



FACING WIDOWHOOD

A Practical Guide



Our sincere thanks to the Royal Canadian Legion - Pacific Command, for their support of this project. We are also indebted to Mrs. Aili Forbom Brown and to the North Shore Widows Support Group for their very helpful insights.



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INTRODUCTION

For many people, losing a spouse or partner can be the single most stressful event in their life.

It is not just the grief that is tough. The first year of widowhood involves more paperwork and more decisions than most people make in twenty years of their life.

This booklet is intended to help women and men prepare for and cope with the first year. We cover a number of financial, legal, and practical subjects to provide some helpful guidelines. The information won't take away the grief or loss, but it may make life somewhat easier.

Husbands and wives both need to plan and take steps. However women, in particular, need to have a good idea of where things stand financially, and to plan in their long term interest. Almost 1 in 2 women over 65 are widowed, compared to 1 in 8 men. Women may not have a lot of financial resources after being widowed, and are more likely than men to experience a drop in their standard of living once widowed.

The booklet is divided into three sections. The first section suggests steps which couples can take to prepare for the eventual loss of a partner.

The second section describes some typical sources of income that may be available after death of a spouse or partner. The third section covers practical matters needing your attention, and describes how family can best help.

The information in this booklet is based on the law in British Columbia. People from other provinces should check their own provincial laws. Much of it is geared to people who become widowed after age 45.

This booklet provides general information for married and common law partners, and is not intended as legal advice. The information is current at the time of printing. In most cases, we have gone directly to the original sources (e.g. insurance companies, banks) for our information. The back of the booklet also provides sources where you can get further details.

THINKING AHEAD

WHAT YOU CAN DO TO PREPARE

One of the best ways to have a clear picture of what may lay ahead when you are widowed, is to sit down with your spouse, and plan. Here are some steps to consider:

- Plan in advance – start talking together about what would happen if one or the other passes away.
- Understand that you or your spouse may be reluctant to have these discussions. Some people believe that talking about dying could become a self-fulfilling prophecy. Some spouses see it as questioning their ability to handle the finances and to provide for the other person. It isn't. It is part of showing that you care about each other, now and later.

ARRANGING YOUR AFFAIRS

Do you know where your important papers and documents are? If not, it's unlikely your spouse or family could find them. At the back of this booklet, is a list of documents you likely will need. List everything that your and your spouse or partner own separately, plus anything they own in partnership with you or others.

Once your list is complete, put together and organize all

relevant documents in a safe place for future reference. Let at least two people that you trust know where these documents are located.

THE NEXT STEPS

- Both of you should make a will and keep it current (without a will, the government decides who gets your property and valuables, not you). If done properly as part of "estate planning", a will can help reduce your taxes and those of others.
- Let someone know where the will is. You may want to give a copy to family members, the person appointed as executor, or others who may be involved.
- Make sure that people know what you would like done on your behalf if you became seriously ill, as well as what you want done with your body when you die. Instructions given in a will may be too late.
- Talk with your bank, credit union or trust company to see what happens with safety deposit boxes or joint accounts if a spouse/partner dies or is incapacitated. Financial institutions' policies can vary. Some seal the account when one of the depositors dies, which can make it difficult for you to access the money.
- Consider establishing joint ownership of assets such as cars, bank accounts, safety deposit boxes etc. with your spouse.

The advantage of joint ownership: It makes things easy. When you die, the full ownership transfers to the other person (after any necessary re-registration).

The disadvantage: You can't pass it on to anyone else. It is not part of your estate.

- If your spouse/partner is seriously ill, decide together about getting ownership transferred before they die.
- Consider drawing up a Power of Attorney or Representation Agreement (for B.C.), particularly one that continues even if you become mentally incapable. A Power of Attorney will only cover financial matters, and it ceases once you die.
- Get any loans made to your children, other relatives or friends in writing. It makes things much clearer if one of you dies.

