

Lindabury, McCormick, Estabrook & Cooper, P.C.

Return to IDX:

4145 SW Watson Avenue, Suite 400

Beaverton, OR 97005

To the Estate of:

[REDACTED]

August 17, 2023

Estate of [REDACTED]:

The privacy and security of the personal information entrusted to us is of the utmost importance to Lindabury, McCormick, Estabrook & Cooper, P.C. ("Lindabury"). We are writing to provide you with information regarding a recent incident which involves the security of some of the decedent's personal information that was supplied to us. As such, we wanted to provide you with information about the incident, and let you know what significant measures we have taken and continue to take to protect the decedent's information.

What Happened?

On May 5, 2023, Lindabury detected unauthorized access to our network.

What We Are Doing.

Upon learning of this issue, we immediately commenced a prompt and thorough investigation working very closely with external cybersecurity professionals experienced in handling these types of incidents. Following an extensive forensics investigation and document review, we discovered on July 25, 2023, that certain files that contain personal information were potentially removed from our network by the unauthorized party on or about May 5, 2023.

What Information Was Involved?

The information that may have been accessed contained some of the decedent's personal information, including the decedent's [REDACTED].

What You Can Do.

We have no evidence that any of the decedent's information has been used to commit financial fraud. Nevertheless, out of an abundance of caution, we want to make you aware of the incident. This letter provides precautionary measures you can take to protect the decedent's personal information, including placing a "deceased alert" on their credit files. Additionally, you should always remain vigilant in reviewing their financial account statements and credit reports for fraudulent or irregular activity on a regular basis.

For More Information.

Please accept our apologies that this incident occurred. We are committed to maintaining the privacy of personal information in our possession and have taken many precautions to safeguard it. We continually evaluate and modify our practices and internal controls to enhance the security and privacy of the decedent's personal information.

If you have any further questions regarding this incident, please call our dedicated and confidential toll-free response line that we have set up to respond to questions at [REDACTED]. This response line is staffed with professionals familiar with this incident and knowledgeable on what you can do to protect against misuse of the decedent's information. The response line is available Monday through Friday, 9am – 9pm Eastern, excluding US holidays.

Sincerely,

[REDACTED]

Lindabury, McCormick, Estabrook & Cooper, P.C.

– OTHER IMPORTANT INFORMATION –

Protecting Deceased Individuals

The following steps are recommended for all deaths, regardless of age. It is best to notify all entities by telephone but such notifications **must** be followed-up in writing. Mail all correspondence certified, return receipt requested. Keep photocopies of all correspondence, including letters that you send.

- 1) Obtain at least 12 copies of the official death certificate when it becomes available. In some cases you will be able to use a photocopy, but some businesses will request an original death certificate. Since many death records are public, a business may require more than just a death certificate as proof.
- 2) Immediately contact the CRAs in writing and request a “deceased” alert be placed on their credit report. You should also request a copy of the credit report.
- 3) Contact all credit issuers, collection agencies, the CRAs and any other financial institutions that need to know of the death using the required procedures for each one. Include the following information on all letters:
 - Name and SSN of deceased
 - Last known address
 - Last 5 years of addresses
 - Date of birth
 - Date of death
 - To speed up processing, include all requested documentation specific to that agency in the first letter.
 - Send all mail certified, return receipt requested.
 - Keep copies of all correspondence, noting date sent and any response(s) you receive.
 - Contact each of the CRAs. Request a copy of the decedent’s credit report. A review of each report will let you know of any active credit accounts that still need to be closed, or any pending collection notices. Be sure to ask for all contact information on accounts currently open in the name of the deceased (credit granters, collection agencies, etc.) so that you can follow through with those entities.
 - Request that the report is flagged with the following alert: “*Deceased. **Do not** issue credit. If an application is made for credit, notify the following person(s) immediately: (list the next surviving relative, executor/trustee of the estate and/or local law enforcement agency- noting the relationship).*”
 - Friends, neighbors or distant relatives do not have the same rights as a spouse or executor of the estate. They are classified as a third party and a CRA may not mail out a credit report or change data on a consumer file upon their request. If you fall into this classification and are dealing with a very unique situation, you may write to the CRA and explain the situation. They are handled on a case-by case basis.

