MEIER LAW FIRM
Trusts • Asset Protection • Special Needs

Is Your Estate Plan Still Working?

Your 12-Point Estate Plan Checkup

Picture the person you've named as your successor trustee opening your estate planning binder someday. Will they find the instructions you want your family to follow today?

You may have signed your trust 10, 15, or 25 years ago. Since then, your children may have grown up, your home and accounts may have changed, and the people you would trust to make decisions may be different.

The question is whether the plan you signed then still fits the life you have now.

Go through these 12 questions and check every statement that applies to you. You'll find space at the end to write down anything you'd like to ask about.

The 12 Checks

- [ ] **1. You're not sure your successor trustee is still the right person.** The person you named may no longer be the best choice. Maybe a parent has aged, a sibling you've drifted from, or a friend has moved away. Would you choose that same person today?
- [ ] **2. You're not sure your accounts are in the trust.** Bank and investment accounts you opened after signing your trust often never made it in. Anything left outside your trust may not pass the way you intended.
- [ ] **3. You're not sure your beneficiary forms match your plan.** Retirement accounts and life insurance pass by beneficiary designation, not by your trust. Have you looked at those designations lately, and do they still fit your plan?
- [ ] **4. Your children are grown, but your trust still reflects the ages you chose years ago.** Maybe your trust says "distribute at 25," but your children are now 32. Are those still the instructions you want your family to follow?
- [ ] **5. Your successor trustee has never done this before.** The person you named may not know where your documents are, who to call, or what to do first. A conversation now can help them know where to start when they need to step in.
- [ ] **6. You've bought, sold, or refinanced property since signing your trust.** A new home, a sale, or a refinance can change how property is titled. Is your property still held the way you intended?

- [ ] **7. The attorney who wrote your trust has retired or is no longer reachable.** If your spouse or children have questions about your plan, who will they call? You want your family to have a firm they can turn to.
- [ ] **8. Your spouse has passed away.** Older trusts often contain mandatory provisions that take effect at the first death. Some of those provisions can create work and tax results you may not want today.
- [ ] **9. You've moved to or from California.** State law shapes trusts, property rules, and taxes. If you moved after signing your documents, it's worth looking at how your plan fits your life in California.
- [ ] **10. Tax law has changed since your trust was written.** Tax laws have changed since many older trusts were drafted, and older trusts were often built around rules that no longer apply.
- [ ] **11. Your family has changed through remarriage or new relationships.** Remarriage, stepchildren, or new in-laws may mean your older documents no longer reflect what you want for the people you love.
- [ ] **12. Your power of attorney and health care directive are more than 5 years old.** They may still be valid, but banks and other institutions can be slow to accept older documents. Your choices or the people you named to act for you may also have changed.

What Your Checks Mean

Checked even one box? Your plan may not work the way you want it to. Depending on what has changed, that can affect who receives what, who is in charge, or whether your family ends up in court.

No boxes checked? If your estate plan hasn't been reviewed in the last three years, it's still worth a look. Not every issue is something you'll recognize from a checklist.

What matters is that your plan reflects the decisions you would make today, so your family has clear instructions when they need them.

How We Update an Older Trust

In most cases, we amend and completely restate your trust. This isn't a change to just a few outdated terms. It's a complete rewrite into a fully current, more complete trust that reflects your family and your wishes today.

A restatement rewrites the entire trust on a current foundation while keeping its original name and date, so accounts and property usually do not need to be retitled.

We update your will, powers of attorney, and health care directive at the same time. The goal is one coordinated, current plan that tells the people you love what you want and who you've chosen to carry it out.

We regularly update trusts prepared by other attorneys, too.

Questions You Want to Ask

As you went through this checkup, what came to mind? Write down anything you'd like to talk through.

Would You Like to Talk Through Your Plan?

If something on this checklist made you think about your own family, that's a good place for our conversation to begin.

At your Initial Planning Session, we'll talk through what has changed in your life, what you want your plan to do now, and your options for updating it so it works the way you want when your family needs it. You'll leave with a clearer picture of your options and the next step for your family.

Schedule your Initial Planning Session

Online: meierfirm.com/schedule

Call: (949) 718-0420

This checklist is general educational information about California law as of October 2026. It is not legal advice, and it does not review or evaluate your documents. Reading it, completing it, or contacting us does not create an attorney-client relationship; that relationship begins only when you and Meier Law Firm sign an engagement agreement. Laws, procedures, and figures change. Speak with a California attorney about your family's situation.

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California Successor Trustee Checklist

A Practical Guide to the First Steps of Trust Administration

You open the trust binder and see your name listed as successor trustee. Maybe you're planning for a responsibility you may have someday. Maybe someone in your family has died, and you're trying to understand what comes next.

