

A NEWSLETTER FROM

**LAW OFFICES OF MATTHEW Z. MARTELL, P.A.**

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# What Happens During Probate After the Court Date?

## Executor/Personal Representatives Appointed

The “executor” (also called the “personal representative” in some states) is the person nominated in the will and then formally-appointed by the court to manage the estate. The executor is usually a close friend or relative of the decedent, but may be a bank or an attorney. People choose a professional executor for various reasons. They don’t want to burden a friend or



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family member with executor duties, have no one they trust to perform the job, or have an estate of such complexity that it needs special expertise to administer.

The court must formally appoint the executor before the executor has any legally-enforceable authority to act on behalf of the estate. Only then will banks, realtors, creditors, and other interested parties cooperate with him or her. Mere nomination in the will is not enough.

### Letters Testamentary Are Issued

After the judge formally

appoints the executor at the hearing, he or she will receive special documents called "letters testamentary." In most states, the court or the county clerk prepares and prints these documents. They will typically be printed on official government letterhead and include an authenticating stamp or embossment. The authentication is important because the executor will furnish these documents to banks, realtors, law firms, title companies, and other organizations that need to ensure that the executor has the legal authority to act on behalf of the estate.

### Executor Sends Legal Notices

The executor is required to notify interested parties that probate has begun. Most states require the executor to post an initial notice at the courthouse, publish a general notice to creditors in the newspaper, and send a specific notice to beneficiaries of the will.

Once notified, creditors can submit claims and beneficiaries can lodge any objections they may have to the will, the executor's appointment, or the probate process. The notices may expedite the probate process by informing beneficiaries of waivers or agreements that they may file in support of the will and the executor.

### Executor Collects and Accounts for Assets

The executor has the authority and also the duty to collect and account for all of the deceased's assets. The executor will usually report the assets on a formal sworn court filing called an "inventory."

In some cases, preparing an inventory may be easy,



especially if the deceased owned normal assets such as a car, bank account, home, and everyday household contents. In other cases, completing the inventory may be extraordinarily difficult. For example, if the deceased owned an active business, the executor will have to figure out how to continue operations or appraise the business for sale.

### Executor Opens Estate Bank Account

The executor will open a separate bank account for the estate. He or she must transfer the deceased's existing accounts into this account. Proceeds from the sale of the deceased's assets and any other income that belonged to the decedent also go into this account. To open an estate account, the executor must establish an Employer Identification Number ("EIN") with the Internal Revenue Service. This EIN will serve as the unique identifier for estate financial transactions and tax reporting.

### Executor Pays Debts and Taxes

Once the executor has collected the estate assets, the executor must settle all debts that the deceased left. If the executor published the notice to creditors, they should respond by filing claims. The claims process makes it much easier for the executor to account for debts as opposed to digging through piles of old bills. But executors must beware of false or uncollectible claims. Once the executor receives a claim, the executor should investigate it in detail to ensure that it is based on a valid debt.

### Executor Distributes Remainder to Beneficiaries


After the debts have been paid, the executor should distribute the remainder of the estate to the beneficiaries according to their share described in the will.

In liquid estates with mostly cash assets, this may be as easy as writing a distribution check. The executor will find it helpful to accompany each distribution check with

an accounting of expenses and also the inventory to corroborate the amount.

In illiquid estates, other distribution methods may be necessary. For example, if the estate consists primarily of real estate, the executor should sign an executor's deed to convey the deceased's real estate to the proper beneficiaries. This should resolve any lingering ownership issues and make it much easier for the beneficiaries to sell the real estate if they so desire.

### Executor Submits Final Court Documents

Depending on state laws, the executor may be required to file closing documents after settling the estate. These documents may consist of routine affidavits affirming that the executor has sent the proper notices and paid all the debts. Alternatively, the executor may seek a formal discharge of liability. 

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*Illustrations by Designs.ia and Freepik.com*




## Eat Healthier: Know Your Minerals

*At some point or another, you've probably been told to eat your vitamins and minerals. While most are familiar with vitamins, minerals are an important part of a healthy diet. Here's what you should know.*

**M**inerals are inorganic compounds. Some minerals (e.g., calcium) are essential to healthy growth, and your body needs a good amount of these minerals every day. Other minerals

(called "trace minerals") are less important; your body needs only scant amounts of these minerals.




