

## PROBATE CHECKLISTS

The Court uses the attached probate checklists as a tool to determine whether a petition contains the information required by Florida Statutes and the Florida Probate Rules. These checklists are made available to attorneys and litigants merely as a guide, and should not be relied upon as an exhaustive list of the statutes and rules that may apply to your case. The checklists are not required to be filed with the Court.

To avoid delays, proposed orders should not be e-filed until the petitioner believes that all required accompanying documents have been filed.

If any of the required documents or information is missing, incomplete, or inaccurate, you will be notified. Please ensure that all noted deficiencies are promptly rectified to avoid further delay.

If you intend to dispute any aspect of the Court's order requiring correction of deficiencies, please set your case for hearing. Neither the Clerk's Office nor the Judicial Assistant can offer legal advice.

**CLERK OF THE CIRCUIT COURT  
PROBATE DIVISION, FLAGLER COUNTY, FLORIDA**

IN RE: Estate of \_\_\_\_\_

Case No: \_\_\_\_\_  
Division: 48

**INTESTATE FORMAL ADMINISTRATION**

In compliance with FL Probate Rule 5.200 Petition for Administration details:

**Petitioner's: Rule 5.200(a)**

- Name & Address
- Name & office address of Atty.
- Sworn to & signed by petitioner

**Decedent: Rule 5.200 (b)**

- Name & Address
- Date of Death
- Place of Death
- Last 4 digits of SS#
- State & County of domicile

**Beneficiaries/Heirs at Law: rule 5.200(c)**

- Beneficiaries/Heirs name, address, and relationship to decedent
- Year of birth for Minor beneficiary/heir       N/A     YES

**Intestate – Other Information Required in Petition by rule 5.200**

- Clarify the estate is filed intestate
- State that after exercise of reasonable diligence they are unaware of any unrevoked Wills or Codicils, or
- If there is one why it is not being offered for probate
- Are consents to the Appointment of the PR filed by a majority of the heirs?

**Bond** – Are waivers to Bond from all heirs or a Motion to Waive Bond filed?

- YES     NO     N/A [Sole heir is also the petitioner]

**Additional Information Required by Rule or Statute**

- Petition is a **verified** (sworn to) and signed by petitioner
- Statement showing venue
- State approximate value & nature of assets
- State whether probate proceedings are pending elsewhere

**Required Information Regarding Personal Representative effective 11/4/2021 (this should be in the petition)**

- Contain the name and address of P.R. and state that they are qualified to serve under FL law
- State priority of person/business seeking to be P.R.
- Whether there is any other person of equal or higher preference to appointment
  - If yes, the name(s) of that person(s) **and** a statement regarding whether that person will be served with formal notice (Rule 5.200(k)).
- Statement if the Personal Representative is a:
  - Individual    or     Business

\*if the P.R. is an individual:

- State whether the person has been convicted in any state or foreign jurisdiction of abuse, neglect, or exploitation of an elderly person or a disabled adult, as those terms are defined in section F.S. 825.101
- State whether they have been convicted of a felony
- State whether the person is 18 years of age or older
- State whether the person is mentally and physically able to perform duties
- State if the person is a resident of Florida and, if not, provide the relationship to the decedent.

**Required Information Regarding Oath of PR 5.320 - effective 1/1/2020**

- State whether they have been convicted of a felony
- State whether the person has been convicted in any state or foreign jurisdiction of abuse, neglect, or exploitation of an elderly person or a disabled adult, as those terms are defined in section F.S. 825.101
- State whether the person is 18 years of age or older
- State whether the person is mentally and physically able to perform duties

- State if the person is a resident of Florida and, if not, provide the relationship to the decedent.
- State that the person has reviewed the statutes and understand the qualification of being the PR
- Is qualified to serve within provisions of sections 733.302, 733.303, and 733.304
- Will faithfully administer the estate
- Provide the PR's place of residence and post office box
- State that they will promptly file and serve notice on all interested persons any time I know that I would not be qualified to serve as PR with the reason and date the event occurred.
- State that if the PR changes their address, they will serve notice on all interested persons within 20 days
- Designate a resident agent w/signed acceptance by agent.

**Death Certificate, if filed: rule 5.205**

Does the name on the death certificate match what is written in the case style?

- YES       NO

**Letters of Admin**

Does the proposed Letters of Administration name the correct person as PR?

