



Guide for Surviving Spouses

If your spouse recently passed away and they did not have a Will and left behind a very simple estate, there are a few practical things that you need to do. This section will guide a surviving spouse through common property situations that arise with the death of a spouse.

If you have any questions about how your income or public benefits will be affected by the death of your spouse, call the Legal Services for Maine Elders Helpline at 1-800-750-5353 to talk to an attorney for free.

Cars - How to transfer the title

If the title to the car is in your deceased spouse's name:

- You need to get a copy of the death certificate; the old car title; and the "Appointment as Personal Representative" from the probate court (if the estate is being probated). Take these items to your local Bureau of Motor Vehicles (BMV) and ask to transfer the title to your name. You will likely be asked to fill out additional BMV forms, including a new title application and an "Affidavit of Surviving Spouse." There is no fee for a new title for a surviving spouse.

If the car is still being financed, you need to get permission to transfer ownership. Talk to the bank or finance company that owns the loan.

If the title to the car is in both your name and your deceased spouse's name (Joint Ownership):

- If the title to the vehicle is in both your name and your spouse's name, you just need to bring a copy of the death certificate and the old car title to the BMV and fill out forms available at the BMV.

Bank accounts

A bank may continue to pay out on a deceased person's account for 10 days after the bank gets notice of the death.

Surviving spouses sometimes have a hard time getting into their deceased spouse's account. Here are a few helpful instructions to follow:

- If both your name and your deceased spouse's name are on the account, this is called a joint account. There should be no problem with getting into joint accounts.
- "Payable at Death Accounts" name a person, called the *beneficiary*, to get the money in the account at the time of the account holder's death. If your spouse named you as their beneficiary, you may be asked to show a photo ID.
- For a small estate, if the bank account was in your deceased spouse's name only, the bank may require you to complete the "Small Estate Affidavit" process before giving you access to the account. You cannot start this process until at least one month after the death. If you would like help with this process, call the Legal Services for Maine Elders Helpline at 1-800-750-5353 to talk to an attorney for free.

For larger estates, a surviving spouse may gain access if they are named Personal Representative in the decedent's Will. You may need to show to the bank either the "Appointment as Personal Representative" from the probate court or the "Small Estate Affidavit."

Safety deposit box

Banks have their own rules about safety deposit boxes. Some banks allow a survivor to open a decedent's safety deposit box to look for a Will. A bank employee will accompany the survivor to make sure only the Will is removed.

- For a "small estate," a "Small Estate Affidavit" should permit access to the safety deposit box. Some banks have their own forms which serve the same purpose as the Affidavit.
- Other banks require the "Appointment of Personal Representative" from the probate court before allowing access to the safety deposit box.
- If the safety deposit box is in both your name and your deceased spouse's name, it depends on the bank's policy. Some banks will allow you to access the safety deposit box without any special process; others seal the box and will only allow the Personal Representative access.

What to do if a debt collector is calling about your spouse's bills

Maine law says that a husband or wife is **NOT** responsible for the bills of the other **JUST** because they are married. If you did not agree in writing to pay your spouse's bills, **you don't have to pay them.**

If a debt collector is harassing you about your deceased spouse's debt, here's what to do: Ask to see the written evidence that YOU, not your spouse, agreed to pay the debt. If they can't show it to you, you don't have to pay from your own property.

Remember to use common sense. If your spouse had a secured debt like a car loan or a house mortgage and you inherited the car or house, you must keep up on the payments on the debt. Otherwise, the creditor will take away the car or foreclose on the house. So, even if you are not legally responsible for the debt, you probably want to make those payments!

If you are a Maine resident who is 60 or older, call Legal Services for Maine Elders at 1-800-750-5353 to talk to an attorney for free.

Selling your house

If you owned your house as "joint tenants" with your deceased spouse, you need to do a few things before you can sell it. It should not take long to do, but it may require the help of an attorney.

- First, make sure you do not need the court's permission to sell the house. Your attorney will contact the probate court to make this determination.
- Next, get a "Certificate of Discharge of Estate Tax Lien." To do this, your attorney must file two forms with Maine Revenue Services: an Estate Tax Return stating that no estate tax is due; and, the Certificate of Discharge itself that describes your house and says there's no estate tax due. Maine Revenue Services signs the Certificate and returns it to your attorney.
- Once your attorney files the original Certificate with the Registry of Deeds, you are free to sell the house.

If you are a Maine resident who is 60 or older, call the Legal Services for Maine Elders Helpline at 1-800-750-5353 to talk to an attorney for free.

Resources

Legal Services for Maine Elders

If you are a Maine resident who is 60 or older and you need help dealing with a problem arising from the death of a spouse, call the Legal Services for Maine Elders Helpline at 1-800-750-5353 to speak to an attorney for free.

Maine Office of Vital Records

To obtain copies of the death certificate call 207-287-3181 or visit the Office of Vital Records at:

244 Water Street, SHS #11
Augusta, ME 04333-0011

Area Agency on Aging

To find out if you are eligible to receive survivor benefits, or to get help dealing with your deceased spouse's benefits, call your local Area Agency on Aging at 1-877-535-3771.

Social Security Administration

To inform the Social Security Administration of the death, call 1-800-772-1213. To find out if you are eligible to receive survivor benefits, [click here to visit the Social Security website on the topic.](#)

Veteran's Affairs

Call the Veteran's Affairs office at 1-800-827-1000 to inform them of the death. [To find out if you are eligible to receive survivor benefits, click here to visit the Veteran's Affairs website on the topic.](#)

Maine Suicide Prevention Program - Hotline

If you are concerned about yourself or about someone else, call the crisis hotline at 1-888-568-1112. If you are not in Maine, call the National Suicide Prevention Lifeline at 1-800-273-TALK (8255). For more information, [visit the Maine Suicide Prevention Program website by clicking here.](#)

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