Now that you know the basics, use the chart below

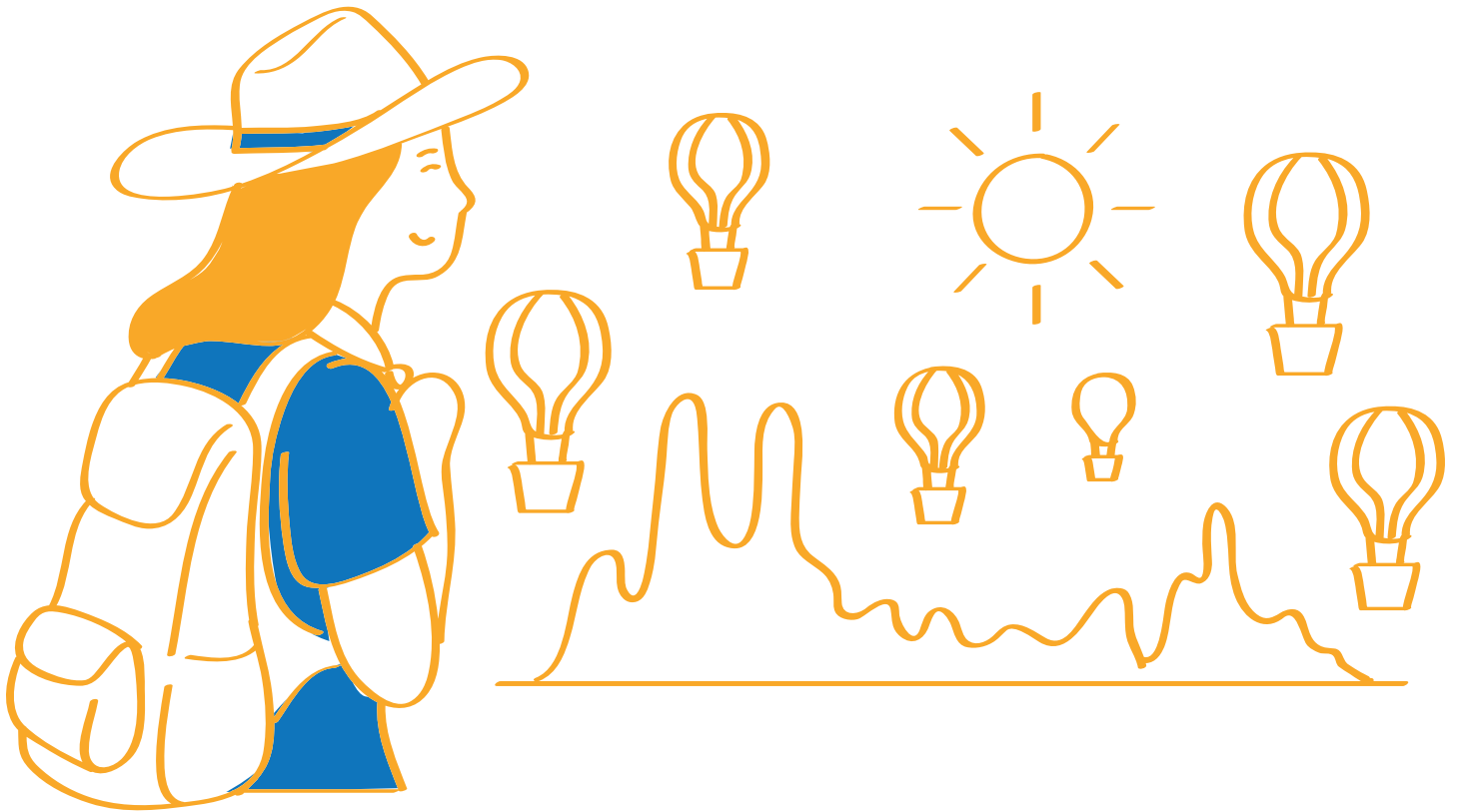
to fuel your body for optimal good health. Keep it with your shopping list or put it on your refrigerator to help you make smart choices. 