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Notes: \_\_\_\_\_

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I hereby certify that I have personally reviewed the documents filed in this matter and that the foregoing check sheet is accurate.

By: \_\_\_\_\_

Attorney of Record

By: \_\_\_\_\_

Clerk Staff

**CLERK OF THE CIRCUIT COURT  
PROBATE DIVISION, FLAGLER COUNTY, FLORIDA**

IN RE: Estate of \_\_\_\_\_

Case No: \_\_\_\_\_  
Division: 48

**TESTATE FORMAL ADMINISTRATION – F.S. 732, 733**

**Petitioner’s Info: Rule 5.200(a)**

- Name & Address
- Name & office address of Atty.
- Sworn to & signed by petitioner

**Decedent Info: Rule 5.200 (b)**

- Name & Address
- Date of Death
- State & County of domicile
- Last 4 digits of SS#

**Beneficiaries/Heirs at Law: Rule 5.200(c)**

- Beneficiaries in Will, Codicil, & Separate Writing
- Beneficiaries/Heirs relationship to decedent
- Year of birth for Minor beneficiary/heir
  - N/A    YES

**Last Will and Testament: Rule 5.200**

- Identify the Will & Codicils presented for Probate
- State petitioner is unaware of any other Wills or Codicils
- State the original Will (or authenticated copy) is in possession of the court or accompanies the petition.
- Will is Self-Proving                       Proved by Oath of Witness                       Proof Will, F.S. 733.201

**Required Information Regarding Personal Representative effective 11/4/2021 (this should be in the petition)**

- Contain the name and address of P.R. and state that they are qualified to serve under FL law
- State priority of person/business seeking to be P.R.
- Whether there is any other person of equal or higher preference to appointment
  - If yes, the name(s) of that person(s) **and** a statement regarding whether that person will be served with formal notice (Rule 5.200(k)).
- Statement if the Personal Representative is a:
  - Individual   or    Business

\*if the P.R. is an individual:

- State whether the person has been convicted in any state or foreign jurisdiction of abuse, neglect, or exploitation of an elderly person or a disabled adult, as those terms are defined in section F.S. 825.101
- State whether they have been convicted of a felony
- State whether the person is 18 years of age or older
- State whether the person is mentally and physically able to perform duties
- State if the person is a resident of Florida and, if not, provide the relationship to the decedent.

**Required Information Regarding Oath of PR 5.320 - effective 1/1/2020**

- State whether they have been convicted of a felony
- State whether the person has been convicted in any state or foreign jurisdiction of abuse, neglect, or exploitation of an elderly person or a disabled adult, as those terms are defined in section F.S. 825.101
- State whether the person is 18 years of age or older
- State whether the person is mentally and physically able to perform duties
- State if the person is a resident of Florida and, if not, provide the relationship to the decedent.
- State that the person has reviewed the statutes and understand the qualification of being the PR

- Is qualified to serve within provisions of sections 733.302, 733.303, and 733.304
- Will faithfully administer the estate
- Provide the PR's place of residence and post office box
- State that they will promptly file and serve notice on all interested persons any time I know that I would not be qualified to serve as PR with the reason and date the event occurred.
- State that if the PR changes their address, they will serve notice on all interested persons within 20 days
- Designate a resident agent w/signed acceptance by agent.

**Additional Information Required by Rule or Statute**

- Petition is a **verified** (sworn to) and signed by petitioner
- Statement showing venue
- State approximate value & nature of assets
- State whether probate proceedings are pending elsewhere

**Death Certificate, if filed: Rule 5.205**

Does the name on the death certificate match what is written in the case style and Last Will and Testament?

- YES                       NO

**Order Admitting Will & Appointment of PR**

- Does the Order Admitting Last Will contain the correct date on Will                       YES                       NO
- Does the proposed Letters of Admin have the correct PR listed?                       YES                       NO
- Is Bond waived in the Will or by all interested parties?                       YES                       NO

Notes:

\_\_\_\_\_

\_\_\_\_\_

I hereby certify that I have personally reviewed the documents filed in this matter and that the foregoing check sheet is accurate.

