

Matthew S. Rheingold Quoted In NJ.com Article, "If My Wife Dies, Do I Have To Pay Her Credit Card Bills?"

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By Karin Price Mueller

Q. If my wife dies and she has credit cards only in her name, will I be responsible to pay them?

— Married to a big spender

A. It's a common question: What happens to debts when someone dies?

Generally speaking, all debts, including unsecured credit card debt, are paid from a decedent's estate.

An estate includes all bank and investment accounts, real estate, as well as any other assets that a decedent owns at the time of his or her death, said Matthew Rheingold, an attorney with Einhorn, Barbarito, Frost & Botwinick in Denville.

He said once the executor or administrator of the estate determines all assets, he or she is responsible for determining and paying the decedent's liabilities.

"If the assets of the estate are sufficient to cover the debt, then the debt is paid using the estate assets before any distributions are made to heirs," Rheingold said. "If the estate's assets are insufficient to cover the debt, then family members, including the surviving spouse, are not required to pay the debt from their own assets, unless the surviving spouse or family member has co-signed the debt."

The unsecured creditor may not pursue payment from the other beneficiary and the creditor typically writes off the debt as a loss, he said.

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