

**IN THE COURTS FOR THE FIRST JUDICIAL CIRCUIT  
IN AND FOR ESCAMBIA COUNTY  
STATE OF FLORIDA**

**ESCAMBIA COUNTY ADMINISTRATIVE DIRECTIVE ECAD2018-05**

**IN RE: MANDATORY CHECKLISTS – PROBATE DIVISIONS**

WHEREAS, it is necessary to mandate certain documents to be included in Probate filings; it is

**ORDERED** that:

1. When filing a **Petition for Administration**, the checklist attached to this directive as “Attachment A” titled “*Checklist for Opening Formal Administration*” shall be filed with the Clerk of Court at the time the Petition for Administration is filed.
2. When filing a **Petition for Summary Administration**, the checklist attached to this directive as “Attachment B” titled “*Checklist for Summary Administration*” shall be filed with the Clerk of Court at the time the Petition for Summary Administration is filed.
3. When filing a **Petition for Discharge**, the checklist attached to this directive as “Attachment C” titled “*Checklist for Closing Formal Administration*” shall be filed with the Clerk of Court at the time the Petition for Discharge is filed.
4. This directive shall become effective June 1, 2018 and shall remain in effect until further order of this court.

**DONE AND ORDERED** in Pensacola, Escambia County, Florida this 23<sup>rd</sup> day of May, 2018.

/S/ JOHN L. MILLER

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**JOHN L. MILLER  
ADMINISTRATIVE JUDGE**

Copies furnished to:

All Judges, Escambia County  
Pam Childers, Clerk of Court, Escambia County  
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**ATTACHMENT “A”**  
**ECAD2018-05**

**IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA**

<p><b>CHECKLIST FOR OPENING FORMAL ADMINISTRATION</b></p>
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Estate of: \_\_\_\_\_ Case No: \_\_\_\_\_

Date of Death: \_\_\_\_\_ Attorney of Record: \_\_\_\_\_

Age at Death: \_\_\_\_\_ Marital Status: \_\_\_\_\_

Deposited Will Case No: \_\_\_\_\_ Guardianship Case No: \_\_\_\_\_

Type of Estate:      Testate                   Intestate                   Ancillary

	Attorney Certification			Review of Attorney Certification
	YES	NO	N/A	CONFIRMED
<b>1. Certified Death Certificate Filed?</b>				
<b>2. Last Will and Testament</b>				
Original Will filed? (or authenticated copy for ancillary) 5.200(j)				
Date of Will: _____ Date of Codicil: _____	Fill in information to left			
Properly executed? 732.502				
Will is self-proved? 732.503, 733.201 If applicable, <input type="checkbox"/> self-proved under law where executed; <input type="checkbox"/> authority provided from other state where executed				
If not self-proved, an oath of witness is filed? 733.201(2)				
Proper oath? 733.201(2)/(3)				
If copy of will is filed, a petition to establish lost will complying with Rule 5.510 & 5.025 and F.S. 733.207 has been filed?				
<b>3. List of Beneficiaries</b>				
1.				
2.				
3.				
4.				
5.				