By: \_\_\_\_\_  
Attorney of Record

By: \_\_\_\_\_  
Clerk Staff

**CLERK OF THE CIRCUIT COURT  
PROBATE DIVISION, FLAGLER COUNTY, FLORIDA**

IN RE: Estate of \_\_\_\_\_

Case No: \_\_\_\_\_  
Division: 48

**TESTATE SUMMARY ADM – F.S. 735.201 & Rule 5.530**

**Petitioner's**

- Name & Address
- Name & office address of Atty.
- Sworn to & signed by petitioner

**Decedent**

- Name & Address
- Date of Death
- State & County of domicile
- Last 4 digits of SS#

**Atty. or ProSe Info.**

- Name & Address
- Phone #
- FL Bar #
- Signed as Atty.

**Beneficiaries/Heirs at Law**

- Names & address of surviving spouse or clarification of marital status (required by court)
- Beneficiaries in Will, Codicil, & Separate Writing
- Beneficiaries/Heirs relationship to decedent
- Year of birth for Minor beneficiary/heir

**Assets**

- Detail approximate value & nature of each asset
- Separately list homestead & exempt assets
- Describe each asset with the name of the person to whom it is to be distributed

**Information about the Will**

- Identify all unrevoked Wills & codicils being presented for probate
- State the petitioner(s) is unaware of any other unrevoked Will
- Will is proved; or
  - Oath of Witness completed     Proof of Will by \_\_\_\_\_     Court to appoint a Commission to take Oath

**Additional Information Required by Rule or Statute**

- Statement about Venue
- State whether or not domiciliary proceedings are pending in another state or county
- Provide the name & address of foreign PR when proceedings are pending
- Statement that the decedent's Will does not direct administration as required by F.S. 733
- Facts that the petitioner is entitled to Summary Administration
  - Value is less than \$75,000 or the decedent has been dead more than 2 years

**Creditors**

State that all creditor claims are barred; **or** that after diligent search and inquiry for any known or reasonably ascertainable creditors has been made and **one of the following:**

- the estate is not indebted
- Name & address of each creditor, nature & amount of debt

If full payment of the debt is not listed in the Order of Summary Administration the petition must show:

- The name of who will pay the debt
- Creditors consent to substitution or assumption of the debt
- The terms for payment and limitation of liability on the person paying the debt

**Death Certificate – Rule 5.205(a)(3)** Note: The name on the death certificate must match the name provided for the decedent on the documents within the case file.

- Death certificate for decedent is filed
- Decedent’s name on the death certificate does not match the name on the forms for administration. Please refer to notes section on this form.

**Notice – Service is not required on any beneficiary who will receive full distribution in the proposed schedule of distribution. Any beneficiary and any known or reasonably ascertainable creditor not joining or consenting must receive formal notice of this petition.**

- Is not required
- Formal notice is required and Proof of Service for all entitled has been filed
- There is a question regarding notice, please refer to the note section

**Order Admitting Will**

- The date in the Order Admitting Will agrees with the date as it appears on the Last Will & Testament
- Order admitting will is provided or is in the summary order

**Order of Summary**

- Describe the assets and **specifically designate** the person to whom each asset is to be distributed
- When required – make provision for payment of debts as outlined in Probate Rule 5.530 (9)
- See Notes Below

Notes:

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I hereby certify that I have personally reviewed the documents filed in this matter and that the foregoing check sheet is accurate.

By: \_\_\_\_\_  
Attorney of Record

By: \_\_\_\_\_  
Clerk Staff

***Print page 3 only when there are notes that require direction from the Judge***

**CLERK OF THE CIRCUIT COURT**  
**PROBATE DIVISION, FLAGLER COUNTY, FLORIDA**

**IN RE: ESTATE OF**

**CASE #:** \_\_\_\_\_  
**DIVISION:** \_\_\_\_\_ **48** \_\_\_\_\_

**PETITION TO DETERMINE HOMESTEAD**

**Rule 5.405 –** Petition to Determine must:

- Be a verified statement
- Give name of surviving spouse, if any
- Contain decedent date of death
- State county of decedent’s domicile at death
- Name surviving spouse and descendants,
  - Date of birth for minor descendants, if any

**Rule 5.240 -** \*30 days after PR is appointed

- Notice of Adm. is filed or waived
- Proof of service of Ntc of Admin is filed

**Rule 5.241 -** \*30 days after PR is appointed

- Notice to Creditors showing pub date
- Proof of publication is filed (45 days after 1<sup>st</sup> pub)
- Proposed order reflects proceeds to be held in trust account until creditor period expires  N/A