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*Illustrations by Designs.ia*

## MINERALS

Mineral	What it does	Sources	Tips and Tidbits
Calcium	Calcium is essential for strong teeth and bones; it also helps keep your heart (and other muscles) moving.	Milk and other dairy products; leafy green vegetables, like spinach and kale.	Calcium works together with Vitamin D and magnesium. Vitamin D helps your body absorb calcium; magnesium helps keep that calcium in your bones, where it's needed.
Chromium	A trace amount of chromium helps to keep your blood sugar at a steady level.	Broccoli, green beans, garlic, oats and barley.	
Iodine	Iodine is used by your thyroid to create a hormone that helps to control metabolism.	Iodized salt, seaweed, and fish.	Sushi can be a delicious source of iodine.
Iron	Your body needs iron to create healthy red blood cells, which supply your tissues with oxygen.	Beans, lentils, liver, oysters, spinach and (thank goodness!) dark chocolate.	Iron deficiency is known as "anemia."
Magnesium	This mineral works hard. It assists in converting food into energy; building DNA and proteins; and controlling blood sugar. It also works together with calcium and potassium to promote heart health.	Spinach, almonds and other nuts, beans, peas, and whole grains.	
Potassium	Potassium helps to lower blood pressure, and may help to stave off kidney stones and osteoporosis.	Bananas, sweet potatoes, avocados, beans and other legumes, and green leafy vegetables.	Many athletes rely on bananas to avoid muscle cramps, but leafy greens and avocados are better sources of potassium than bananas. If you can't stomach a kale/avocado salad, melons are packed with potassium, (plus magnesium and a little sodium) and water – all of which will help you avoid or ease muscle cramps
Selenium	This mineral helps protect your skin from UV rays and skin cancer. It also aids in thyroid function.	Eggs, meat, and nuts.	
Zinc	Zinc helps your skin heal and works with other minerals to protect you from UV rays. It is essential to eye health and may help fight age-related macular degeneration.	Oysters and other shellfish, beef, pork, black-eyed peas, and fortified cereal.	



# National Parks Fun Facts

*If you're looking for affordable family fun, any time of year, it's hard to beat our national parks. Though each national park is unique, they all share one thing in common: a staggering beauty that will challenge your (and even your teen's) capacity for wonder.*

Need more motivation to get up and go? Here are some fun facts about our national parks

1. There are 59 national parks spread across 29 states, from Maine to Hawaii (and the Virgin Islands!).
2. Writer and historian

- Wallace Stegner called the National Park System America's "best idea." You don't have to spend much time in a national park to know that he was right.
3. The tallest waterfall in all of the national parks is Yosemite Falls. With a vertical drop of 2,425 feet, it is the tallest waterfall in

- the country. **Yosemite National Park** (California) also is home to Ribbon Falls, which is 9-times taller than Niagara Falls.
4. The tall spires of rock that form the striking landscape of **Bryce Canyon National Park** (Utah) are called "hoodoos." There are

more hoodoos in Bryce Canyon than anywhere else on Earth. Perhaps the most spectacular of these is Thor's Hammer – a thin “handle” of rock, atop of which sits a large hammerhead-shaped rock.


5. NASA sent astronauts to practice lunar excursions in **Big Bend National Park** (Texas).
6. The largest tree on Earth can be found in **Sequoia National Park** (California).
7. The General Sherman Tree reaches 275 feet into the sky. It is 36 feet in diameter at its base, and weighs more than 4 million pounds. General

Sherman is estimated to be 2,300 – 2,700 years old.

8. The **Grand Canyon** (Arizona) is the only national park that also is regarded as one of the Seven Wonders of the Natural World.
9. **Yellowstone National Park** (Wyoming) is the oldest. It was formally established by President Ulysses S. Grant on March 1, 1872. The “youngest” national park is **Pinnacles National Park** (California), which was established on January 10, 2013.

all 59 national parks (along with stunning photos), visit: <https://www.washingtonpost.com/graphics/lifestyle/national-parks/?noredirect=on>.