	Attorney Certification			Review of Attorney Certification
	YES	NO	N/A	CONFIRMED
<b>4. Petition for Administration contains the following information:</b>				
A statement showing interest of petitioner 5.200(a)				
Petitioner's name and address 5.200(a)				
Petitioner's attorney's name and office address 5.200(a)				
Name of decedent 5.200(b)				
Last known address of decedent 5.200(b)				
Decedent's last four social security numbers 5.200(b)				
Date and place of death of the decedent 5.200(b)				
State and county of decedent's domicile 5.200(b)				
Name, address of surviving spouse, if any, and beneficiaries/heirs 5.200(c)				
Relationship to the decedent 5.200(c)				
Year of birth of any minor beneficiaries 5.200(c)				
Trust beneficiaries included pursuant to 731.201(2)				
If Trust/Trustee (of living trust) is a beneficiary, has Notice of Trust been filed? 736.05055(1)				
Statement of venue 5.200(d)				
A statement as to whether domiciliary proceedings are pending in another state or country 5.200(f)				
Name and address of foreign personal representative and Court issuing letters, if any 5.200(f)				
A statement showing approximate value and nature of assets 5.200(g)				
A statement in an <b>intestate estate</b> that: 5.200(h) <input type="checkbox"/> Each Petitioner is unaware of any unrevoked wills or codicils, <b>or</b> <input type="checkbox"/> Why the wills or codicils are not being probated				If yes, mark boxes on left
A statement in a <b>testate estate</b> that: 5.200(i)(j) <input type="checkbox"/> Identify all unrevoked wills and codicils being presented for probate; <b>and</b> <input type="checkbox"/> Petitioner is unaware of any other unrevoked wills or codicils, <b>or</b> : <input type="checkbox"/> A statement of why any other wills or codicils are not being probated The original of decedent's will: <input type="checkbox"/> is in possession of the Court <input type="checkbox"/> accompanies petition <input type="checkbox"/> an authenticated copy of a will deposited with or probated in another jurisdiction accompanies the petition 5.200(j)				
Establishment and probate of lost or destroyed will 5.510 / 733.207 <input type="checkbox"/> Copy of will 5.510(b) <input type="checkbox"/> Testimony of witness 5.510(c) / 733.207 <input type="checkbox"/> Notice to those who, but for the will, would inherit 5.510(d) <input type="checkbox"/> Order states full terms & provisions 5.510(e)				If yes, mark boxes on left

	Attorney Certification			Review of Attorney Certification
	YES	NO	N/A	CONFIRMED
[Hatched Area]				
Ancillary Administration 5.470 / 734.102				
<input type="checkbox"/> Authenticated copies: ( ) Will ( ) Petition ( ) Order admitting will ( ) Letters 5.470(a)(1) <input type="checkbox"/> Formal notice 5.470(b)(1)/(2)	If yes, mark boxes on left			
The verified petition complies with 5.200 and 5.020(e)				
Signed by petitioner 5.020(a)				
Signed by attorney 5.020(a)				
<b>5. PERSONAL REPRESENTATIVE</b>				
<b>Does the Petition Show Priority of Petitioner to Serve as Personal Representative: 5.200(e)</b>				
<b>Intestate</b> 733.301(a)(b)				
<input type="checkbox"/> Surviving spouse 733.301(1)(b)1 <input type="checkbox"/> Selected by majority in interest of heirs 733.301(1)(b)2 <input type="checkbox"/> Heir nearest in degree (if more than one applies, court may select the one best qualified) 733.301(1)(b)3 <input type="checkbox"/> Guardian of property of a ward entitled to appointment, or may exercise right to select personal representative 733.301(2) <input type="checkbox"/> If not entitled to preference, notice given 5.201(b)	If yes, mark boxes on left			
<b>Testate</b> 733.301(1)(a)				
<input type="checkbox"/> Personal representative, or successor, nominated by the will 733.301(1)(a) <input type="checkbox"/> Selected by a majority in interest of persons entitled to the estate 733.301(1)(a)2 <input type="checkbox"/> A devisee under the will (if more than one applies, court may select the best one qualified) 733.301(1)(a)3 <input type="checkbox"/> If not entitled to preference, notice given or consent 5.201(b)	If yes, mark boxes on left			
If Petitioner is a nonresident, does Petition show that he/she is qualified to serve? 733.304				
<input type="checkbox"/> Legally adopted child or adoptive parent of the decedent 733.304(1) <input type="checkbox"/> Related by lineal consanguinity to the decedent 733.304(2) <input type="checkbox"/> Spouse, brother, sister, uncle, aunt, nephew, or niece - or someone related by lineal consanguinity to any such person 733.304(3) <input type="checkbox"/> The spouse of a person otherwise qualified to serve 733.304(4)	If yes, mark boxes on left			
<b>6. Bond of Personal Representative</b>				
Bond waived in will 733.402 (1)				
Bond waived by all interested parties and waivers are filed 5.235(c)				
<b>7. Oath of Personal Representative and Designation of Registered Agent</b>				
Notarized 5.235(a)(3) / 5.320				
Resident Agent Accepted 5.110(d)				