- Provide legal description of property
- State that the decedent owned & resided on the property @ time of death
- State that the property is homestead & passes free of creditors; or
- Property does not pass free from creditors

**Order -**

- Describe the real property (legal description)
- The property is protected homestead of the decedent
- Identifies the person(s) entitled to the homestead
- Defines the interest of each person(s) receiving homestead

**Rule 5.205**

- Decedent’s death certificate is filed

**Relation of person(s) receiving the property –**

\_\_\_\_\_  
\_\_\_\_\_

Notes:

**Pursuant to FL Probate Rule 5.405 Petition may be filed by any interested person**

**Intestate – notes**

- Surviving spouse and lineal descendants (children, grandchildren, etc.) whether or not they are also descendants of the spouse (e.g. step-children of the spouse) – life estate to the spouse, vested remainder to the lineal descendants of the decedent

**Testate –**

- Wife entitled to a life estate, regardless of the will
- If there is a minor child, then the homestead cannot be willed to anyone
- No minor child, homestead can be willed to spouse

**Miscellaneous – PR shall promptly send notice and promptly publish for creditors so 30 days is a reasonable amount of time for these items to be filed.**

- Homestead rights can be waived, in writing;
- To waive or transfer homestead rights of a minor, a formal guardianship is required
- Homestead owned by decedent and spouse (tenancy by the entireties) passes to the spouse alone, outside the estate.

I hereby certify that I have personally reviewed the documents filed in this matter and that the foregoing check sheet is accurate.

By: \_\_\_\_\_

Attorney of Record

By: \_\_\_\_\_

Clerk Staff

*Print page 2 only when notes are written that require direction from Judge*



**CLERK OF THE CIRCUIT COURT  
PROBATE DIVISION, FLAGLER COUNTY, FLORIDA**

IN RE: Estate of \_\_\_\_\_

Case No: \_\_\_\_\_  
Division: 48

**INTESTATE SUMMARY ADM – F.S. 735.201 & Rule 5.530**

**Petitioner's**

- Name & Address
- Name & office address of Atty.
- Sworn to & signed by petitioner

**Decedent**

- Name & Address
- Date of Death
- State & County of domicile
- Last 4 digits of SS#

**Atty. or ProSe Info.**

- Name & Address
- Phone #
- FL Bar #
- Signed as Atty.

**Beneficiaries/Heirs at Law**

- Provide Name & Address of Surviving Spouse or clarify marital status
- Beneficiaries/Heirs name, address, and relationship to decedent
- Year of birth for Minor beneficiary/heir

**Assets**

- Describe approximate value & nature of each asset
- Separately list homestead & exempt assets
- Describe each asset and name of person to whom it is to be distributed

**Additional Information Required by Rule or Statute**

- Statement about Venue
- State whether or not domiciliary proceedings are pending in another state or county
- Provide the name & address of foreign PR when proceedings are pending
- Facts that the petitioner is entitled to Summary Administration
  - Value is less than \$75,000 or the decedent has been dead more than 2 years

**Creditors**

State that all creditor claims are barred; **or** that after diligent search and inquiry for any known or reasonably ascertainable creditors has been made and **one of the following:**

- the estate is not indebted
- Name & address of each creditor, nature & amount of debt

If full payment of the debt is not listed in the Order of Summary Administration the petition must show:

- The name of who will pay the debt
- Creditors consent to substitution or assumption of the debt
- The terms for payment and limitation of liability on the person paying the debt

**Death Certificate – Rule 5.205(a)(3)** Note: The name on the death certificate must match the name provided for the decedent on the documents within the case file.

- Death certificate for decedent is filed
- Decedent's name on the death certificate does not match the name on the forms for administration. Please refer to notes section on this form.

**Notice – Service is not required on any beneficiary who will receive full distribution in the proposed schedule of distribution. Any beneficiary and any known or reasonably ascertainable creditor not joining or consenting must receive formal notice of this petition.**

- Is not required
- Formal notice is required and Proof of Service for all entitled has been filed

There is a question regarding notice, please refer to the note section

**Proposed Order of Summary**

Describe the assets and **specifically designate** the person to whom each asset is to be distributed

When required – make provision for payment of debts as outlined in Probate Rule 5.530 (9)

See Notes Below

Notes:

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I hereby certify that I have personally reviewed the documents filed in this matter and that the foregoing check sheet is accurate.

