



## 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 FORMAL ADMINISTRATION

#### **PETITION FOR FORMAL ADMINISTRATION F.S. 733.202 and Rule 5.200:**

- A statement of the interest to the petitioner, the petitioner's name and address and the name and office address of the petitioner's Attorney.
- The name, last known address, social security number, and date and place of death of the decedent and the state and county of the decedent's domicile.
- The death certificate corresponds with the Petition for the following:
  - Decedent's name
  - Location of Death
  - Date of death
  - Social Security number
  - State and county of the decedent's domicile
- Names and addresses of beneficiaries, and of the decedent's surviving spouse, their relationship to the decedent and the dates of birth of any who are minors.
  - Court requirement: If the Trust is a beneficiary, the date of the trust must be included under beneficiaries as "...Revocable Trust dated..."
- Statement showing venue.
  - Court requirement: if death certificate reflects incorrect residence, proof of Residence is requested, ie: Driver's License, State Identification Card; homestead exemption.
- Death certificate has been filed for decedent (pursuant to F.S. 731.103; Rule 5.205, and Rule 5.171) **or**,
- Court requirement: temporary proof of death, i.e.: obituary, affidavit, until death certificate can be obtained.

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- If the decedent was a nonresident of this state, a statement whether domiciliary or principal proceedings are pending in another state or country, if known, and, if so, the name and address of the foreign personal representative and the court issuing letters.
  
- A statement of the preference of appointment of the personal representative.
  - A statement that the proposed personal representative is qualified to serve under the laws of the State of Florida and the reason the individual is entitled to appointment (F.S. 733.301(1), Rule 5.200 (e)).
  - Facts/proof showing why the personal representative(s) indicated in the decedent's will are not being appointed; ie: copy of death certificate, waiver and consent to appointment (Rule 5.200).
  
- A statement of the approximate value and nature of the assets Rule 5.200.
  - Court requirement: Distinguish between liquid and real property in order for the Court to determine bond based on the amount of the liquid assets.  
Liquid \_\_\_\_\_ Non-Liquid \_\_\_\_\_
  
- Waiver and consents from the majority of interest have been filed, if applicable.
- Proof of Service of Formal Notice has been filed, if applicable.
- A Petition for a lost or stolen will may be necessary pursuant to F.S. 733.207 and FPR 5.510.
- A Caveat by heir is on file; proof of formal notice is required F.S. 731.110 and FPR5.260(f).
- Signature of attorney, attorney's address, primary and secondary email addresses, phone number and Florida Bar Number (Rules of Judicial Administration 2.515(a)).
- Petition is verified and signed by the petitioner(s).

**INTESTATE ESTATE – FPR 5.200(h):**

- Statement that after the exercise of reasonable diligence the petitioner is unaware of any unrevoked wills or codicils or, if the petitioner is aware of any unrevoked wills or codicils, why the wills or codicils are not being probated, or
  - Provide facts concerning the will or codicil.

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**ANCILLARY ADMINISTRATION - F.S. 734.102; FPR 5.470:**

- An authenticated copy of probate proceedings from another jurisdiction accompanies the petition.

**TESTATE ESTATE – F.S. 732.502:**

- Date of Will \_\_\_\_\_
- Beneficiaries named in will and relationship to decedent.

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

- Witnesses of the will.  
\_\_\_\_\_  
\_\_\_\_\_

- Statement identifying all unrevoked wills and codicils being presented for probate.
- Statement that the petitioner is unaware of any other unrevoked will or codicil or, if the petitioner is aware of any other unrevoked will or codicil, why the other will or codicil is not being probated.

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- Statement that original of decedent's last will is in possession of the Court or
  - Accompanies the petition or
  - An authenticated copy of a will probated in another jurisdiction accompanies the petition.
- Execution of the will and codicil(s) conforms with statute formalities required by F.S.732.502 and F.S. 732.503.
- Witnesses' names are the same as names on original will and/or codicil.
- Date of Will on the Oath of Witness to Will is the same as will.
- An Oath of Witness to Will has been executed before a Florida Circuit Judge, Clerk in Florida or Commissioner appointed by the Court (FPR 5.230). (F.S.733.201 for Proof of Wills)
- Self-proof will, is executed in conformity with the formalities required by law, if Florida Notary complies with Florida notary laws (F.S. Ch. 117) (1/1/95).
- Individuals listed in the Will, Codicil or separate writing are shown on the petition.

**OATH OF PERSONAL REPRESENTATIVE – FPR 5.320; FPR 5.110:**

- The residence street address and mailing address for the Personal Representative are reflected on the Oath.
- The name, residence street address and mailing address of the resident agent is reflected on the Oath. (A Florida office street address and mailing address for the Attorney as Resident Agent may be designated in lieu of a residence address.)
- The resident agent resides in the county where proceedings are pending or, if resident agent is a member of the Florida Bar, he/she resides in Florida. A Resident Agent is not required if
  - (1) a PR is a corporate fiduciary having an office in Florida, or
  - (2) a Florida Bar Member who is a resident of and has an office in Florida.
- The acceptance of the Resident Agent is signed and dated.
- The notary portion of the oath is in conformity with the formalities required by Ch 117 of the Florida Statutes.

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**ORDER ADMITTING WILL TO PROBATE AND/OR APPOINTING PERSONAL REPRESENTATIVES - F.S. 733.402; F.S. 733.403; FPR 5.235:**

- The proposed Order Admitting the Will and/or Appointing the Personal Representative has been filed.
- The proposed Order Admitting Will to Probate reflects the correct names of the witnesses to Will; or if will is a self-proof, language as to self-proof.
- The names of the decedent and the personal representative are reflected correctly on the order.
- Provision for bond has been provided.
- The correct court jurisdiction (county/circuit) is on order.
- Provision for the court's signature and date has been provided and left blank.

**BOND - F.S. 733.402; FPR 5.235:**

- The bond as required by the court has been submitted.
- The bond contains the correct names for the personal representative and/or the decedent.
- The bond amount, as required by the court is correct.
- The bond is payable to the Governor and the Governor's successors in office conditioned on the performance of all duties as PR. The bond is joint and several.
- Signature(s) of the personal representative(s) is on bond.
- Signature of the insurance agent is on bond. The bond must be signed by a Resident or Non-Resident Agent of the surety company.
- The power of attorney has been submitted.
- The insurance company's seal or embosser appears on the bond.
- The agent who signed the bond is reflected on the power of attorney.
- The power of attorney covers the amount of bond set by the court.
- Court requirement: The local agency's name, address and phone number are required to be located on the face of the bond.

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**PROPOSED LETTERS OF ADMINISTRATION - FPR 5.235:**

- The proposed Letters of Administration have been filed.
- The proposed Letters of Administration reflect the correct name for the decedent and the personal representative.
- The correct Court jurisdiction (county/circuit) has been indicated.
- Provision for the Court's signature and date has been provided.

**Other:**

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