**I certify that I have personally reviewed the foregoing checklist and it is accurate. In making the certification, I have relied upon the information set forth in the pleadings and court filings.**

**Attorney for Estate:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone Number:** (\_\_\_\_) \_\_\_\_\_

**Email address:** \_\_\_\_\_

**ATTACHMENT “B”**  
**ECAD2018-05**

**IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA**

<p><b>CHECKLIST FOR SUMMARY ADMINISTRATION</b></p>
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Estate of: \_\_\_\_\_ Case No: \_\_\_\_\_

Date of Death: \_\_\_\_\_ Attorney of Record: \_\_\_\_\_

Age at Death: \_\_\_\_\_ Marital Status: \_\_\_\_\_

Deposited Will Case No: \_\_\_\_\_ Guardianship Case No: \_\_\_\_\_

Type of Estate:     Testate                     Intestate                     Ancillary

	Attorney Certification			Review of Attorney Certification
	YES	NO	N/A	CONFIRMED
<b>1. Certified Death Certificate Filed?</b>				
<b>2. Last Will and Testament</b>				
Original will filed? <i>(or authenticated copy for ancillary)</i> 5.200(j)				
Date of Will: _____ Date of Codicil: _____	<b>Fill in information to left</b>			
Properly executed? 732.502				
Will is self-proved? 732.503, 733.201 If applicable, <input type="checkbox"/> self-proved under law where executed; <input type="checkbox"/> authority provided from other state where executed				
	<b>If yes, mark boxes on left</b>			
If not self-proved, an oath of witness is filed? 733.201(2)				
Proper oath? 733.201(2) / (3)				
If copy of will is filed, a petition to establish lost will complying with 5.510 & 5.025 and 733.207 has been filed?				
<b>3. List of Beneficiaries</b>				
1. _____ Consent ( ) or Date Served ( / / )				
2. _____ Consent ( ) or Date Served ( / / )				
3. _____ Consent ( ) or Date Served ( / / )				
4. _____ Consent ( ) or Date Served ( / / )				
5. _____ Consent ( ) or Date Served ( / / )				



	Attorney Certification			Review of Attorney Certification
	YES	NO	N/A	CONFIRMED
<b>4. Does the Petition for Summary Administration Contain the Following Information?</b>				
A statement showing interest of petitioner(s) 5.530(a)(1)				
Petitioner's name and address 5.530(a)(1)				
Petitioner's attorney's name and office address 5.530(a)(1)				
Name of decedent 5.530(a)(2)				
Last known address of decedent 5.530(a)(2)				
Decedent's last four social security numbers 5.530(a)(2)				
Date and place of death of the decedent 5.530(a)(2)				
State and county of decedent's domicile 5.530(a)(2)				
Names and addresses of surviving spouse/beneficiaries/heirs 5.530(a)(3)				
Relationship to the decedent 5.530(a)(3)				
Year of birth of any minor beneficiaries 5.530(a)(3)				
Trust beneficiaries included pursuant to 731.201(2)?				
If Trust/Trustee (of living trust) is a beneficiary, has Notice of Trust been filed? 736.05055(1)				
Statement of venue 5.530(a)(4)				
A statement whether domiciliary or principal proceedings are pending in another state or country 5.530(a)(5)				
Name and address of foreign personal representative and Court issuing letters, if any 5.530(a)(5)				
<b>5. Has the Court Been Provided Information Relative to Existence of a Will?</b>				
A statement in an <b>intestate estate</b> that: 5.530(a)(10) <input type="checkbox"/> Each Petitioner is unaware of any unrevoked wills or codicils, <b>or</b> <input type="checkbox"/> Why the wills or codicils are not being probated				If yes, mark boxes on left
A statement in a <b>testate estate</b> that: 5.530(a)(11) <input type="checkbox"/> Identify all unrevoked wills and codicils being presented for probate; <b>and</b> <input type="checkbox"/> Petitioner is unaware of any other unrevoked wills or codicils, <b>or</b> : <input type="checkbox"/> A statement of why any other wills or codicils are not being probated  The original of decedent's will: <input type="checkbox"/> is in possession of the Court <input type="checkbox"/> accompanies petition <input type="checkbox"/> an authenticated copy of a will deposited with or probated in another jurisdiction accompanies the petition 5.200(j)				
Establishment and probate of lost or destroyed will 5.510 / 733.207 <input type="checkbox"/> Copy of will 5.510(b) <input type="checkbox"/> Testimony of witness 5.510(c) / 733.207 <input type="checkbox"/> Notice to those who, but for the will, would inherit 5.510(d) <input type="checkbox"/> Order states full terms & provisions 5.510(e)				If yes, mark boxes on left