By: \_\_\_\_\_

Attorney of Record

By: \_\_\_\_\_

Clerk Staff

***Print page 3 only when there are notes that require direction from the Judge***

**CLERK OF THE CIRCUIT COURT  
PROBATE DIVISION, FLAGLER COUNTY, FLORIDA**

IN RE: Estate of \_\_\_\_\_

Case No: \_\_\_\_\_  
Division: 48

**ANCILLARY ADMINISTRATION – APPT PR (TESTATE & INTESTATE)**

F.S. 733.202 & 734.102 and FL Probate Rules 5.200 & 5.470

**Petitioner’s Info: Rule 5.200(a)**

- Name & Address
- Name & office address of Atty.
- Sworn to & signed by petitioner

**Decedent Info: Rule 5.200 (b)**

- Name & Address
- Date of Death
- State & County of domicile
- Last 4 digits of SS#

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**Heirs & Beneficiaries and Marital Status: Rule 5.200 (c)**

- Beneficiaries listed in the Will (if Testate) & heirs at law
- Address for Beneficiaries & Heirs
- State their relationship
- Provide birth year for Minors  N/A  YES  NO

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**Other Information required by Statute or Rule**

- Statement to show venue
- State the approximate value & nature of assets
- State whether probate proceedings are pending elsewhere

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**Rule 5.470 – Exemplified Copies from Domiciliary estate** (If a petition is not required in the domiciliary estate this must be documented by affidavit or certificate)

**Testate:** Petition of Dom. Proceeding, Will, Order Admitting Will & authority of PR  YES  NO

**Intestate:** Petition & authority of PR  YES  NO

Is a **Death Certificate** for the decedent filed?  YES  NO

If appointment of someone other than the domiciliary personal representative is requested, a statement of the facts constituting grounds on which appointment is sought (Rule 5.470(3))  YES  NO  N/A

Does the name on the death certificate match what is written in the case style  YES  NO

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**Required Information Regarding Personal Representative effective 11/4/2021 (this should be in the petition)**

- Contain the name and address of P.R. and state that they are qualified to serve under FL law
- State priority of person/business seeking to be P.R.
- Whether there is any other person of equal or higher preference to appointment
  - If yes, the name(s) of that person(s) **and** a statement regarding whether that person will be served with formal notice (Rule 5.200(k)).

Statement if the Personal Representative is a:

- Individual or  Business

\*if the P.R. is an individual:

- State whether the person has been convicted in any state or foreign jurisdiction of abuse, neglect, or exploitation of an elderly person or a disabled adult, as those terms are defined in section F.S. 825.101
- State whether they have been convicted of a felony
- State whether the person is 18 years of age or older
- State whether the person is mentally and physically able to perform duties
- State if the person is a resident of Florida and, if not, provide the relationship to the decedent.

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**Required Information Regarding Oath of PR 5.320 - effective 1/1/2020**

- State whether they have been convicted of a felony
- State whether the person has been convicted in any state or foreign jurisdiction of abuse, neglect, or exploitation of an elderly person or a disabled adult, as those terms are defined in section F.S. 825.101

- State whether the person is 18 years of age or older
- State whether the person is mentally and physically able to perform duties
- State if the person is a resident of Florida and, if not, provide the relationship to the decedent.
- State that the person has reviewed the statutes and understand the qualification of being the PR
- Is qualified to serve within provisions of sections 733.302, 733.303, and 733.304
- Will faithfully administer the estate
- Provide the PR's place of residence and post office box
- State that they will promptly file and serve notice on all interested persons any time I know that I would not be qualified to serve as PR with the reason and date the event occurred.
- State that if the PR changes their address, they will serve notice on all interested persons within 20 days
- Designate a resident agent w/signed acceptance by agent.

**Bond, F.S. 734.102 (4)**

If Testate, waived in Will; or, intestate, waived by all heirs?  YES  NO

**Order Appointing PR and Letters of Administration**

- Testate – does the order admitting the Will contain the correct date of the Will?
- Does the proposed Letters of Administration name the correct person as PR?

Notes: \_\_\_\_\_

I hereby certify that I have personally reviewed the documents filed in this matter and that the foregoing check sheet is accurate.