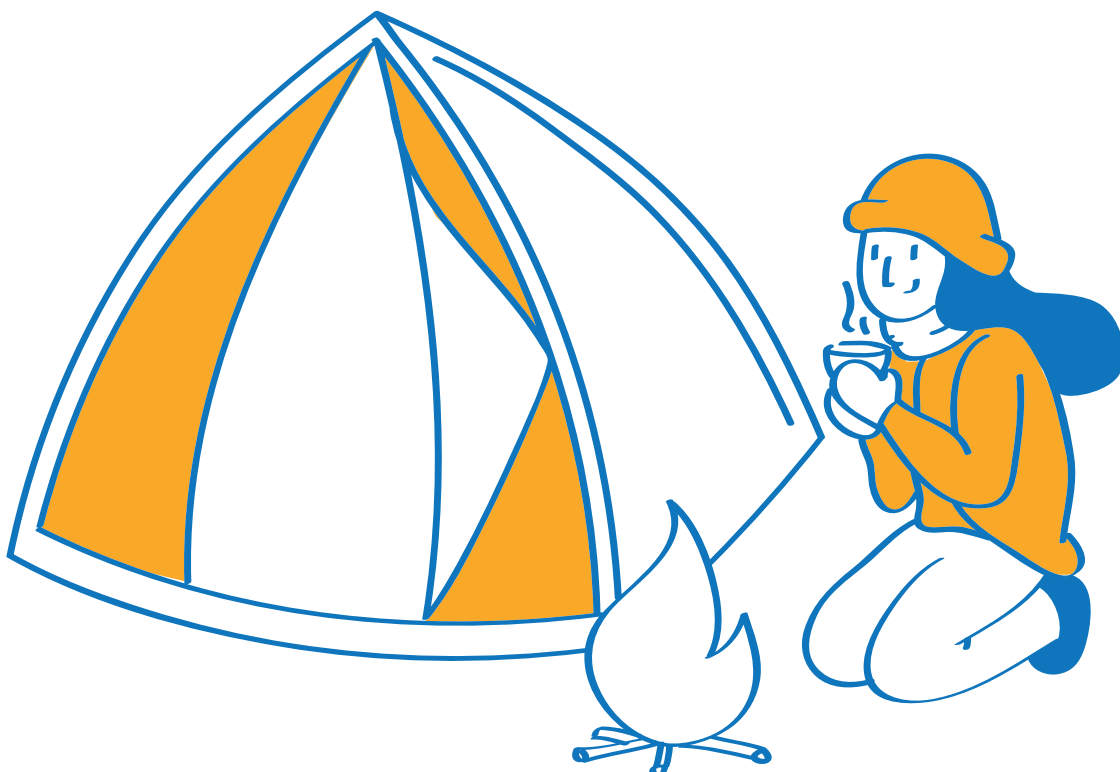
To learn more about our national parks and to plan your visit, go to [www.nps.gov](http://www.nps.gov).

If you are interested in off-season travel, you'll find helpful tips here: [https://www.alamo.com/en\\_US/scenic-route/best-national-parks-to-visit-in-winter-off-season.html](https://www.alamo.com/en_US/scenic-route/best-national-parks-to-visit-in-winter-off-season.html). 

### Learn More

For more fun facts about

*Illustrations by Designs.ai*



# Almond Hummus

Prep 10 Mins | Cook 20 Mins | Yield 3 Cups

*This hummus recipe is made with almond butter instead of tahini. It is ultra smooth and delicious. The almond butter version is delicious and a good substitute for anyone who has allergies or sensitivities to sesame.*

## INGREDIENTS

- 2 15- ounce cans chickpeas
- 1 t baking soda
- 2 T lemon juice
- 2 cloves garlic
- 1/2 cup good quality olive oil plus more for garnish
- 2 T almond butter
- 1 t kosher salt
- 1/4 t ground cumin
- Garnishes -- See head notes for ideas for garnishing

## INSTRUCTIONS

- Drain the chickpeas into a large strainer and rinse well. Put chickpeas in a pot, cover with a couple inches of water and add baking soda. Bring to a boil, reduce heat and simmer uncovered for 20 minutes. The chickpeas will be very soft and the skins will have dissolved. Some of the dissolved skins may be in clumps.
- Drain the chickpeas in a strainer, rinse, remove and discard any clumped skins.
- Put the skinned chickpeas, lemon, garlic, olive oil, almond butter, salt and cumin in a food processor and process on high for about 1 minute. Slowly add 4 T of water and continue processing for another 4 minutes until hummus is smooth. Add additional water if needed to get your preferred consistency.
- Spoon hummus into a shallow bowl and smooth with the back of the spoon to form a big well. Drizzle with olive oil and garnish with spices, herbs, nuts and any other garnish you choose. Serve with crudité, pita bread or flatbread. 