

ADMINISTRATIVE ORDER
NO. 2021-09-02

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN
AND FOR ORANGE COUNTY,
FLORIDA

**AMENDED ADMINISTRATIVE ORDER GOVERNING MANDATORY USE OF
CERTIFICATION CHECKLISTS IN ESTATE ADMINISTRATIONS,
ORANGE COUNTY**

In the interest of ensuring fair, efficient, and proper administration of matters in the Probate Division of the Ninth Judicial Circuit (“Probate Division”), the Probate Division created a series of Probate Certification Checklists that provide case filing guidance to litigants. The Probate Certification Checklists were specifically designed to streamline the processing of cases to reduce the number of submission rejections, by ensuring litigants submit certain required documents. In order to carry out this effort in a fair and efficient manner, it is necessary to implement procedural changes to effectively utilize the limited resources available to the Probate Division to process the increasing volume of probate cases.

By the power vested in the chief judge under Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and rule 2.215 of the Florida Rules of General Practice and Judicial Administration, **effective immediately**, to continue until further order and superseding any provisions in prior Administrative Orders which may be inconsistent, it is **ORDERED**:

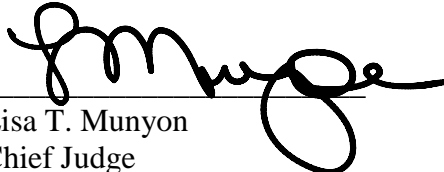
When submitting proposed orders in estate administrations, all litigants must utilize the appropriate Certification Checklists which shall be submitted as a supporting document to the related submission and are attached hereto as:

- “Exhibit A” – Checklist for Opening Formal Administration
- “Exhibit B” – Checklist for Closing Formal Administration
- “Exhibit C” – Checklist for Summary Administration
- “Exhibit D” – Checklist for Determining Homestead Status of Real Property in Formal and Summary Administration

Litigants shall make all necessary elections, and fill-in all required sections of the applicable Certification Checklist. Any submission without an accompanying Probate Certification Checklist may be rejected and thus have to be resubmitted.

Administrative Order 2021-09-01 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 8th day of October, 2021.



Lisa T. Munyon
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>

“Exhibit A”

IN THE CIRCUIT COURT IN AND FOR ORANGE COUNTY, FLORIDA

CHECKLIST FOR OPENING FORMAL ADMINISTRATION
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Estate of: _____ Case No: _____

Date of Death: _____ Attorney of Record: _____

Age at Death: _____ Marital Status: _____

Decedent’s Residence as Listed on Death Certificate:

Type of Estate: Testate Intestate Ancillary

NOTE TO COUNSEL: Please fill out both columns of this checklist completely to assist the court in processing your client’s pleading. By providing exact dates for the filing each item, you will expedite the court’s review of the pleading.

	Attorney Certification			CONFIRMATION BY COUNSEL
	YES	NO	N/A	DATE FILED
1. Certified Death Certificate Filed?				
2. Last Will and Testament				
Original Will filed? (or authenticated copy for ancillary) 5.200(j)				
Date of Will: _____ Date of Codicil: _____	Fill in information to left			
If applicable, Notice of Trust # _____ If other than this case , original Will filed in: Court Case # _____ 732.901 Guardianship # _____ Caveat # _____ 731.110 <small>[If an heir-notify attorney, must serve formal notice before further action may be taken 5.260(f); If a creditor-send Notice to Caveator when Letters are issued 5.260(e)]</small>	Fill in information to the left, if applicable			
If a copy is filed, a petition to establish lost will complying with Rule 5.510 & 5.025 and F.S. 733.207 has been filed?				
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)				
Properly executed? 732.502				
If not, proper oath? 733.201(2) / (3)				

“Exhibit A”