By: \_\_\_\_\_  
 Attorney of Record

By: \_\_\_\_\_  
 Clerk Staff

**CLERK OF THE CIRCUIT COURT  
PROBATE DIVISION, FLAGLER COUNTY, FLORIDA**

IN RE: Estate of \_\_\_\_\_

Case No: \_\_\_\_\_  
Division: **48**

**FOREIGN WILL: ADMISSION TO RECORD – F.S. 734.104**

**In compliance with FL Statues 734.104 petition details:**

Petitioner's – <input type="checkbox"/> Name & Address <input type="checkbox"/> Stmt of interest <input type="checkbox"/> Name & office address of atty <input type="checkbox"/> Sworn to & signed by petitioner	Decedent's – <input type="checkbox"/> Name & address <input type="checkbox"/> Social Security Number <input type="checkbox"/> Date of Death <input type="checkbox"/> Place of Death <input type="checkbox"/> State & County of domicile	<input type="checkbox"/> More than 2 yrs has lapsed since decedent's death.; or that the domiciliary estate is closed. <input type="checkbox"/> Will is executed as required by chapter 732 FL Probate Code. <input type="checkbox"/> No proceeding has been filed to administer the decedent's estate in the state of Florida.	Attorney's – <input type="checkbox"/> Name & address <input type="checkbox"/> FL Bar number <input type="checkbox"/> Phone number <input type="checkbox"/> Signed by atty
Accompanying Authenticated Copies - <input type="checkbox"/> Domiciliary petition or Affidavit that one is not required. <input type="checkbox"/> Foreign Will & any Codicils <input type="checkbox"/> Order that admitted the Will to probate.		<b>Death Certificate – Rule 5.205(a)(7)</b> <input type="checkbox"/> Death certificate is filed. <input type="checkbox"/> Death certificate <b>is not</b> filed; see notes below.	
Order – <input type="checkbox"/> Order admitting Will or Copies to Record is provided.  <b>* If Domiciliary petition is not included in the copies the Order Admitting Will (or Copies) must recite, “ no petition is required in the jurisdiction of original probate.”</b>			

NOTES: \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

By: \_\_\_\_\_  
 Review Clerk

**CLERK OF THE CIRCUIT COURT  
PROBATE DIVISION, FLAGLER COUNTY, FLORIDA**

IN RE: Estate of \_\_\_\_\_

Case No: \_\_\_\_\_

Division: 48

**PROBATE LOST WILL – FORMAL ADMINISTRATION (F.S. 733.202 & Rules 5.200, 5.510 & 5.025)**

**Petitioner's Info: Rule 5.200(a)**

- Name & Address
- Name & office address of Atty.
- Sworn to & signed by petitioner

**Decedent Info: Rule 5.200 (b)**

- Name & Address
- Date of Death
- State & County of domicile
- Last 4 digits of SS#

**Beneficiaries/Heirs at Law: Rule 5.200(c)**

- Beneficiaries in Will, Codicil, & Separate Writing
- Beneficiaries/Heirs relationship to decedent
- Year of birth for Minor beneficiary/heir
  - N/A    YES

**Last Will and Testament: Rule 5.200**

- Identify the Will & Codicils presented for Probate
- State petitioner is unaware of any other Wills or Codicils

**Required Information Regarding Personal Representative effective 11/4/2021 (this should be in the petition)**

- Contain the name and address of P.R. and state that they are qualified to serve under FL law
- State priority of person/business seeking to be P.R.
- Whether there is any other person of equal or higher preference to appointment
  - If yes, the name(s) of that person(s) **and** a statement regarding whether that person will be served with formal notice (Rule 5.200(k)).
- Statement if the Personal Representative is a:
  - Individual   or    Business

\*if the P.R. is an individual:

- State whether the person has been convicted in any state or foreign jurisdiction of abuse, neglect, or exploitation of an elderly person or a disabled adult, as those terms are defined in section F.S. 825.101
- State whether they have been convicted of a felony
- State whether the person is 18 years of age or older
- State whether the person is mentally and physically able to perform duties
- State if the person is a resident of Florida and, if not, provide the relationship to the decedent.

