



## ELDER LAW AND ESTATE PLANNING

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# Writer worries that he is responsible for late brother's medical bills

**Question:** My brother recently died following a long illness. He was only 53. He was unmarried and had no children. He left behind some assets. He also left behind a huge pile of medical bills. I am his only immediate relative, his personal representative under his will, and also the only beneficiary. I know people struggle to pay medical bills during their lifetime, but doesn't death wipe out medical debt? I have already been contacted by numerous collection agencies seeking payment for hospital charges, ambulance bills, physicians' fees. The callers seem to think I have a legal obligation to pay the bills. Do I? I am getting nervous that I'll be sued.

**Answer:** Sympathies on the loss of your brother.

What you must do without delay is meet with an experienced probate lawyer who can guide you through this journey. In the meantime, the following information should help ease your worries.

A decedent's medical debts, like most other kinds of debts, are not automatically discharged when someone passes away. Assuming you did not guarantee your brother's payments, his estate now becomes the debtor, not you. Outstanding bills will be paid out of estate funds. Creditors' claims come

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before beneficiaries' distributions. Beneficiaries, in this case you, will get only what is left – if anything – after the creditors are paid. If there are insufficient funds in the estate to pay the debts, then the creditors will get paid based upon a priority system set up by statute. You will also have to file a final income tax return; the IRS is also considered a creditor and will get paid before you.

The fact that you are personal representative and beneficiary does not make you liable for your late brother's debts. If you are contacted by his medical providers, refer them to the probate attorney assisting you. Good luck.

*Joseph Karp and Jonathan Karp are Florida Elder Law and Estate Planning Attorneys. The Karp Law Firm is located in Palm Beach and St. Lucie counties. It assists clients with wills, trusts, Medicaid and VA benefits planning, special needs planning, asset preservation, probate/trust administration, estate litigation, and probate and elder law mediation.*