Specific instructions for each credit reporting agency (CRA) are listed below.

Specific Instructions from the 3 Credit Reporting Agencies

Experian

P.O. Box 9701
Allen, TX 75013

Ordering reports

- A spouse can obtain a credit report by simply making the request through the regular channels -mail, phone and Internet. The spouse is legally entitled to the report.
- The executor of the estate can obtain a credit report but must write Experian with a specific request, a copy of the executor paperwork and the death certificate.

Requesting changes or voicing concerns

- A spouse or executor may change the file to show the person as deceased via written request. A copy of the death certificate and in the case of the executor, the executor's paperwork must be included with the request.
- After any changes, Experian will send an updated credit report to the spouse or executor for confirmation that a deceased statement has been added to the credit report. This is important as executors and spouse can request other types of “changes” that we may not be able to honor.
- If ID Theft is a stated concern, Experian will add a security alert after the file has been changed to reflect the person as deceased.
- If there are additional concerns, Experian will add a general statement to the file at the direction of the spouse/executor. The spouse/executor must state specifically what they want the general statement to say, such as "Do not issue credit."

Equifax

P.O. Box 105139
Atlanta, GA 30348

To Order a credit report

Equifax requests that the spouse, attorney or executor of the estate submit a written request to receive a copy of the deceased consumer's file. The request should include the following:

A copy of a notarized document stating that the requestor is authorized to handle the deceased consumer's affairs (i.e.: Order from a Probate Court or Letter of Testamentary)

For requests or changes

Equifax requests that a spouse, attorney or executor of the estate submit a written request if they would like to place a deceased indicator on the deceased consumer's file. The written request should include a copy of the consumer's death certificate. The request should be sent to the address listed above.

Upon receipt of the death certificate, Equifax will attempt to locate a file for the deceased consumer and place a death notice on the consumer's file. In addition, Equifax will place a seven year promotional block on the deceased consumer's file. Once Equifax's research is complete, they will send a response back to the spouse, attorney, or executor of the estate.

TransUnion (TU)

P.O. Box 2000
Chester, PA 19016

Ordering reports

- TU requires proof of a power of attorney, executor of estate, conservatorship or other legal document giving the requestor the legal right to obtain a copy of the decedent's credit file.
- If the requestor was married to the deceased and the address for which the credit file is being mailed to is contained on the decedent's credit file, then TU will mail a credit file to the surviving spouse.
- If the deceased is a minor child of the requestor, TU will mail a credit file to the parent upon receipt of a copy of the birth certificate or death certificate naming the parent as requestor.

Requesting changes or voicing concerns

- Placing a "decease alert" on reports: TU will accept a request to place a temporary alert on the credit file of a deceased individual from any consumer who makes such a request and identifies themselves as having a right to do so.
- The requestor's phone number is added to the temporary, three month alert. Upon receipt of a verifiable death certificate, TU will entirely suppress the decedent's credit file and so note it as a deceased consumer.
- TU will not mail out a copy of its contents without the requirements mentioned above.

If you suspect fraud, TU suggests a call to their fraud unit at 800-680-7289. It will place the temporary alert over the phone and advise the requestor of what needs to be sent to suppress the credit file and to disclose a copy of its contents. Requests can also be emailed to fvad@transunion.com.

Steps to take if you (surviving spouse or estate executor) suspect that someone is fraudulently using the information of a deceased person:

1. Request a copy of the decedent's credit report as outlined above.
2. Place a "deceased alert" on the report as outlined above.
3. Notify the police in the decedent's jurisdiction if you have evidence of fraud (collection notice, bills, credit report). A suspicion (especially of identity theft by a family member) is best when backed with concrete evidence.
4. Notify any creditor, collection agency, credit issuer, utility company that the person is deceased and date of death. Be sure to include a copy of the death certificate. Request an immediate investigation and that they contact you with the results of the investigation. Insist on letters of clearance, which you should keep with the other estate papers.
5. In the event that the thief is a family member or relative, if the family is unable to decide on a course of action, it may be best to seek the advice of an attorney that specializes in estate or family law.

Massachusetts Residents: Under Massachusetts law, you have the right to obtain a police report in regard to this incident. If you are the victim of identity theft, you also have the right to file a police report and obtain a copy of it.