	Attorney Certification			Review of Attorney Certification
	YES	NO	N/A	CONFIRMED
<p>Ancillary Administration 5.470 / 734.102</p> <p><input type="checkbox"/> Authenticated copies: <input type="checkbox"/> Will <input type="checkbox"/> Petition  <input type="checkbox"/> Order admitting will <input type="checkbox"/> Letters 5.470(a)(1)</p> <p><input type="checkbox"/> Formal notice 5.470(b)(1)/(2)</p>				
	If yes, mark boxes on left			
<p><b>6. Does the Petition Contain Facts that Entitle Decedent's Estate to Summary Administration?</b></p>				
<p>In a <b>testate estate</b>, that the decedent's will does not direct administration as required by 5.530(a)(6) / 733 / 735.201(1)</p>				
<p>A statement that:</p> <p><input type="checkbox"/> The value of the entire estate subject to administration in this state, less the value of property exempt from claims of creditors does not exceed \$75,000 5.530(a)(7) / 735.201(2) <b>or</b></p> <p><input type="checkbox"/> Decedent has been dead for more than 2 years 735.201(2) [5.530(a)(7) (with respect to persons dying after 7/1/89) / 733.710(1)]</p>				If yes, mark boxes on left
<p>A schedule of all assets of the estate and their estimated value 5.530(a)(8) [separately designating homestead and exempt property]</p>				
<p>A statement in regard to the indebtedness of the estate 5.530(a)(9)</p> <p><input type="checkbox"/> That all creditors claims are barred; 5.530(a)(9)(A) <b>or</b></p> <p><input type="checkbox"/> A statement that a diligent search and reasonable inquiry has been made for known or ascertainable creditors; 5.530(a)(9)(B) <b>and</b>  <input type="checkbox"/> That the estate is not indebted 5.530(a)(9)(B)(i)  <input type="checkbox"/> Name and address of each creditor, nature of debt, amount of debt, and when debt is due 5.530(a)(9)(B)(ii)</p> <p>If provision for <b>payment</b> of debt has been made other than for full payment in proposed order of distribution, the following shall be shown:  The name of the person who will pay the debt.  The creditor's written consent for substitution or assumption of the debt by another person.  The amount to be paid if the debt has been compromised.  The terms for payment by any limitations on the liability if the person paying the debt 5.530(a)(9)(B)(ii)</p>				If yes, mark boxes on left
<p>A proposed schedule of distribution of all assets and the person to whom each asset is to be distributed 5.530(a)(12) / 735.206</p>				
<p><b>7. Is the Petition Filed By:</b></p>				
<p><input type="checkbox"/> Beneficiary</p> <p><input type="checkbox"/> Heir at law</p> <p><input type="checkbox"/> Person nominated as personal representative 735.203(1)</p>				Fill in applicable information to the left

	Attorney Certification			Review of Attorney Certification
	YES	NO	N/A	CONFIRMED
<b>8. Is the Petition Properly Executed? 735.203</b>				
<input type="checkbox"/> Verified 5.530(a) / 735.203(1) <input type="checkbox"/> Signed by surviving spouse 735.203(1) <input type="checkbox"/> Signed by heirs at law or beneficiaries who are <i>sui juris</i> 735.203(1) <input type="checkbox"/> Signed by guardian of any heir/beneficiary who is not <i>sui juris</i> /incapacitated 735.203(2)(b) <input type="checkbox"/> Signed by person(s) described by 735.203(2)(a) or (c) <input type="checkbox"/> Signed by attorney 5.020(a)				
<b>Fill in applicable information to the left</b>				
<b>9. Miscellaneous</b>				
Has formal notice been served on any heir, beneficiary, or creditor not joining or consenting to the Petition? 5.530(b) / 735.203(1)				
Was a Petition for Homestead Exemption filed?				
Was a Petition to Determine Exempt Property filed?				