	Attorney Certification			CONFIRMATION BY COUNSEL
	YES	NO	N/A	DATE FILED
3. Petition for Administration contains the following information:				
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 intestate estate that: 5.200(h) <input type="checkbox"/> Each Petitioner is unaware of any unrevoked wills or codicils, or <input type="checkbox"/> Why the wills or codicils are not being probated				
	If yes, mark boxes on left			
A statement in a testate estate that: 5.200(i)(j) <input type="checkbox"/> Identify all unrevoked wills and codicils being presented for probate; and <input type="checkbox"/> Petitioner is unaware of any other unrevoked wills or codicils, or : <input type="checkbox"/> A statement of why any other wills or codicils are not being probated <input type="checkbox"/> The original of decedent's will () is in possession of the Court () accompanies petition () an authenticated copy of a will deposited with or probated in another jurisdiction accompanies the petition 5.200(j)				
	If yes, mark boxes on left			
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)				
	If yes, mark boxes on left			

“Exhibit A”

	Attorney Certification			CONFIRMATION BY COUNSEL
	YES	NO	N/A	DATE FILED
<input type="checkbox"/> Order states full terms & provisions 5.510(e)				
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
Signed by petitioner 5.020(a)				
Signed by attorney 5.020(a)				
The verified petition complies with 5.200 and 5.020(e)				
4. PERSONAL REPRESENTATIVE				
Does the Petition Show Priority of Petitioner to Serve as Personal Representative: 5.200(e)				
Intestate 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
Testate 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 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

“Exhibit A”

	Attorney Certification			CONFIRMATION BY COUNSEL
	YES	NO	N/A	DATE FILED
5. Bond of Personal Representative				
Bond waived in will 733.402 (1)				
Bond waived by all interested parties and waivers are attached 5.235(c)				
6. Miscellaneous				
Proposed Order Admitting Will/Codicil 5.530(c)				
Proposed Order Appointing P/R 5.235(a)(1) (may be combined with above Order)				
Proposed Order provided for Bond, if applicable 5.235(a)(2)				
Oath of Personal Representative and Designation of Registered Agent <input type="checkbox"/> Notarized 5.235(a)(3) / 5.320 <input type="checkbox"/> Resident Agent Accepted 5.110(d)				If yes, mark boxes on left
Proposed Letters of Administration 5.235(b)				

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: _____

IN THE CIRCUIT COURT IN AND FOR ORANGE COUNTY, FLORIDA

CHECKLIST FOR CLOSING FORMAL ADMINISTRATION
--

Estate of: _____ Case No: _____

Date of Death: _____ Attorney of Record: _____

Age at Death: _____ Marital Status: _____

Decedent's Residence as listed on Death Certificate:

Type of Estate: Testate Intestate Ancillary

NOTE TO COUNSEL: Please fill out **both** columns of this checklist completely to assist the court in processing your client's pleading. By providing exact dates for the filing each item, you will expedite the court's review of the pleading.

	Attorney Certification			CONFIRMATION BY COUNSEL
	YES	NO	N/A	DATE FILED
1. Notice of Administration Served as Required by 5.240				
Surviving spouse served? 5.240(a)(1) No surviving spouse: <input type="checkbox"/>				
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) No Trust: <input type="checkbox"/>				
Proof of Service to trustee filed?				
If trustee is not served are waivers signed and filed as required by 5.240(e)?				
If the trustee is also a personal representative, has each qualified beneficiary of the trust as defined in 736.0103(16) been served? 5.240(a)(3)				
Trustee is not a personal representative: <input type="checkbox"/>				
Proof of Service to each qualified beneficiary of the trust filed?				
All persons who may be entitled to exempt property as defined in 732.402 served? 5.240(a)(4) None: <input type="checkbox"/>				
Proof of Service to all persons who may be entitled to exempt property served?				