START PLANNING YOUR FUTURE FINANCES

Sit down and write out what your sources of income will likely be in the future – inform yourself about your partner's assets and any benefits that they are entitled to now, and upon death. (e.g. Old Age Security, pension, insurance, RRSPS or RRIFS, bank accounts)

- You or your spouse/partner may have a workplace, public service or union pension plan. It is important to learn what kind of a plan it is, what the survivor's benefits will be, and other details.
- The Canada/Quebec Pension Plan allows for splitting pension benefits between spouses/partners. Discuss whether pension splitting is to your advantage. Be aware that these benefits will end with the death of your spouse.
- A Supreme Court decision in July, 1999 may affect the way pension credits are split between spouses. Check this out.
- Do you have an insurance policy? You will need to know what type it is and what will happen when the policy holder dies.

- If you have a Registered Retirement Savings Plan, it is possible for one spouse/partner to contribute in the name of the other. This is known as a “spousal plan” and allows a spouse who is not working outside the home to have an RRSP contribution in her/his own name.
- Is your estate a complicated one, or is it fairly large? Then you may want to consult a financial advisor, a lawyer or a tax specialist. Both spouses should become acquainted with this advisor.

No matter what size the estate is, become more involved in joint financial planning and management. If your spouse/partner dies, you may find yourself having to manage some assets. This way, you are already familiar with a lot of what is required.

AFTER YOUR SPOUSE OR PARTNER DIES

- Take whatever keys you have to the bank. The staff can spot a safety deposit box key.
- Locate your important papers; set up a work area; set up two types of files (one for estate matters and the other for personal matters); and label them.
- If you can't find the documents that you want or need, call a friend to help (sometimes two sets of eyes are better than one).
- For many matters you will be dealing with, the people will need an original death or "certified true" certificate. Others will accept a copy. Always ask the person at the company or institution ahead of time, what they will need. Some financial institutions may make certified true copies for you free of charge.
- Bring along your marriage certificate (often, you have to prove that you were married).
- Don't be afraid to ask people to help. If you feel apprehensive about meeting a lawyer, or financial representative of some sort, take a friend or family member along. Also, remember that professionals are there to help you.
- Make notes of any point or issue that comes up in a conversation which you want to remember later. Take them with you to your next appointment, and ask. There are no dumb questions.
- Expect some legal or financial surprises. Don't let them throw you.

POTENTIAL SOURCES OF INCOME AFTER THE DEATH

You must apply for **ALL** benefits listed below. They are **NOT** automatic. It is better to do so as soon as possible. Applications are available from any Human Resources Centre of Canada, or phone the numbers listed in the back of this booklet.

THE CANADA PENSION PLAN

The Canada Pension Plan (CPP) is a pension administered by the government for people who have been self-employed or had a paid job in Canada. Québec workers come under the Québec Pension Plan (QPP), which is coordinated with the CPP.

CPP has a number of important provisions for the survivor of a person who received CPP benefits.

There are three types of benefits available from CPP when someone dies:

1) Death Benefits

A one-time, lump sum death benefit will be paid if the person who died made CPP contributions for a qualifying period. Payment is made to the estate of the person who died. If there is no estate, then the person responsible for funeral expenses, the surviving spouse, or the next of kin may be eligible (in that order). The amount of the death benefit depends on how much, and for how long, the deceased contributor paid into the CPP. The maximum is \$2,500.

2) *Survivor Benefits*

It is particularly important for women to become familiar with these benefits.

A spouse (married or common law) of a person who contributed to CPP may be eligible for a "survivors pension", if they qualify. The amount of the surviving spouse's monthly pension depends on:

- How much and for how long your spouse paid into the plan
- Your age at the time of your spouse's death
- Whether you are receiving a CPP Disability or Retirement Pension

First, CPP calculates how much your spouse's CPP Retirement Pension is (or would have been if she/he had been age 65 at the time of death). Then, a further calculation is done based on your age at the time of your spouse's death. Survivors benefits continue to be paid if you remarry.

3) *Children's Benefit*

If one or more parents contributed to CPP and dies, their child(ren) may qualify for this benefit. If the child is under 18, the benefit is usually paid to the person with whom the child is living. If the child is between 18 and 25, and is in full-time attendance at a recognized institution, the benefit will be paid directly to the child.

THE OLD AGE SECURITY

The Old Age Security (OAS) is a government pension paid to people who have lived in Canada a certain time. Whether or not you had a paid job, you are still eligible for this benefit if:

- You are 65 or over
- You live in Canada and are a Canadian citizen or a legal resident
- You have lived in Canada at least ten years as an adult.

