

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR ST. JOHNS COUNTY, FLORIDA
DIVISION 46 - PROBATE**

CHECKLIST FOR PETITION TO DETERMINE HOMESTEAD - STAND ALONE PETITION

This checklist shall be completed and emailed to division46@circuit7.org the same day you file your petition. **Please review and sign the applicable certification clause at the end of the checklist prior to submitting it with your Petition. If any of the items below are not checked, please complete "Certification B."** Completing and sending in this Checklist does not remove any additional obligations imposed by rule or statute. **

Estate of: _____

Case No: _____

Date: _____

Attorney _____
or Filer: _____

	Certified copy of death certificate [731.103(1), 5.205, 5.171(a)]
	List surviving spouse & lineal heirs and addresses, including date of birth of minors [5.405(b)(3)]
	Legal description of property (street address is not sufficient) [5.405(b)(4)]
	Statement: Property inside or outside of a municipality [Fla. Const. Art. X, § 4(a)(1)]
	State actual acreage (not just "less than ½ acre") [Fla. Const. Art. X, § 4(a)(1)] (for example 100' x 100', ½ acre = 21,000 sq feet; use metes & bounds description if there is one)
	Court has jurisdiction over beneficiaries ["Homestead Made Easy - Part3a," Rohan Kelly, <i>Fla. Bar Journal</i> , Jul/Aug 1995, pp 56, 57], either through consent or formal notice [731.301(2), 5.040]
	Verified diligent search for creditors and status of creditors [5.041, 5.405(b)(5)] OR notice to creditors, if any [5.041], unless claims are barred, i.e., the date of death is over 2 years
	Statement that there are no other assets - and no assets anticipated [5.405(b)(5)]
	Verified petition by interested person - look to see if the nature of the petitioner's interest is obvious or not [731.104, 5.020(e), 5.405(b)]
	Is there a will? (yes or none), If so: Testate: If original will filed, will is self-proved & admitted to Probate Does the will devise the property to a specific person (relationship)? Does the will direct the sale of property? Does the will devise the property to a trust and all of the beneficiaries of the property within the trust fall within the protected class? Intestate: Petition alleges diligent search to locate will with none found
	Order correctly reflects title to beneficiaries [5.405(c)] and does not direct PR to surrender homestead
Beneficiaries	Creditors

General Comments:

Please provide an explanation in the block below describing what items are missing (if any) and why they are not being provided.

Please note that the Court MAY require a hearing regarding the missing items. If your Order is not signed with 5 working days after you submit it, and no order is received, please contact the Court's Assistant to inquire if a hearing is required.