“Exhibit B”

	Attorney Certification			CONFIRMATION BY COUNSEL
	YES	NO	N/A	DATE FILED
2. Notice to Creditors as Required by 5.241 and 733.2121				
Notice to Creditors has been served on Agency for Health Care Administration as required by 733.2121(d)? Decedent not 55+: <input type="checkbox"/>				
Proof of Service to Agency for Health Care Administration filed?				
Was Notice to Creditors required to be served on Department of Revenue?				
If so, was Department of Revenue served?				
Proof of Service of Inventory 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)? Proof of Publication filed: <input type="checkbox"/>				
Verified Diligent Search and Statement Regarding Creditors filed within 4 months of 1 st publication date as required by 5.241(d)? Claims barred: <input type="checkbox"/>				
3. 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)? No surviving spouse: <input type="checkbox"/>				
Proof of Service to spouse filed?				
Each Heir at Law in an intestate estate served as required by 5.340(d)? Not intestate: <input type="checkbox"/>				
Proof of Service to Each Heir at Law filed?				
Each residuary beneficiary in a testate estate served as required by 5.340(d)? Not testate: <input type="checkbox"/>				
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)? None: <input type="checkbox"/>				
Proof of Service to all other interested person(s) filed?				
4. Notice to Nonresiduary Beneficiaries as Required by 5.340(f) and 733.604				
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			
5. Creditors 733.705 and 733.710(1) 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)?				

“Exhibit B”

	Attorney Certification			CONFIRMATION BY COUNSEL
	YES	NO	N/A	DATE FILED
6. Taxes 5.395 and 198.32				
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?				
7. Civil Actions and Adversary Proceedings 5.025 and 5.065				
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?				
8. Final Accounting Complying with 5.400 , 5.180, and 731.302				
Final Accounting filed in accordance with 5.400(c)?				
Were all Interested Persons served? No final accounting filed: <input type="checkbox"/>				
Any objections to final accounting filed? No final accounting filed: <input type="checkbox"/>				
All objections resolved? No final accounting filed: <input type="checkbox"/>				
If Final Accounting was not filed, are waivers by all interested parties filed in accordance with 5.180? Final accounting filed: <input type="checkbox"/>				
9. Petition for Discharge Complying with 5.400 Filed				
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?				
Name of Interested Persons served with Petition for Discharge:				
1. Waiver () or Date Served (/ /)				
2. Waiver () or Date Served (/ /)				
3. Waiver () or Date Served (/ /)				
4. Waiver () or Date Served (/ /)				
5. Waiver () or Date Served (/ /)				
6. Waiver () or Date Served (/ /)				
7. Waiver () or Date Served (/ /)				
10. Plan of Distribution Complying with 5.400(b)(5) Filed				
Report of Distribution filed as required by 5.400(e)?				

“Exhibit B”

	Attorney Certification			CONFIRMATION BY COUNSEL
	YES	NO	N/A	DATE FILED
If Report of Distribution is not filed are waivers filed as described in 5.180(b)? Proof filed: <input type="checkbox"/>				
11. Beneficiaries/Heirs				
Receipts from all beneficiaries/heirs filed? Waivers filed: <input type="checkbox"/>				
12. Compensation Fees Paid 5.400(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?				
13. Miscellaneous				
Petition to Determine Exempt Property filed? 5.406 / 732.402				
Order Determining Exempt Property issued?				
Petition to Determine Homestead Exemption filed? 5.405				
Order Determining Homestead Exemption issued?				
Petition to Determine Family Allowance filed? 5.407				
Order Determining Family Allowance issued?				
Petition to Determine Beneficiaries filed? 5.385				
Order Determining Beneficiaries issued?				
The State of Florida checked for unclaimed property? https://www.fltreasurehunt.org				
Death Certificate of any beneficiaries filed?				
Funeral Bill and proof of payment in full filed?				
Proposed Order of Discharge 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: _____

IN THE CIRCUIT COURT IN AND FOR ORANGE COUNTY, FLORIDA

CHECKLIST FOR SUMMARY ADMINISTRATION

Estate of: _____ Case No: _____

Date of Death: _____ Attorney of Record: _____

Age at Death: _____ Marital Status: _____

Decedent's Residence as Listed on Death Certificate:

Type of Estate: Testate Intestate Ancillary

NOTE TO COUNSEL: Please fill out **both** columns of this checklist completely to assist the court in processing your client's pleading. By providing exact dates for the filing each item, you will expedite the court's review of the pleading.