**I certify that I have personally reviewed the foregoing checklist and it is accurate. In making the certification, I have relied upon the information set forth in the pleadings and court filings.**

**Attorney for Estate:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone Number:** (\_\_\_\_) \_\_\_\_\_

**Email address:** \_\_\_\_\_

**ATTACHMENT “C”**  
**ECAD2018-05**

**IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA**

<p><b>CHECKLIST FOR CLOSING FORMAL ADMINISTRATION</b></p>
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**Estate of:** \_\_\_\_\_ **Case No:** \_\_\_\_\_

**Date of Death:** \_\_\_\_\_ **Attorney of Record:** \_\_\_\_\_

**Age at Death:** \_\_\_\_\_ **Marital Status:** \_\_\_\_\_

**Type of Estate:**    Testate             Intestate             Ancillary

	Attorney Certification			Review of Attorney Certification
	YES	NO	N/A	CONFIRMED
<b>1. Notice of Administration Served as Required by 5.240</b>				
Surviving spouse served? 5.240(a)(1)				
Proof of Service to Spouse filed?				
If surviving spouse is not served is waiver signed and filed as required by 5.240(e)?				
All beneficiaries served? 5.240(a)(2)				
Proof of Service to all beneficiaries filed?				
If all beneficiaries are not served are waivers signed and filed as required by 5.240(e)?				
Trustee of trust served as described in 733.707(3)? 5.240(a)(3)				
Proof of Service to trustee filed?				
If trustee is not served are waivers signed and filed as required by 5.240(e)?				
If each trustee is also a personal representative, has each qualified beneficiary of the trust as defined in 731.201(2) been served? 5.240(a)(3)				
Proof of Service to each qualified beneficiary of the trust filed?				
If qualified beneficiary of the trust is not served are waivers signed and filed as required by 5.240(e)?				
All persons who may be entitled to exempt property as defined in 732.402 served? 5.240(a)(4)				
Proof of Service to all persons who may be entitled to exempt property served?				
If all persons are not served are waivers signed and filed as required by 5.240(e)?				

				Attorney Certification			Review of Attorney Certification
				YES	NO	N/A	CONFIRMED
<b>2. Notice to Creditors as Required by 5.241 and 733.2121</b>							
Notice to Creditors has been served on Agency for Health Care Administration as required by 733.2121(d)?							
Proof of Service to Agency for Health Care Administration filed?							
All other known creditors have been served and Proof of Service has been filed?							
Proof of Publication of Notice of Creditors filed? 5.241							
If Proof of publication is not filed are claims barred as described in 733.710(1)?							
Verified Diligent Search and Statement Regarding Creditors filed within 4 months of 1 <sup>st</sup> publication date as required by 5.241(d)?							
<b>3. Inventory</b>							
Verified Inventory filed within 60 Days from the issuance of Letters of Administration as required by 5.340 and 733.604?							
Surviving spouse served as required by 5.340(d)?							
Proof of Service to spouse filed?							
Each Heir at Law in an intestate estate served as required by 5.340(d)?							
Proof of Service to Each Heir at Law filed?							
Each residuary beneficiary in a testate estate served as required by 5.340(d)?							
Proof of Service to each residuary beneficiary filed?							
All other interested person(s), who have requested the Inventory in writing, served as required by 5.340(d)?							
Proof of Service to all other interested person(s) filed?							
<b>4. Notice to Nonresiduary Beneficiaries as Required by 5.340(f) and 733.604</b>							
All nonresiduary beneficiaries have been provided: <input type="checkbox"/> Written notice of their right to receive a written explanation of how the inventory value for each asset distributed to them, or proposed to be distributed to them, was determined; <u>or</u> <input type="checkbox"/> Written notice of their right to receive a copy of an appraisal, if any, of the assets.							If yes, mark boxes on left
<b>5. Creditors 733.705 and 733.710(1)</b> Estate is NOT indebted <input type="checkbox"/>							
Claims are barred as described in 733.710(1)?							
All filed claims are satisfied?							
All filed claims that are not satisfied are settled?							
Objection to claim has been filed as described in 733.705(2)?							
No Independent Action has been timely filed as described in 733.705(5)?							
<b>6. Taxes 5.395 and 198.32</b>							
Affidavit of no FL tax due filed as described in 198.32?							
Notice of Federal Tax Return served on all Interested Parties?							
Tax Return due nine months from date of death or _____ (date)							
Federal Estate Tax Closing Letter filed?							