If you're planning ahead, keep this guide with your family papers. If you're serving after a loss, we're sorry you're facing these responsibilities at such a difficult time. Settling a loved one's affairs while grieving can feel overwhelming, especially if you've never served as a trustee before, and you don't have to figure everything out at once.

Most trust administrations unfold over many months. Some decisions need attention early, especially those involving required notices, property, and taxes. This checklist walks through the common steps in administering a California trust after the death of the trustmaker (or the surviving trustmaker), with the deadlines that deserve early attention up front.

As a successor trustee, **you have a fiduciary duty under California law** to act in the best interests of the beneficiaries, safeguard trust assets, keep accurate records, and carry out the wishes expressed in the trust. While those responsibilities are important, you are not expected to know everything or navigate the process alone.

Think of this checklist as a roadmap, not a race. Start with the deadlines, then work through the steps that apply to the trust. Before making a distribution, changing property ownership, or handling an unfamiliar tax issue, talk with the right professional.

> **Before you use this checklist.** This checklist is general educational information about California law, current as of October 2026. It is not legal or tax advice, and receiving or using it does not create an attorney-client relationship with Meier Law Firm. Laws, deadlines and procedures change, and every trust is different, so confirm the current law and the steps that apply to you with a California attorney and a tax advisor before you act.

Key Deadlines at a Glance

A few steps carry their own clock. Timing can vary with the facts, so confirm the dates that apply to you with your attorney:

- **The original will:** goes to the county court within 30 days of learning of the death, with a copy to the person named as executor, even if no probate is needed.
- **The trustee's notice:** goes to the beneficiaries and heirs, generally within 60 days of the death. Once it's served, anyone who wants to contest the trust generally has 120 days to do so.
- **Medi-Cal:** if the person (or a spouse who died before them) received Medi-Cal, the state must be notified within 90 days of the death.
- **Real estate:** a change in ownership statement goes to the county assessor, generally within 150 days of the death, for each property.
- **The family home and Proposition 19:** if a child will keep a parent's home and wants to keep the parent's property tax, the home generally must become the child's main residence and the homeowners' exemption must be filed within one year, and the exclusion claim generally must be filed within three years, or sooner if the home is sold or the child moves out.
- **Year-of-death retirement distribution:** any required minimum distribution not yet taken for the year of death must still be taken that year. Ask the account custodian and tax advisor promptly.
- **The federal estate tax return:** required for larger estates, and after a spouse's death it may also be filed to pass the unused federal exemption to the surviving spouse. Generally due nine months after the death. A six-month extension to file is available if requested on time, but any tax owed is still due at nine months.
- **Final income tax returns:** the final California and federal returns follow the normal filing calendar.

Phase 1 Immediate Priorities

First Few Days

- [ ] Locate and carefully review the trust agreement, all amendments, Pour-Over Will(s), Certification of Trust, and any written funeral, burial, or cremation instructions.
- [ ] Determine who has legal authority to make funeral arrangements and carry out the decedent's known wishes, if applicable.
- [ ] Confirm that you are the person authorized to act as trustee, whether any co-trustees must act with you, and what documents you need to show your authority.
- [ ] File the original will(s) with the Superior Court in the county where the person lived, within 30 days of learning of the death, and send a copy to the person named as executor, even if no probate is needed.
- [ ] Order multiple certified copies of each death certificate. Many institutions accept a photocopy or electronic version, but some still require an original certified copy.
- [ ] Secure all residences, vehicles, valuables, firearms, financial records, passwords, and digital assets.
- [ ] Remove jewelry, cash, collectibles, and other valuables from vacant residences and store them in a secure location.
- [ ] Consider changing locks on any residence that will remain vacant.

- [ ] Forward the decedent's mail through the United States Postal Service.
- [ ] Notify homeowners' insurance carriers if any residence will be vacant and confirm that adequate insurance coverage remains in effect. Some policies limit or exclude coverage after a home has been vacant for a certain period.
- [ ] Confirm insurance coverage continues for all real property, vehicles, boats, business interests, and valuable personal property.
- [ ] Arrange for routine maintenance of vacant property, including landscaping, utilities, inspections, and security if necessary.
- [ ] Locate pets and ensure arrangements are made for their immediate care.

Phase 2 Gather Important Information

Typically the First Few Weeks

- [ ] Organize the trust, will, amendments, and other papers you've collected in one place.
- [ ] Gather deeds, vehicle titles, business records, stock certificates, partnership agreements, LLC operating agreements, promissory notes, and loan documents.
- [ ] Obtain copies of income tax returns for at least the previous three years.
- [ ] Gather recent bank, brokerage, retirement, mortgage, credit card, and loan statements.
- [ ] Locate any safe deposit boxes and determine the proper legal procedure for inventorying and accessing their contents.
- [ ] Create a complete inventory of all known assets and liabilities.
- [ ] Identify all online financial accounts, email accounts, password managers, cryptocurrency, subscriptions, and other digital assets.
- [ ] Locate keys, garage door openers, vehicle titles, and combinations to safes.
- [ ] If one spouse has died and the other is living, ask your attorney whether the trust requires separate shares, new trusts, or other steps before moving assets.