If you lived and worked in another country, you may qualify for OAS benefits with fewer years of residence, or you may qualify for a pension from that country as well.

GUARANTEED INCOME SUPPLEMENT (GIS)

The GIS provides additional money for people who have little or no other income. It is based on your income, **not your assets**. You have to live in Canada and be receiving the Old Age Security.

SPOUSE'S ALLOWANCE/WIDOWED SPOUSE'S ALLOWANCE

If you have no income you may be eligible for Spouse's Allowance (SPA). It is paid to the low income spouses of people who get the Old Age Security and Guaranteed Income Supplement. You have to be between 60 and 64 years old to apply. You are not eligible if you have been separated for more than 3 months or divorced. If you are receiving this benefit and your spouse dies, you may qualify for the Widowed Spouse's Allowance (WSA). The WSA is paid to widowed men or women who are between 60 and 64 years old, and have a low income.

Both of these benefits are paid until you turn 65, as long as there is no change in your marital status and your income remains low. The other eligibility conditions for

receiving these benefits are the same as for the Old Age Security. The amounts of these benefits will depend on your yearly income.

VETERANS SERVICES AND BENEFITS

Veterans Affairs provides a wide range of services and benefits, including pensions for dependents and survivors. For information, call the nearest Veterans Affairs District Office listed in the Government of Canada section of your telephone book. Information can also be obtained from the Provincial Command Offices of the Royal Canadian Legion.

OTHER PENSIONS

There are numerous pension plans besides those sponsored by government. These are referred to as workplace pension plans. An employer, the public service, or a particular union can sponsor them.

These may be referred to as Registered Pension Plans (RPP). Since the late 1980's, these plans require that a survivor receive benefits from the plan. The only exception is if both spouses previously waived (gave up) their rights in writing.

If your spouse dies, check with his or her former employers for any pension benefits. We have attached a sample letter to help give you an idea of what to say.

Go as far back as 20 years. You may be eligible for survivor benefits from one of these plans. Don't be afraid to ask. Your partner worked hard for you to have these benefits.

OTHER BENEFITS

A death benefit is an amount you receive, after a person's death, for that person's employment service. It can be either a one time payment or a monthly benefit.

Any amount paid to you as a death benefit, becomes part of your taxable income. (e.g. Worker's Compensation death benefits or Veterans Affairs survivor benefits)

Several provinces provide supplements or benefits for people on low income. For example, B.C. Housing offers S.A.F.E.R. ("Shelter Aid For Elderly Renters"). Contact B.C. Housing at 1-800-257-7756.

SAMPLE LETTER TO EMPLOYEE BENEFITS DEPARTMENT

Your Home Address

Date

Dear Sir or Madam,

My husband (give full name and Social Insurance number) died on (date). (Optional: He worked at your company from ___ to ___.) Please provide me with information about any employee benefits that I am eligible for as his widow. Please let me know if I have a choice of settlement options. I can be reached at (phone number). I look forward to hearing from you soon.

Yours truly,

Your signature

INSURANCE

You will need to find out whether your spouse or partner had any life insurance policies paid up at the time of death. If you don't know, look at old cheque statements or cancelled cheques.

Notify each insurance agency of the death. You can do this by letter or by phone. See the sample letter below. The insurance company will require the funeral director's certificate of death (or a certified copy of the death certificate, depending on the amount of the insurance). They will also need a completed statement of claim. Some companies need you to submit the policy. Some also require a copy of the will because in some provinces, a person can revoke (cancel) a beneficiary named in a policy by naming another in the will.

SAMPLE LETTER TO INSURANCE COMPANY

Your home address

Date

Dear Sir or Madam,

This letter is to inform you that my wife (full name) died on (date). Her policy number was _____. Please send me whatever documents I need to claim the proceeds. Would you please search your files to determine if she had any other coverage with your company?

Yours truly,

Your signature

Once all the paperwork is received by the insurance company, the funds are usually disbursed to the beneficiary within 30 days. It will take much longer (many months) if there is no named beneficiary, and if there are any disputes over the insurance. Occasionally, the company will pay partial proceeds if needed to cover the funeral expenses in the meantime.