				Attorney Certification			Review of Attorney Certification
				YES	NO	N/A	CONFIRMED
<b>7. Civil Actions and Adversary Proceedings 5.025 and 5.065</b>							
Any adversary proceedings filed? 5.025							
If yes, have proceedings been disposed?							
Any Notice of Civil Actions filed? 5.065							
If yes, have proceedings been disposed?							
<b>8. Final Accounting Complying with 5.400, 5.180, and 731.302</b>							
Final Accounting filed in accordance with 5.400(c)?							
Were all Interested Persons served?							
Any objections to final accounting filed?							
All objections resolved?							
If Final Accounting was not filed, are waivers by all interested parties filed in accordance with 5.180?							
<b>9. Petition for Discharge Complying with 5.400 Filed</b>							
Petition for Discharge signed by the Personal Representative? 5.330(g)							
Petition for Discharge served on all interested persons? 5.400(c)							
If Petition for Discharge has not been served, are consents filed?							
The 30 day time period is expired for filing objections to the discharge?							
Are there any unresolved objections to the Petition for Discharge?							
<b>Name of Interested Persons served with Petition for Discharge:</b>							
1.	Consent ( ) or Date Served ( / / )						
2.	Consent ( ) or Date Served ( / / )						
3.	Consent ( ) or Date Served ( / / )						
4.	Consent ( ) or Date Served ( / / )						
5.	Consent ( ) or Date Served ( / / )						
<b>10. Plan of Distribution Complying with 5.400(b)(5) Filed</b>							
Report of Distribution filed as required by 5.400(e)?							
If Report of Distribution is not filed are waivers filed as described in 5.180(b)?							
<b>11. Beneficiaries/Heirs</b>							
Receipts from all beneficiaries/heirs filed?							
If receipts are not filed are waivers filed as described in 5.180(b)?							
Death Certificate of any beneficiaries filed?							
<b>12. Compensation Fees Paid 5.400(b)</b>							
Petition for Discharge shows compensation paid to attorneys, accountants, personal representative(s) and others employed by the personal representative(s)?							
Petition for Discharge shows the manner of determining compensation?							
If Petition for Discharge does not show compensation or the manner to determine compensation, are waivers filed as described in 5.180(b)?							

	Attorney Certification			Review of Attorney Certification
	YES	NO	N/A	CONFIRMED
<b>13. Miscellaneous</b>				
Petition to Determine Homestead Exemption filed? 5.405				
Order Determining Homestead Exemption entered?				
Petition to Determine Exempt Property filed? 5.406 / 732.402				
Order Determining Exempt Property entered?				
Petition to Determine Family Allowance filed? 5.407				
Order Determining Family Allowance entered?				
Petition to Determine Beneficiaries filed? 5.385				
Order Determining Beneficiaries entered?				
The State of Florida checked for unclaimed property? <a href="https://www.fltreasurehunt.org">https://www.fltreasurehunt.org</a>				

**I certify that I have personally reviewed the foregoing checklist and it is accurate. In making the certification, I have relied upon the information set forth in the pleadings and court filings.**

**Attorney for Estate:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone Number:** (\_\_\_\_) \_\_\_\_\_

**Email address:** \_\_\_\_\_