Phase 3 Notifications

Start Early and Check the Deadlines

- [ ] Notify the Social Security Administration of the death.
- [ ] If applicable, notify Medicare, Veterans Affairs, pension administrators, and other benefit providers. If the person (or a spouse who died before them) received Medi-Cal, the state must be notified within 90 days of the death.
- [ ] Contact employers regarding unpaid compensation, retirement benefits, deferred compensation, or life insurance.
- [ ] Notify banks, brokerage firms, and other financial institutions that you are serving as successor trustee.
- [ ] Submit claims for life insurance benefits when appropriate or notify beneficiaries of their right to do so.
- [ ] Identify retirement accounts and determine the designated beneficiaries.

- [ ] Determine whether any Required Minimum Distribution (RMD) remains outstanding for the year of death; ask the account custodian and tax advisor promptly.
- [ ] Make a list of the beneficiaries named in the trust and the decedent's heirs, and have counsel confirm who must receive the required notice.
- [ ] Send the required trustee's notice, generally within 60 days of the death. The notice has required content and timing, and serving it correctly starts the time limit for contesting the trust, so this is a step best completed with your attorney.
- [ ] Notify the post office, utility companies, and service providers as appropriate.
- [ ] Keep a calendar of filing and notice deadlines, and save copies of notices with a record of when and how they were sent.

Phase 4 Secure and Value Assets

Typically the First 60 to 90 Days

- [ ] Confirm which assets belong to the trust and gather what you need to establish their values.
- [ ] Identify assets titled outside of the trust.
- [ ] Determine whether probate or another transfer procedure is necessary for any non-trust assets.
- [ ] Obtain date of death values for all investment accounts.
- [ ] Obtain appraisals for California real property to establish fair market value as of the date of death.
- [ ] Consider appraisals for businesses, artwork, jewelry, collectibles, firearms, or other valuable assets when appropriate.
- [ ] Record an Affidavit of Death of Trustee and any other appropriate affidavits affecting title to California real property.
- [ ] File a Change in Ownership Statement for each property, generally within 150 days after the death.
- [ ] If the trust holds a family home, determine promptly whether the Proposition 19 parent-child exclusion may apply. The deadlines are strict, and a missed filing or an early retitling can permanently raise the property tax bill. Talk through the options before anything is recorded or filed.
- [ ] Determine whether any business interests require immediate management or voting decisions.

Phase 5 Financial Administration

Ongoing Through the Administration

- [ ] Obtain a Federal Employer Identification Number (EIN) for the irrevocable trust, if required.
- [ ] Open a trust administration checking account.
- [ ] Deposit all trust income into the trust account.
- [ ] Continue collecting rents, dividends, interest, business income, or other income payable to the trust.
- [ ] Contact individuals or businesses owing money to the trust and arrange for payment.
- [ ] Maintain detailed records of every receipt, disbursement, investment transaction, and distribution.
- [ ] Continue paying appropriate expenses necessary to preserve trust assets.

- [ ] Determine liquidity needs before making any beneficiary distributions.
- [ ] Work with a financial advisor regarding prudent investment management during administration.

Phase 6 Creditors and Expenses

Ongoing Through the Administration

- [ ] Identify all known debts and liabilities.
- [ ] Review and verify creditor claims.
- [ ] Cancel unnecessary credit cards, charge accounts, memberships, and recurring subscriptions.
- [ ] Continue paying mortgages, insurance premiums, utilities, HOA dues, and necessary maintenance expenses.
- [ ] Delay payment of final medical bills until Medicare and private insurance claims have been processed whenever appropriate.
- [ ] Consult legal counsel before paying disputed creditor claims.
- [ ] Ask your attorney whether a formal creditor-notice process makes sense before paying claims or making distributions.
- [ ] Retain invoices and receipts for every administration expense.

Phase 7 Tax Matters

Typically Months 3 to 12

- [ ] Arrange for preparation of the decedent's final California and Federal income tax returns.
- [ ] Arrange for preparation of fiduciary income tax returns for the trust, if required.
- [ ] Determine whether a Federal Estate Tax Return (IRS Form 706) is required or advisable based upon the law in effect at the date of death.
- [ ] Maintain records supporting all date of death valuations and tax basis adjustments.
- [ ] Consult with a CPA before selling highly appreciated assets whenever possible.