**Required Information Regarding Oath of PR 5.320 - effective 1/1/2020**

- State whether they have been convicted of a felony
- State whether the person has been convicted in any state or foreign jurisdiction of abuse, neglect, or exploitation of an elderly person or a disabled adult, as those terms are defined in section F.S. 825.101
- State whether the person is 18 years of age or older
- State whether the person is mentally and physically able to perform duties
- State if the person is a resident of Florida and, if not, provide the relationship to the decedent.
- State that the person has reviewed the statutes and understand the qualification of being the PR
- Is qualified to serve within provisions of sections 733.302, 733.303, and 733.304

- Will faithfully administer the estate
- Provide the PR's place of residence and post office box
- State that they will promptly file and serve notice on all interested persons any time I know that I would not be qualified to serve as PR with the reason and date the event occurred.
- State that if the PR changes their address, they will serve notice on all interested persons within 20 days
- Designate a resident agent w/signed acceptance by agent.

**Additional Information Required by Rule or Statute**

- Petition is a **verified** (sworn to) and signed by petitioner
- Statement showing venue
- State approximate value & nature of assets
- State whether probate proceedings are pending elsewhere

**Rule 5.510 & 5.025**

- Adversarial case style on pleadings
- Petition restates the terms of the Will or have a correct copy attached.
- Testimony of disinterested witness reduced to writing & filed\*

**Notice**

- Formal notice is given to each person who would inherit if the Will is not established; or
- Consents from all intestate heirs filed
- Proof of Service of formal notice filed
- Time allowed via formal notice has run

**Death Certificate, if filed: Rule 5.205**

Does the name on the death certificate match what is written in the case style and Last Will and Testament?

- YES       NO

**Order Establishing Lost Will & Bond**

- Has a copy of the Will attached or the Will is restated  YES       NO
- Bond is Waived in Will; or  YES       NO
- Bond is Waived by all beneficiaries or heirs  YES       NO

Notes:

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\*One witness when carbon or photo copy showing testator's original signature. Two witnesses are required when a retyped or conformed copy of Will is attached.

I hereby certify that I have personally reviewed the documents filed in this matter and that the foregoing check sheet is accurate.

By: \_\_\_\_\_

Attorney of Record

By: \_\_\_\_\_

Clerk Staff

**CLERK OF THE CIRCUIT COURT**  
**PROBATE DIVISION, FLAGLER COUNTY, FLORIDA**

**IN RE: ESTATE OF**

**CASE #:** \_\_\_\_\_  
**DIVISION:** \_\_\_\_\_ **48** \_\_\_\_\_

**SUBSEQUENT ADMINISTRATION**

Time standards for closing do apply

**In compliance with FL Probate Rule 5.460 Petition for Subsequent Administration contains:**

- Petitioner's Name
- Petitioner's Address
- State the Interest of Petitioner
- Describe the asset(s) to be administered
- Give approximate value of asset(s)
- Identify asset(s) and location if applicable
- Signed by petitioner
- State the reason for further administration
- Statement as to the relief sought

**Attorney Information**

- Address & Phone number
- FL Bar #
- Signed by Atty.

Creditors who were not paid in previous administration must be given notice of this subsequent filing. Were all the claimants paid in the previous administration?       YES       NO       N/A (Summary)

If no, the court will require notice of this subsequent filing on all unpaid claimants. Did the unpaid claimants receive notice of this filing?       YES       NO       N/A (Summary)

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**Unless specifically needed the court does not have to revoke the order of discharge, reissue letters or require bond.**

Does the proposed order:

- 1. Revoke the Order of Discharge?       YES       NO
- 2. Reissue Letters of Administration?       YES       NO
- 3. Require a Bond?       YES       NO

Notes:

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I hereby certify that I have personally reviewed the documents filed in this matter and that the foregoing check sheet is accurate.

By: \_\_\_\_\_  
Attorney of Record

By: \_\_\_\_\_  
Clerk Staff

*Print page 2 only when notes are written that require direction from Judge*



**CLERK OF THE CIRCUIT COURT  
PROBATE DIVISION, FLAGLER COUNTY, FLORIDA**

**IN RE: ESTATE OF**

**CASE #:** \_\_\_\_\_  
**DIVISION:** \_\_\_\_\_ 48 \_\_\_\_\_

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**CHECKLIST FOR DISPOSITION FOR PERSONAL PROPERTY**

FL Probate Rule 5.420 and 5.205, F.S. 732.402, 733.707, 735.301

1. Decedent must be a resident of Flagler County at the time of death
2. Assets cannot exceed amount of the funeral bill, up to \$6,000, and amount paid for necessary hospital bills pertaining to the last illness within 60 days of death.
3. If the personal property includes exempt property, the application must be signed by all persons entitled to the exempt property. Only the surviving spouse or children when there is no surviving spouse is entitled to exempt property.