If you are the beneficiary of a life insurance policy, you may be asked how you want to receive the proceeds. You can choose to receive the money in a lump sum, in installments over your lifetime or for a fixed number of years, or in installments of a specified amount until the proceeds run out.

Policies that name a beneficiary will be tax free to the beneficiary (but you may have to pay tax on interest earned from it in subsequent years). The money is also creditor proof (if your spouse or partner had a lot of his or her own debts, creditors cannot come after this money to pay those debts). Policies that don't name a beneficiary may be "taxed" provincially as part of probating the estate (which is another good reason to have named a beneficiary).

SOME PRACTICAL MATTERS

BANK ACCOUNTS

Typically, joint accounts that were in both your names, become yours upon your spouse or partner's death. You will need to change the name on the account.

You will need to close out any accounts that are only in your spouse's or partner's name. The next step is to open bank accounts in your own name, followed by your title, "Executrix" (for women), or "Executor" (for men), and transfer the money to that account.

FUNERAL BILLS

Take the funeral bills to the bank. If there is money in the account to cover it, the bank usually will pay you from the account of the person who died.

WILLS & ESTATE MATTERS

Someone must take care of the will and estate matters after the person dies. An executor is someone named in a will to act as the legal representative to handle a deceased person's estate. An administrator is someone appointed by the court to handle the estate of a person who has died. This happens if the person did not have a will, or the will did not name an executor.

In some cases, there is no one to administer the estate, or there is a family conflict. Then, you may need to request assistance from the Public Trustee.

The laws on wills vary from province to province on what makes a will valid and fair. In certain circumstances, a spouse can contest a will if he or she has not been provided for adequately. Common law partners left out of a will have far fewer legal rights to contest this.

If a person does not have a will, they are considered to have died "intestate". Then, the provincial law decides who gets what, and how much. Common law spouses may have to apply under the estate administration law to receive money.

RESPONSIBILITIES OF THE ADMINISTRATOR OR EXECUTOR

Handling the estate takes about a year and half on average, provided there are no lawsuits involved. With good planning, much of your spouse's or partner's property won't have to go through the estate process in the first place.

The main responsibilities of the person handling the estate are to:

- Find the will if there is one;
- Gather the assets;
- Pay the estate's (the person's) legitimate debts (including funeral expenses, and any lawyer's fees) and identify any money owed to the estate;
- Pay any taxes due – particularly to Revenue Canada, but also property taxes owing; and
- Distribute the assets according to the will (assuming there is something left over).

Before you begin, it is important to find the most current will. You can start by applying to the Department of Vital Statistics for a certificate of will search. You will need this if you are applying to court for probate.

ESTATE TAXES

There aren't "gift taxes" or "succession duties" in Canada. There can be probate fees. In B.C., probate fees are payable on estates over \$50,000, and these fees are

currently under review.

Certain kinds of property and assets, (e.g. ones that are held in joint ownership with the right of survivorship, insurance policy with a named beneficiary), **are not included** as part of the calculation of the estate for the probate fees.

If you are dealing with certain kinds of land or securities that belonged to the person who died, you may need to apply for probate. It depends on the institution (mortgage company, stock broker, RRSPs) involved as to whether or not they require probate. (For more information, see the Blue Pages, Province of B.C., Court Services, Probate Court Division)

BILLS, BILLS, BILLS

A person's estate is required to pay any outstanding bills to anyone that the person legitimately owes money. The estate pays bills that are in the name of the person who died. What if the bills are in both people's (spouses, partners) names? Then, they are jointly responsible. The debt remains owing even if the other person has died.

INCOME TAX

When a person dies, a "final tax return" has to be filed for them. This is done by the legal representative of the person who has died (the executor or administrator). It is often the spouse or partner who has this responsibility.

The legal representative has the responsibility to file all required forms; make sure all taxes to Revenue Canada are paid (including previous unpaid taxes); and let the beneficiaries know which amounts that they receive from the estate will be taxable:

Revenue Canada will need to know that you have legal

authority to ask for information about the tax records of the person who has died. So, they will need:

- a copy of the death certificate;
- the person's social insurance number; and
- a copy of the will or other document that shows you are the legal representative.