Phase 8 Beneficiary Responsibilities

Ongoing Through the Administration

- [ ] Identify all current and remainder beneficiaries.
- [ ] Confirm the trustee's notice has been properly served (see Phase 3).
- [ ] Give a copy of the trust to any beneficiary or heir who asks for one.
- [ ] Keep beneficiaries reasonably informed regarding the administration.
- [ ] Respond promptly to reasonable beneficiary requests for information.
- [ ] Maintain impartiality among all beneficiaries.
- [ ] Maintain complete records supporting all decisions made during administration.
- [ ] Consider providing periodic status updates, even when there has not been significant activity.

Phase 9 Distribution of Trust Assets

Typically After Notices, Debts, and Taxes Are Resolved

- [ ] Confirm that sufficient funds remain available to pay taxes, expenses, and anticipated liabilities before making distributions.
- [ ] Distribute specific gifts required under the trust.
- [ ] Transfer title to real estate, investment accounts, and other trust assets as directed by the trust.
- [ ] Obtain signed receipts and releases from beneficiaries whenever appropriate.
- [ ] Consider obtaining a comprehensive Settlement Agreement and Release before making final distributions.
- [ ] Confirm all beneficiary distributions are properly documented.

Phase 10 Closing the trust

- [ ] Prepare any required accountings for the beneficiaries, including a final accounting.
- [ ] Pay any remaining administrative expenses.
- [ ] Make final distributions.
- [ ] Close trust bank accounts and investment accounts no longer needed.
- [ ] Retain trust administration records and supporting documentation.
- [ ] Ask your attorney what remains before the administration can be closed, including any final accounting, distributions, and recordkeeping.

Common Mistakes to Avoid

Some trustee decisions have consequences that are difficult to undo. These are the mistakes worth watching for as you carry out the trust.

Do Not Rush to Distribute Assets

Many trustees feel pressure to distribute inheritances quickly. However, distributions made before taxes, creditor claims, or administration expenses have been resolved can expose a trustee to personal liability.

Do Not Mix Trust Money With Your Own

Always keep trust assets separate from your personal assets. Open a dedicated trust administration account and never deposit trust funds into your personal accounts.

Do Not Ignore Beneficiaries

California law requires trustees to keep beneficiaries reasonably informed. Good communication often prevents misunderstandings and disputes.

Do Not Let Insurance Lapse

Continue adequate insurance coverage on homes, vehicles, and other trust assets throughout the administration.

Do Not Sell Assets Without Understanding the Tax Consequences

Many inherited assets receive favorable tax treatment after death. Before selling significant assets, consult with your CPA or attorney.

Do Not Make Important Decisions Without Documentation

Keep copies of statements, invoices, receipts, appraisals, correspondence, and notes explaining major decisions. Good records are one of a trustee's best protections.

Do Not Favor One Beneficiary Over Another

Unless the trust specifically authorizes otherwise, a trustee has a duty to act impartially and treat beneficiaries fairly.

Do Not Miss Important Deadlines

Trust administrations involve legal notices, tax filings, and other important deadlines. The Key Deadlines summary at the front of this checklist is a starting point, and maintaining a calendar can help avoid unnecessary problems.

Do Not Assume Every Asset Belongs to the trust

Some assets pass by beneficiary designation, joint ownership, or may require probate. Verify ownership before taking action.

Do Not Be Afraid to Ask for Help

You are not expected to know everything. Experienced attorneys, CPAs, financial advisors, appraisers, and real estate professionals can help you fulfill your duties properly and confidently.

The Meier Law Firm is Here to Help

Serving as a successor trustee can feel like a tremendous responsibility, especially while grieving the loss of someone you love. Remember that you do not have to navigate the process alone.

You may be deciding whether to handle the trust yourself or bring in professional help. Before you choose, here are four things worth understanding:

- **The deadlines are real.** Statutory notices, tax filings, and property tax forms each carry their own clock, and several begin running within the first weeks.
- **Trustees can be personally responsible.** A distribution made too early or a missed filing can expose a trustee to personal liability, even when every intention was good.
- **The tax decisions are easy to miss and hard to undo.** Basis adjustments, the family home's property tax treatment, and elections after a first spouse's death are often among the most important financial decisions in the administration.
- **You are entitled to help.** The costs of administration, including legal guidance, are ordinarily paid from the trust, not from your own pocket.

When you're responsible for a trust, it helps to know which decisions need attention now and which can come later. At Meier Law Firm, we guide successor trustees through those decisions, including the notices, assets, taxes, and final distributions, even if we did not prepare the original estate plan.

Talk with us. Whether you're preparing to serve as trustee someday or handling a trust now, call (949) 718-0420 to talk through what comes next. We'll help you see what needs attention first and how we can help.

If you're serving now, these help us begin (call before you've gathered everything):

- The trust and any amendments, and the will
- Death certificates, if available
- Recent account statements
- Deeds to any real estate
- Names and contact information of the beneficiaries
- The name of the CPA or tax preparer, if known

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