	Attorney Certification			CONFIRMATION BY COUNSEL
	YES	NO	N/A	DATE FILED
1. Certified Death Certificate Filed?				
2. Last Will and Testament				
Original will filed? (or authenticated copy for ancillary) 5.200(j)				
Date of Will: _____ Date of Codicil: _____	Fill in information to left			
If applicable, Notice of Trust # _____ If other than this case , original Will filed in: Court Case # _____ 732.901 Guardianship # _____ Caveat # _____ 731.110 <small>[If caveat has been filed, notify attorney, must serve formal notice on the Caveator before further action can be taken on Petition for Summary 5.260(f); If a creditor-send Notice to Caveator when Letters are issued 5.260(e)]</small>	Fill in information to the left, if applicable			
If a copy is filed, a petition to establish lost will complying with 5.510 & 5.025 and 733.207 has been filed?				
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 yes, mark boxes on left			
If not self-proved, an oath of witness is filed? 733.201(2)				
Properly executed? 732.502				
If not, proper oath? 733.201(2) / (3)				

“Exhibit C”

	Attorney Certification			CONFIRMATION BY COUNSEL
	YES	NO	N/A	DATE FILED
3. Does the Petition for Summary Administration Contain the Following Information?				
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)				
4. Has the Court Been Provided Information Relative to Existence of a Will?				
A statement in an intestate estate that: 5.530(a)(10) <input type="checkbox"/> Each Petitioner is unaware of any unrevoked wills or codicils, or <input type="checkbox"/> Why the wills or codicils are not being probated				If yes, mark boxes on left
A statement in a testate estate that: 5.530(a)(11) <input type="checkbox"/> Identify all unrevoked wills and codicils being presented for probate; and <input type="checkbox"/> Petitioner is unaware of any other unrevoked wills or codicils, or : <input type="checkbox"/> A statement of why any other wills or codicils are not being probated <input type="checkbox"/> The original of decedent's will () is in possession of the Court () accompanies petition () 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				

“Exhibit C”

	Attorney Certification			CONFIRMATION BY COUNSEL
	YES	NO	N/A	DATE FILED
<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)				
Ancillary Administration 5.470 / 734.102 <input type="checkbox"/> Authenticated copies: () Will () Petition 5.470(a)(1) () Order admitting will () Letters <input type="checkbox"/> Formal notice 5.470(b)(1)/(2)				
5. Does the Petition Contain Facts that Entitle Decedent’s Estate to Summary Administration?				
In a testate estate , that the decedent’s will does not direct administration as required by 5.530(a)(6) / 733 and 735.201(1)				
That the value of the entire estate subject to administration in this state, less the value of property exempt from claims of creditors: <input type="checkbox"/> Does not exceed \$75,000 5.530(a)(7) / 735.201(2) or <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)]				
A schedule of all assets of the estate and their estimated value 5.530(a)(8) [separately designating homestead and exempt property]				
A statement in regard to the indebtedness of the estate 5.530(a)(9) <input type="checkbox"/> That all creditors’ claims are barred; 5.530(a)(9)(A) or <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) and () That the estate is not indebted 5.530(a)(9)(B)(i) () Name and address of each creditor, nature of debt, amount of debt, and when debt is due 5.530(a)(9)(B)(ii) If provision for payment 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)				
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				

“Exhibit C”

	Attorney Certification			CONFIRMATION BY COUNSEL
	YES	NO	N/A	DATE FILED
6. Is the Petition Filed By:				
<input type="checkbox"/> Beneficiary <input type="checkbox"/> Heir at law <input type="checkbox"/> Person nominated as personal representative 735.203(1)				Fill in applicable information to the left
7. Is the Petition Properly Executed? 735.203				
<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)				Fill in applicable information to the left
6. Miscellaneous				
Has formal notice been served on any heir, beneficiary, or creditor not joining or consenting to the Petition? 5.530(b) / 735.203(1)				
Proposed Order Admitting Will/Codicil 5.530(c)				
Funeral Bill and proof of payment in full filed?				
Proposed Order of Summary Administration 5.530(a)(12)(d) <input type="checkbox"/> Specific as to assets and to whom distributed				

