accompanied by a death certificate) if eligible under state law. Please note that Fidelity cannot open an estate account with a Small Estate Affidavit</li> <li>E. Signature Guarantee required from the executor if the amount is greater than \$10,000</li> <li>F. Copy of state tax waiver, if required by your state</li> </ol>

## Frequently Asked Questions

### **What is a probated estate?**

Although each state has different requirements for probate, generally speaking, probate is the legal process where the personal representative (also called an executor if named in a valid will or an administrator if there was not a valid will) settles all financial affairs of the deceased. The personal representative appears before the probate court and files the will with the probate court for validation. He or she also identifies and arranges for the appraisal of the decedent's property, satisfies all the decedent's debts and taxes, and distributes assets/property as dictated in the will or by state law if there was no valid will.

### **What is an Attorney Certification form and why do I need one?**

The Attorney Certification form is completed by the attorney representing the deceased's estate and certifies that the deceased's estate is in order and will not be probated. It also certifies that all outstanding claims against the estate have been or will be paid.

### **Who is considered the owner for a UTMA/UGMA account?**

The minor is the owner of the account. However, until the minor reaches the age of account termination, under the applicable state UTMA/UGMA laws, there must be a custodian listed on the account. This is in accordance with the Uniform Transfers to Minors Act (UTMA) and the Uniform Gifts to Minors Act (UGMA). Therefore, if a minor (on whose behalf the account was established) is deceased, the account is included in the minor's estate. If, however, the deceased was the custodian, a successor custodian will need to be appointed so the account may continue until the minor reaches the age of account termination

under UTMA/UGMA statute. The deceased's wishes as to a successor custodian may have been specified in the will or can be appointed by the appropriate state court.

### **Why do I need to complete a new account application when I just want to remove my deceased spouse's name from the account?**

When changing the registration of an account, you need to establish a new account and transfer the funds from the "old" account into the new one rather than simply re-registering the existing account. This is required under securities laws that specify that an investment company must have certain information about the owner of any investment account.

### **If I want the deceased person's account liquidated, do I have to establish an account?**

Yes. Fidelity cannot liquidate funds from a deceased person's account. We will transfer the account into a new registration and liquidate from the new account. This transfer is effected so that tax information that relates to the new owner can be properly segregated and reported independently from that which is reported for the deceased.

### **Do I need a Date of Death Valuation report?**

A date of death valuation reports the value of each asset in the decedent's account on the day they passed away. It is commonly used for determining updated cost basis, to assist with the estate inventory, and to value assets for inheritance tax determinations. Consult with your attorney or financial advisor to see if your situation requires a date of death valuation report. Please contact an Inheritor Service Specialist for instructions to request a valuation report.

## Glossary

### **ADMINISTRATOR/ADMINISTRATRIX**

Individual selected and appointed by the probate court to act as a personal representative if 1) the deceased died without executing a valid will; 2) the will does not name a personal representative; or 3) the named personal representative is unable or unwilling to serve.

### **CERTIFIED DOCUMENT**

When a court or other official agency establishes that documents (e.g., will and death certificates) are valid. The court or agency affixes a seal or stamp to certify the validity of the document.

### **ESTATE**

A broad term that may include all assets, liabilities, and property owned by an individual at the time of death.

### **EXECUTOR/EXECUTRIX**

(sometimes referred to as a personal representative or administrator)

The individual or institution legally responsible for managing the deceased's probate estate, satisfying the deceased's financial obligations, and arranging for payment of taxes due. This may be a family member, a close friend, a professional such as an attorney, or an institution. The executor is typically appointed by the probate court even if named in the deceased's will. (Whether this person is called the executor/administrator or the personal representative depends on state law.)

### **GROSS ESTATE**

The value of all assets of which the decedent owned any interest at time of death. This term is used in computation of the deceased's federal estate tax liability.

### **INTESTATE**

When someone dies "intestate," he or she died without a valid will. When this happens, all property and assets that are normally covered by a will are passed on to the deceased's heirs according to state laws of intestacy.

### **LETTERS TESTAMENTARY/LETTERS OF APPOINTMENT/CERTIFICATE OF APPOINTMENT**

The document issued by the probate court to appoint the personal representative for the estate. Fidelity and many other financial institutions consider Letters Testamentary valid only if court certified within 60 days of receipt.

### **PROBATE**

The court-directed process during which the validity of the will is proven, the assets of the deceased are collected and accounted for, debts and taxes are paid, and remaining probate estate assets distributed.

### **PROBATE ESTATE**

All individually owned property and assets that are subject to the probate process, including: All assets held in the deceased's individual name (Note that assets registered as "Transfer on Death" do not become part of the probate estate where there is a designated beneficiary.); The proportionate share of any assets or property where the ownership designation is "Tenants in Common" (Property and assets owned as "Joint Tenants with Rights of Survivorship" and "Tenants by the Entirety" are not included.); Half the value of any assets or property where the ownership designation is "community property"; Proceeds of any accounts (life insurance policies, retirement accounts, etc.) where the beneficiary is the deceased's "estate." Note: If the deceased died intestate, the court will appoint an administrator to manage the distribution of the individually owned assets. Typically, this is a more involved process than transferring ownership when there is a valid will.

### **TAXABLE ESTATE**

The value of the deceased's gross estate subject to estate tax once all allowable deductions have been applied.

### **WILL**

A legal document which allows an individual to dictate how his or her assets are to be distributed when he or she dies; to name a personal representative for the estate; and to name guardians for any minor children.