

Summary Administration:

The following items are required for Summary Administrations:

- A paid funeral bill (if less than 2 years)
- An affidavit of No Separate Writing, if the will indicates a separate writing and there is not one being filed.
- When requested the last four digits of the decedent's social security number may be used.
- A Probate Asset
 - Homestead property is not a probate asset.
 - Exempt property does not qualify as a probate asset.

- A detailed description of all assets on both the petition and proposed order

Do not place the homestead property on the Order of Summary Administration

The Bar form does not require that both exempt and homestead property be listed on the Petition

- An "Affidavit of Heirs" by a disinterested person for interstate estates; updated form is attached.
- Claims filed in Summary Administration will delay the processing of case:

Florida Statute 735.201 (2):

731.201 Summary administration; nature of proceedings—Summary administration may be had in the administration of either a resident or nonresident decedent's estate, when it appears:

- (1) In a testate estate that the decedent's will does not direct administration as required by chapter 733.
- (2) That the value of the entire estate subject to administration in this state, less the value of property exempt from the claims of creditor, does not exceed \$75,000 or that the decedent has been dead for more than 2 years.

Formal Administration

General Guidelines for Estate Cases

1. Bond consideration by the court:

Minimum bond required on all formal administrations with tort claim as an asset is \$15,000 (minimum bond premium)

If the Personal Representative resides in Florida, the bond shall be on the one-hundred percent (100%) of the liquid assets less the Personal Representatives' share

If the Personal Representative resides out of the State of Florida, the minimum bond shall be one-hundred (100%) of all assets (including real property) less the personal representative's share

A restricted depository account or an attorney's trust account is not an alternative when the Judge has set bond

2. The Court requires an Affidavit of No Separate Writing if the Will indicates that there is a separate writing and there is not one filed.

3. When requested the last four digits of the decedent's social security number may be used

4. On new cases that have a tort claim as an asset, the following language is required on the proposed Letters of Administration:

"The Personal Representative may not compromise or settle any claim or dispose of or encumber any estate asset without specific court approval."

5. On all Estates that have a Trust as a beneficiary, the Court will require that the date of the trust be included under the beneficiaries as:

".....Revocable Trust dated"

If the Personal Representative is a beneficiary and their share of the Trust is designated in the estate this information will help the Court in determining bond amount.

6. Petitions for Sale of Real Property require the following:
 - a. A photocopy of the signed contract.
 - b. If filed prior to the end of the creditor claims period, the proposed Order must state that the funds are to be placed into the attorney's escrow account and cannot be disbursed without further order of the Court. If these funds exceed two hundred fifty thousand dollars (\$250,000.00), they must be placed in more than one (1) account.
 - c. The legal description on the Petitions and motions containing real property descriptions must appear as in public records, i.e. Parcel ID plus physical address,

7. Petition to Determine Homestead
 - a. The legal description on the Petition and Order of Homestead must appear as in public records, i.e. Parcel ID plus physical address
 - b. Follow Kelly's Homestead Paradigm (05/10 version attached), which is a graphical instruction tool explaining the interpretation of homestead law

8. When filing a Petition to Extend Time, the following is required:
 - a. If the estate is more than two (2) years old, a hearing is required (may be telephonic).
 - b. The Personal Representative is required to sign the petition.
 - c. Leave the extension date blank on the proposed Order.

9. All intestate Formal Administration case require:
 - a. A Petition to Determine Beneficiaries
 - b. Affidavit of heirs by a disinterested person; updated form attached.
 - c. A hearing with notice to all interested parties
 - d. If there is a spouse, the requirement is to use the Florida Bar Form, "Petition fro Allocation of Spouse's Share"

10. The Order Admitting Lost or Destroyed Will should have a photo copy of the will attached as "Exhibit A attached hereto and made a part hereof"

11. The inventory filed in an estate proceeding must include a detailed description of all assets and where they are located. The following are also required:

- The Vehicle Identification Number (VIN) must be included for all vehicles listed on the inventory (both guardianships and estates). This list includes, but is not limited to cars, trucks, trailers, motorcycles, boats, motor homes and mobile homes.
- Real property descriptions must appear as in public records, i.e. Parcel ID plus physical address
- Complete account numbers for bank accounts and insurance policies and any other financial accounts
- Stock certificates must have complete description and **certificate numbers**
- Guns listed on the inventories must have the make, model, serial number, length of barrel, and finish (i.e. blue, nickel, stainless steel)

For electronic order DO NOT PLACE the **name of the Judge or a date** on the proposed order where the signature line is located, only Circuit Judge. The proposed order should appear as the example below. Electronic filing does not allow the judge to grant our order or change the typed name if it is spelled incorrectly or another judge is assisting.

Ordered on _____, 20__.

Circuit Judge

Letter of Administration will not be signed until the original paper bond has been approved by the deputy clerk. The original bond must contain the local agent's name, address, and phone number.

Withdrawing from case. Any motion by counsel requesting to be released as attorney of record for the personal representative will not be granted until counsel has filed a motion for an order to show cause for failure of the Personal Representative to comply with the Rules or statutes. It is presumed counsel has made the proper arrangements for payment of fees and only under unusual circumstances will counsel be permitted to be released as counsel and resident agent.