It is very important to file the final tax return on time. Otherwise the estate may be charged a late-filing penalty, plus interest on any balance owing, and any penalty charged.

The date by which you must file, depends on when the person died. If it was before October 31st, then you must file by April 30th. If it was between November 1 and December 31st, then you must file within six months of the person's death.

Revenue Canada can provide you with a guide on how to determine the person's sources of incomes, as well as their deductions for the final return.

REGISTERED RETIREMENT SAVINGS PLAN (RRSP)

For tax purposes, if a person dies before their RRSPs have matured (that is, it is paying them retirement income), the RRSP is considered as having been "cashed out" on the date of their death, and there will be taxes payable on it. Fortunately, there are considerations for spouses so that you may not have to pay taxes if the RRSP is treated as a "spousal rollover".

CREDIT CARDS

It is important to inform the credit card company about the death of a spouse or partner. If the card was issued in both your names, ask the company to remove the name

of the person who died, and have the card transferred to you.

If the card is only in the name of the person who died, then it is important to close the account. Typically, if there is a balance remaining, there is no bearing on the account from that day forward (which is why it is important to call them). The company will need to know the time and date of death (to block any charges after that time) and to know who the executor is.

Some credit card companies will require you to apply for a new card with them on your own merit. This is because the original card and original contract was based on the applicant's credit history, not yours.

Occasionally, a credit card company will request that a copy of the death certificate be sent to them (mail or fax). Statements will go to the executor to settle.

UTILITIES: HYDRO, TELEPHONE

If the bill is in the name of the person who died, you may want to call the utility company and ask them to transfer it to your name as the surviving spouse or partner. Often there is no charge for this. The company may need some basic information from you to update their records.

Widows have different opinions on whether or not they should change the name listed in the telephone directory from their spouse's name (e.g., Fred Smith) to their own name. (M. Smith). It depends very much on the person.

HOUSE INSURANCE

Make sure the house or tenant insurance is up to date. If the insured house or apartment is unoccupied for 30 days, the insurance covering it can become invalid.

TRANSFERRING TITLE TO LAND OR PROPERTY

If the property is registered in both of your names jointly, with what is referred to a "right of survivorship", the property passes to you on the person's death. However, you will still need to go to the Land Title Office to have the property registered in your name. You will need a copy of the Death Certificate for this.

For the other type of ownership ("tenants in common"), your spouse or partner's share of the property belongs to the estate.

VEHICLE REGISTRATION & INSURANCE

If your vehicle was registered only in your spouse's or partner's name, registration and insurance will need to be transferred or changed. Otherwise, if there is an accident, the driver and vehicle may not be covered.

In B.C., go to the Autoplan agent or the ICBC broker, and present the death certificate, the will, and registration. They will verify that you are the executor or the next of kin. There are slightly different requirements for what they need from you, depending on whether there is a will or no will, and whether the estate is under or over \$10,000.

TAKING CARE OF YOURSELF

With so many things that need your attention, this can be a challenging time. There will be some days when things go better than others. Do what you can on your good days. Sometimes you will simply have to leave things for a while. Recognize how much you have accomplished to date.

A WORD OF CAUTION

Some people will follow the obituary section of the newspaper, and may contact you to sell a service. Use your best judgment on whether you want this, and don't let people pressure you.

DON'T DECIDE IN HASTE

In the first year, it is a good idea to postpone making certain far reaching decisions. These include selling your house, quitting your job, moving in with or closer to family, loaning money to a family members, or making a major investment.

ADVICE FOR FAMILY TRYING TO HELP

Often family and friends worry about whether their mother or father can cope. Here are some ways to help:

- **Understand** your parent's grief and loss. Recognize you are feeling it too. Understand that this can be a difficult time for everyone.
- **Remember** that your parent is an experienced person who is now confronted with an unfamiliar situation. They can make it through, given patience, support, encouragement and time.

