

# **Your Duties as Personal Representative**

The personal representative is responsible for inventorying and managing the decedent's property, paying debts and administrative expenses, and distributing the property to the heirs or beneficiaries. S/He represents all the parties interested in the estate, including creditors, and is required to treat all interested parties fairly. S/He has the duty to protect the property of the estate, keep it insured and in good repair, and ensure that funds held by the estate receive a reasonable rate of interest. The personal representative is required to administer and distribute the estate assets in a diligent and timely manner.

## **Domiciliary Letters**

The Domiciliary Letters is your evidence of authority to act on behalf of the estate. Each certified copy of the Domiciliary Letters costs \$4 if it is one page. A certified copy contains a court officer's certification that the Letters are in full force and effect and the court's embossed seal.

## **Notice to Creditors**

Notice to Creditors must be published in a Dane County newspaper. You are responsible to serve a copy of the Notice to Creditors to the Wisconsin State Journal as soon as possible. The newspaper has 15 days from today's date to publish it the first time, so it is very important you get it to the newspaper as soon as possible. Their phone number is (608) 283-7600. The Notice to Creditors sets a date by which creditors are to file claims against the estate. In addition to publication, you may also send a copy of the notice to all known potential creditors. If a creditor having actual notice of the deadline for filing claims does not file a claim on time, that creditor may be barred from payment from the estate.

## **Inventory**

You must compile a list of all property subject to probate administration: i.e., all property owned by the decedent in her or his sole name or as a tenant in common. You must also determine and report the value of each item of property as of the date of death. In the case of married decedents, the decedent's one-half interest in marital property is included. However, usually it is not necessary to list each item of personal and household property of ordinary value. Generally, it is not necessary to have the property appraised, but in some cases it may be advisable. If you are unsure, ask your attorney or one of the probate registrars. Joint tenancy property, property payable to a beneficiary and survivorship marital property should not be listed on the Inventory. (But these "non-probate" transfers are reported on the estate tax return, if required.)

## **Tax Returns**

Decedent's final income tax returns — You must file state and federal tax returns that have not been filed for periods prior to death. The same filing deadline as for living taxpayers applies. 'Estate (fiduciary) income tax returns — Income earned after the decedent's death must be reported on state and federal "fiduciary" income tax returns. Estate taxes — Wisconsin no longer has an inheritance tax, but large estates must file state and federal tax returns and pay the tax due. The deadline for payment of the estate tax is nine months from the date of death. Closing Certificate(s) — At the time of filing the tax returns with the State of Wisconsin, be sure to request the Closing Certificate for Fiduciaries (income tax return) and/or the Closing Certificate Determining Estate Tax.

## **Final Account**

You must prepare a report of your administration of the estate. This report is called the "Final Account." You are required to provide a copy of the Final Account to all heirs, beneficiaries or distributees of the estate. The beginning figure of your account is the Inventory total. Payments to the estate or other items received after the date of death are listed under Schedules A through E (itemize on an attached sheet headed "Schedule A," "Schedule B," and so forth). The totals of Schedules A through E are added to the Inventory ("Subtotal"). Expenses, disbursements and other payments from the estate are listed under Schedules F through M. The totals of Schedules F through M are subtracted from the Subtotal to arrive at the Assets on Hand.

## **Transfer of Real Estate**

The decedent's real estate is transferred by recording a Personal Representative's Deed in the Register of Deeds office in the county where the land is located. It is advisable to have an attorney draft the deed.

## **Receipts**

Creditors should be paid and distributions made to heirs or beneficiaries within a reasonable amount of time after your appointment as personal representative. However, you will want to determine or reasonably estimate the debts, taxes and expenses of administration before making distributions so that sufficient funds are kept on hand in the estate account to fully pay such items. Get a receipt for each distribution made.

## **Keeping Records**

You should not commingle estate assets with your own. Open a separate estate checking account and deposit all funds into that account. Keep cancelled checks, deposit slips and account statements.

## **Closing the Estate**

When all debts, taxes and expenses are paid, all estate property distributed, and the final account given to the distributees, the estate may be closed by filing the Personal Representative's Statement to Close Estate and mailing a copy to the distributees. Six months after the date of filing the statement to close, your powers as personal representative cease.

## **Questions**

The probate registrars in Dane County will answer your questions about probate procedure. However, because we cannot give legal advice, tax advice or financial advice, you may want to consult your attorney, tax preparer or financial advisor from time to time during the probate process.

## **Deadlines**

Filing claims with court — Date set by court order (three to four months).

Objecting to claims — Within 60 days of date of service if personal representative or attorney have been served.

Filing Inventory — Within six months of personal representative's appointment.

Disclaimer — Within nine months of date of death.

Marital election — Within six months of date of death.

Decedent's final income tax return — By April 15 of year after date of death.

Estate income tax returns — The 15th day of the fourth month after close of fiscal year.

Time to close estate — Within 12 months after application for informal administration is filed.

Receipts of distributees — At or before filing of Personal Representative's Statement to Close Estate.

Dane County Probate Court  
Dane County Courthouse, Room 1005  
215 South Hamilton Street  
Madison, Wisconsin 53703-3285  
(608) 266-4331

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