



# Office of Nikki Alvarez-Sowles, Esq. Pasco County Clerk & Comptroller

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IN RE: THE ESTATE OF \_\_\_\_\_

CASE: \_\_\_\_\_

DIVISION: \_\_\_\_\_

## CASE MAINTENANCE REFERENCE GUIDE FOR SUMMARY ADMINISTRATION

### **PETITION FOR SUMMARY ADMINISTRATION F.S. 735.201; F.S. 735.203 and RULE 5.530:**

- A petition for summary administration may be filed by any beneficiary, heir or person nominated as personal representative in the decedent's will offered for probate. (FS 735.203(1))
- The petition must be signed and verified by the surviving spouse, if any, and any beneficiaries. (FS 735.203(1). Any beneficiary not joining or consenting shall receive formal notice of the petition (FS 735.203(3)).
  - If a person named above has died, is incapacitated, or is a minor, or has conveyed or transferred all interest in the property of the estate, then, as to that person, the petition must be signed and certified by:
    - The PR, if any, of a deceased person or, if none, the surviving spouse, if any, and the beneficiaries.
    - The guardian of an incapacitated person or a minor.
    - The grantee or transferee of any of them shall be authorized to sign and verify the petition instead of the beneficiary or surviving spouse.
  - For those interested persons not joining or consenting, proof of formal notice has been received. - See F.S. 735.203(1), (2) and (3) for detailed explanation.

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- If applicable, a Notice of Trust has been filed with the court. (F.S. 736.05055)
- Certified death certificate has been filed for decedent (pursuant to F.S. 731.103; FPR 5.205(a)(3) and FPR 5.171.
- The death certificate corresponds with the Petition for the following:
  - Decedent's name                       Social Security number
  - Location of Death                       State and county of the decedent's domicile
  - Date of death

**The verified petition contains the following:**

- Statement of venue (F.S. 733.101 and FPR 5.530).
- Facts showing that petitioner(s) are entitled to summary administration as provided in F.S. 735.201.
- In a testate estate, statement that the decedent's will does not direct administration as required by Chapter 733, F.S. 735.201(1).
- Statement that the value of the entire estate subject to administration in this state, less the value of property exempt from the claims of creditors, does not exceed \$75,000 or that the decedent has been dead for more than 2 years, F.S. 735.201(2).
- A description of all assets required by law to be listed and the estimated values of each (Florida Probate Rule 5.530(8)).

Liquid Assets \_\_\_\_\_ Non-Liquid \_\_\_\_\_

- Homestead and exempt property shall be separately designated (FPR 5.530(a)(8)).

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- One of the following shall be included:
- Affidavit of due diligence and reasonable inquiry for any known or reasonably ascertainable creditors has been submitted (F.S. 735.206(2))
  - Statement that the estate is not indebted (FPR 5.530(a)(9)(A) **or**
  - Statement that all creditors' claims are barred (FPR 5.530(a)(9) **or**
  - The name of each creditor, the nature of the debt, the amount of the debt and whether the amount of the debt is estimated or exact, and when it is due. If provision for payment has been made other than in the proposed order of distribution, the following information shall be shown (FPR 5.530(a)(9)(B):
    - The name of the person who will pay the debt (FPR 530(a)(9)(b)(i).
    - The creditor's written consent for substitution or assumption of the debt by another person (FPR 5.530(a)(9)(B)(ii).
    - The amount to be paid if the debt has been compromised (FPR 5.530(a)(9)(B).
    - If the debt is to be paid in other than one (1) lump sum or as directed by court order, the time and method of payment (FPR 5.530(a)(9)(B).
  - Schedule of proposed distribution of all probate assets and the person to whom each asset is to be distributed (FPR 5.530(a)(12).
  - Signature of attorney, address, primary and secondary email addresses, phone number and Florida Bar Number (Rules of Judicial Administration 2.515(a).
- Petitioner shall serve a copy of the petition on all creditors (F.S. 735.206(2)).
- Statement that the petitioner is unaware of any unrevoked will or codicil if aware, why the will or codicil is not being probated. (FPR 5.530(a)10.

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**TESTATE ESTATE - F.S. 732.502:**

Date of Will \_\_\_\_\_

Beneficiaries named in will and relationship to decedent.

Name

Relationship

Name	Relationship
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Witnesses of the will.

_____
_____

Execution of the will and codicil(s) conforms with statute formalities required by F.S. 732.502.

Self-proved will is executed in conformity with the formalities required by F.S. 732.503 and Florida notary laws Ch. 117.

If not self-proved, an Oath of Witness has been executed before a Circuit Judge or Clerk in Florida or commissioner appointed by the Court (F.S. 733.201(2), FPR 5.230 **or**

If applicable, an Oath of the personal representative nominated by the Will has been executed before a Circuit Judge or Clerk in Florida or commissioner appointed by the Court, **or**

The oath of any person having no interest in the estate under the Will stating that he believes the writing exhibited to be the true last will of the decedent (F.S. 733.201(3))

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- Verify witnesses' names are the same as names on original will and/or codicil.
- If applicable, the date of Will and/or Codicil on the Oath of Witness to Will and/or Codicil is the same as Will and/or Codicil.

**ORDER ADMITTING WILL TO PROBATE- F.S. 735.206(1); FPR 5.530(c):**

- The proposed Order Admitting the Will and/or Codicil has been filed.
- The proposed Order Admitting Will and/or Codicil to Probate does contain the correct names of the witnesses to will and applicable language as to proof of Will.

**ORDER OF SUMMARY ADMINISTRATION-F.S. 735.206; FPR 5.530(d):**

- The proposed Order of Summary Administration has been submitted.
- The proposed Order of Summary Administration lists beneficiaries' names correctly.
- The proposed Order of Summary Administration reflects distribution according to petition.
- Court requirement:** The proposed Order of Summary Administration specifically designates the person to whom each asset is to be distributed and contains a sufficient description of each asset and its value.

**Other:**

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