- **Ask** whether they would like help with certain kinds of tasks or dealing with certain kinds of forms. Do they want the help just for the time being, or on ongoing basis?
- **What do you feel comfortable with?** Don't automatically take on responsibilities. It can often be just as helpful to teach a skill or help them locate other resources and supports.
- **Don't be afraid** to say you don't know either. If you are helping with financial matters, keep your money and their money separate. It helps to avoid any confusion of matters and temptation.
- **Understand** that anyone at this time (particularly early on) can have lapses in memory, and even everyday tasks become very difficult. People sometimes refer to this temporary state as "grief brain".
- **Be realistic** about what you can and cannot offer to your parent or relative, particularly in terms of living together or care. Less than 9% of seniors live with sons, daughters, or other members of their extended family. Most seniors prefer "intimacy at distance" when it comes to their children.
- **Find out** if there are community resources that could be helpful for your parent.
- **Do not assume** that you are entitled to any money or property. Your parents earned this jointly, and it must last the surviving parent a long time. On average, a 65 year old woman will live another 20 years; an 80 year old woman will likely live another 9 years. Even a 90 year old has another 5 years of living to do, on average!

VALUABLE RESOURCES

To contact any Government of Canada department not listed below, call **1-800-O CANADA**.

For Old Age Security, Guaranteed Income Supplement, and Canada Pension Plan, call free of charge:

1-800-277-9914 (English)

1-800-277-9915 (French).

If you use a TDD/TTY device, call: **1-800-255-4786**.

To locate an appropriate provincial department, look in the blue pages. In B.C. call Enquiry B.C. **660-2421**, or **1-800-663-7867** for outside the Lower Mainland.

For general information on life and health insurance, call Insurance Info Centre (Toronto, Ont. Call no charge, **1-800-268-8099**).

In B.C., the People's Law School has many free and helpful fact sheets on matters such as writing a will; being an executor; owning finances and real estate with someone else; and power of attorney. Their address is Suite 150, 900 Howe Street, Vancouver, B.C., V6Z 2M4, phone: **604-331-5400**. There are agencies that provide similar public legal education in Winnipeg, Halifax, Edmonton, Saskatoon, Calgary, Whitehorse, Fredericton, Toronto, Charlottetown, and St. Johns.

B.C. also has Dial-A-Law, which is a library of pre-recorded tapes with information about laws in B.C. For example, they have tapes on *Making a Will*; *Probating the Estate*; *The Disappointed Beneficiary*, *Common Law Relationships: What Happens When Your Partner Dies*. In the Lower Mainland, phone **687-4680**; outside the Lower Mainland, phone toll free **1-800-565-5297**.

OTHER HELPFUL RESOURCES

Almost every community has a number of resources that you may find helpful at some point. In the provincial blue pages of your telephone directory, you will find:

- Provincial Office for Seniors
- Debtors Counselling, Ministry of Attorney General
- Public Trustee of B.C.

In B.C. Call Enquiry B.C. **660-2421** or **1-800-663-7867** for outside the Lower Mainland.

For information on palliative care check with your local hospital or health unit. B.C. Bereavement Foundation (**604-738-9950**) can help you find a widows/widowers support group in your community.

Trained seniors can provide you with assistance in filling out forms and free information on receiving benefits. They can be reached through your local seniors centre. Seniors centres in B.C. also have copies of the booklet *When I'm 64*. It is a guide to senior citizen benefits and other valuable resources in the province.

A LIST OF DOCUMENTS AND INFORMATION YOU SHOULD HAVE AT HAND

- your marriage certificate
 - your birth certificate and your spouse's, and if you have children under the age of 25, theirs as well
 - the death certificate
 - your social insurance number, and your spouse's
 - any divorce or separation documents, prenuptial or postnuptial agreements
-
- naturalization papers, passports
 - list of any credit cards in separate or joint names
 - burial plans, cemetery deed
 - safety deposit box location and keys
 - list of and most recent statements for any chequing, savings accounts in separate or joint names
 - the will
 - list of debts, most recent mortgage statement
 - a note of any money owing to the person
 - recent tax returns
 - list of insurance policies (health, life, house, tenant, car) with the numbers
 - armed services record
 - auto registration or lease agreement
 - recent statement of mutual funds, securities, stocks, in separate or joint names
 - any property deeds; partnership or trust agreements.