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: _____

IN THE CIRCUIT COURT IN AND FOR ORANGE COUNTY, FLORIDA

CHECKLIST FOR DETERMINING HOMESTEAD STATUS OF REAL PROPERTY IN FORMAL AND SUMMARY ADMINISTRATION

Estate of: _____ Case No: _____

Date of Death: _____ Attorney of Record: _____

Age at Death: _____ Marital Status: _____

Decedent’s Residence as Listed on Death Certificate:

Type of Estate: Testate Intestate

NOTE TO COUNSEL: Please fill out both columns of this checklist completely to assist the court in processing your client’s pleading. By providing exact dates for the filing each item, you will expedite the court’s review of the pleading.

	Attorney Certification			CONFIRMATION BY COUNSEL
	YES	NO	N/A	DATE FILED
1. Certified Death Certificate Filed?				
2. Last Will and Testament				
Original Will filed?				
Date of Will: _____ Date of Codicil: _____	Fill in information to left			
If applicable, Notice of Trust # _____ Deposited Will # _____ 732.901 Guardianship # _____ Caveat # _____ 731.110 <small>[[If caveat has been filed, notify attorney, must serve formal notice on the Caveator before further action can be taken on Petition for Summary 5.260(f); If a creditor-send Notice to Caveator when Letters are issued 5.260(e)]</small>	Fill in information to the left, if applicable			
If a copy is filed, a petition to establish lost will complying with 5.510 & 5.025 and 733.207 has been filed?				
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 yes, mark boxes on left			

“Exhibit D”

	Attorney Certification			CONFIRMATION BY COUNSEL
	YES	NO	N/A	DATE FILED
If not self-proved, an oath of witness is filed? 733.201(2)				
Properly executed? 732.502				
If not, proper oath? 733.201(2) / (3)				
3. Does the Petition for Determining Homestead Status of Real Property Contain the Following Information? FPR 5.405(b)				
(1) the date of decedent's death				
(2) the county of the decedent's domicile at the time of death;				
(3) the name of the decedent's surviving spouse/descendants; and whether they are minor children, identified with name and year of birth;				
(4) a Legal description of the property owned and resided on by the decedent;				
Whether the real property constituted the protected homestead of the decedent; 5.405(c)				
Formal Notice or Consent by interested parties 5.040/5.041				
4. List of Beneficiaries:				

5. List of Creditors:				

6. Intestate: F.S.732.401(1)				
Does the Proposed Order provide for a Life Estate for Spouse?	YES	NO	N/A	CONFIRMED
Affidavit of Heirs filed if Pro Se?				
Testate: F.S.732.4015(1)	YES	NO	N/A	CONFIRMED
Is there a Surviving Spouse or minor child?				
7. For Formal Administration only:				
Three (3) months have passed after publication.	YES	NO	N/A	CONFIRMED
Verified Statement Regarding Creditors filed.				
Notice to Creditors to AHCA (>55yo)				
Affidavit of No Florida Tax filed OR Federal Closing Letters filed.				

“Exhibit D”

		Attorney Certification			CONFIRMATION BY COUNSEL
		YES	NO	N/A	DATE FILED
8. Is the Petition Properly Executed?					
<input type="checkbox"/> Verified <input type="checkbox"/> Signed by Petitioner <input type="checkbox"/> Signed by attorney 5.020(a)		Fill in applicable information to the left			
9. Miscellaneous					
Has formal notice been served on any heir, beneficiary, or creditor not joining or consenting to the Petition?					
If testate, WILL does not direct sale—becomes non-exempt [Price 513//767; Knadle 686//681]					
10 Proposed Order Determining Homestead Status of Real Property filed?					
<input type="checkbox"/> Shall describe real property (includes complete legal description); <input type="checkbox"/> Shall determine whether real property constituted homestead of decedent; <input type="checkbox"/> Identifies by name the person(s) entitled to homestead; <input type="checkbox"/> Defines the interest of person(s) receiving the protected homestead; <input type="checkbox"/> Finds that the homestead property descended to or was validly devised.		Fill in applicable information to the left			

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: _____