- 
- A. Is the Affidavit form completely filled out with no section left blank?  YES
  - B. Is the Affidavit form signed by the petitioner and notarized?  YES
  - C. Is the decedent's Last Will and Testament filed?  YES, or  N/A, died Intestate
  - D. Are copies of the funeral bill and/or other expenses provided?  YES  
    o Proceeding cannot continue until copies are provided
  - E. Notarized consents will be required from the person who paid the funeral bill and from anyone entitled to receive exempt property when distribution is going elsewhere. Have all necessary consents been filed?  
 YES  NO – explain in notes section

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Notes:

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I hereby certify that I have personally reviewed the documents filed in this matter and that the foregoing check sheet is accurate.

By: \_\_\_\_\_  
Attorney of Record

By: \_\_\_\_\_  
Clerk Staff

*Print page 2 only when notes are written that require direction from Judge*

CLERK OF THE CIRCUIT COURT  
PROBATE DIVISION, FLAGLER COUNTY, FLORIDA

IN RE: Estate of \_\_\_\_\_

Case No: \_\_\_\_\_  
Division: 48

DISCHARGE OF PERSONAL REPRESENTATIVE

DEATH CERTIFICATE doc # \_\_\_\_\_ Date of Death \_\_\_\_\_ Age @ death \_\_\_\_\_

LETTERS OF ADMINISTRATION issued doc # \_\_\_\_\_ on \_\_\_\_\_ to \_\_\_\_\_  
Is PR also the trustee of decedent's trust? \_\_\_\_\_

NOTICE OF ADMINISTRATION: Rule 5.240 doc # \_\_\_\_\_ [If PR is also trustee of decedent's trust, then trust beneficiaries  
Served (formal) or Waived on all beneficiaries: Yes / No - are entitled to notices as estate beneficiaries]

NOTICE TO CREDITORS: Rule 5.241 (after 5/1/2002)  
Notice to Creditor form doc # \_\_\_\_\_ Date of 1st Publication: \_\_\_\_\_  
Proof of Publication form doc # \_\_\_\_\_  
Served on Agency for Healthcare doc # \_\_\_\_\_ (decedent who is Florida resident and 55 yrs or older)  
Statement Regarding Creditors doc # \_\_\_\_\_

CLAIMS: Rule 5.490 & 5.496 – Are all filed claims satisfied or resolved None filed / Yes / No: see back page for details.

INVENTORY: Rule 5.340 – 60 days doc # \_\_\_\_\_  
Served on the Dept. of Revenue doc # \_\_\_\_\_ Served on all residual heirs – Yes / No: see back page

TAXES: F.S. 198.02 Affidavit of No FL Tax Due doc # \_\_\_\_\_ or Receipt for Estate Tax doc # \_\_\_\_\_  
Before 2002 - \$675,000 2002-03 - \$1,000,000  
2004-05 - \$1,500,000 2006+ - \$2,000,000

FINAL ACCOUNTING (indicate if waived) doc # \_\_\_\_\_ (waivers must comply with Rule 5.180(b) w/stmt they know  
NOTICE OF FINAL ACCOUNTING doc # \_\_\_\_\_ the amount & manner of determining fees & compensation)  
RECEIPT FROM ALL BENEFICIARIES \_\_\_\_\_ (If no - see back or notes section for details)

PETITION FOR DISCHARGE: Rule 5.330 & 5.400 doc # \_\_\_\_\_ (must be signed by PR)  
• Is sole heir or beneficiary also the PR who signed the Pet. For Discharge? \_\_\_\_\_ (If yes notice is not required)  
• Is notice of the Pet for Discharge given to all residual beneficiaries & unsatisfied claimants; or  
Consent to Discharge from all residual beneficiaries & unsatisfied claimants filed? \_\_\_\_\_ (If not –see back for details)  
• Has the time expired for filing objections to the discharge of PR? \_\_\_\_\_ (If not – see back for details)  
• Are there any unresolved objections to the Pet. For Discharge filed? \_\_\_\_\_ (If not – see back for details)

REPORT OF DISTRIBUTION filed? \_\_\_\_\_ (Must be filed when all receipts are not filed.)

SHOW CAUSE SET FOR \_\_\_\_\_

Date: \_\_\_\_\_ Follow Up Review Date: \_\_\_\_\_

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewed by: \_\_\_\_\_

