



—THE—
15TH JUDICIAL CIRCUIT
—OF FLORIDA—

Summary Administration Packet

Testate
(with a Will)

Table of Contents

- A. Resources
- B. Florida Probate Rule 5.530 – Summary Administration
- C. Checklist of Petition for Summary Administration Testate
- D. Petition for Summary Administration
- E. Joinder, Waiver, Consent
- F. Order of Summary Administration
- G. Order Admitting Will to Probate

File completed forms with Clerk & Comptroller Probate Division

Probate Resources

All instructions and forms distributed by the Fifteenth Judicial Circuit Law Library are provided as a public service to persons seeking to represent themselves in court without the assistance of an attorney. These documents are meant to serve as a guide only, and to assist pro se (self-represented) litigants with their cases. Any person using these instructions and/or forms does so at their own risk and the Law Library shall not be responsible for any losses incurred by any person in reliance on the instructions and/or forms.

For questions about this form, contact the **Probate Division at 561-355-2986 or**
ProbateGAClerkWeb@mypalmbeachclerk.com.

Resources:

For Death Certificates: <http://palmbeach.floridahealth.gov/certificates/death/index.html>

For vehicles: www.flhsmv.gov

Legal descriptions can be found at: <https://www.pbcgov.org/papa/>

For unclaimed property: <https://www.fltreasurehunt.gov/>

Florida Statutes: <https://www.flsenate.gov/Laws/Statutes>

Additional Legal Resources:

Florida Rural Legal
Services
www.frls.org
561-820-8902

Legal Aid Society of Palm
Beach County
www.legalaidpbc.org
561-655-8944

Lawyer Referral Service
<https://www.palmbeachbar.org/lawyer-referral-service/>
561-687-3266 (to hire a lawyer to
represent you in court or give you
legal advice)

File completed forms with Probate Division:

In-person:
Judge Daniel T.K.
Hurley Courthouse
205 N. Dixie Highway
Room 3.23
West Palm Beach, FL
33401

By mail:
Probate Division
P.O. Box 4667
West Palm Beach,
FL 33402

Online:
<https://www.myflcourtaccess.com/authority/>
Please note that the original death certificate
and original will (if any) must be mailed or
hand-delivered to the Probate Division and
cannot be e-filed.

Glossary of terms (from FS 731.201):

Assets – anything owned that has monetary value.

Beneficiary -- means an heir at law in an intestate estate.

Case Number (or file no. or reference number) – this is a number assigned to the case when it is filed. Once filed, please put this number on all other paperwork submitted to the case.

Claim (or claim of creditor) -- means a liability of the decedent, whether arising in contract, tort, or otherwise, and funeral expense.

Creditor – person or business to whom the decedent owed money.

Decedent – a person who has passed away. In this instance, the person whose estate you are trying to Probate.

Descendant -- means a person in any generational level down the applicable individual's descending line and includes children, grandchildren, and more remote descendants. The term "descendant" is synonymous with the terms "lineal descendant" and "issue".

Domicile -- means a person's usual place of dwelling and shall be synonymous with residence.

Exempt property -- means the property of a decedent's estate which is described in s. 732.402. See also items (b) through (e) of paragraph 8 of the petition for summary administration.

File no. (or case number or reference number) – this is a number assigned to the case when it is filed. Once filed, please put this number on all other paperwork submitted to the case.

Heirs or "heirs at law" -- means those persons, including the surviving spouse, who are entitled under the statutes of intestate succession (FS Chapter 732) to the property of a decedent.

Homestead -- means the property described in Section 4(a)(1), Art. X of the State Constitution on which at the death of the owner the exemption inures to the owner's surviving spouse or heirs under Section 4(b), Art. X of the State Constitution. For purposes of the code, real property owned in tenancy by the entireties or in joint tenancy with rights of survivorship is not protected homestead. Legal descriptions can be found at <https://www.pbcgov.org/papa/glossary.htm>.

Intestate – the decedent died without a will. See also Testate.

Petitioner – the person asking the court for an order. This will be you; the person filling out and signing the petition form.

Reference Number (or case number or file no.) – this is a number assigned to the case when it is filed. Once filed, please put this number on all other paperwork submitted to the case.

Testate – the decedent had a will before passing. See also Intestate.

Venue – is the appropriate location for a case to be heard by the court.

Filing Instructions

- **Original Documents:**

- You may file your paperwork either by visiting one of four Palm Beach County Courthouse locations or by U.S. mail to:

**Probate
P.O. Box 4667
West Palm Beach, FL 33402**

- Make 2 copies of the completed documents.
- File the applicable documents with the Clerk of the Circuit Court & Comptroller's office.
- **If you mail your documents, provide an extra pre-addressed stamped envelope so that your copies may be returned.**

- **Electronic Documents:**

- Self-represented litigants may file petitions or other pleadings or documents electronically, but they are not required to do so. If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida Rule of Judicial Administration 2.525 (https://www.flcourts.org/content/download/219089/file/RULE-2-525-Jan2014_v2.pdf) and the procedures of the judicial circuit in which you file. The rules and procedures should be carefully read and followed.
- You must first register in the Florida E-Filing Portal. Directions, a manual, and a short step-by-step video are available if you wish to learn to e-file your documents with the Clerk of the Circuit Court & Comptroller instead of filing a hard copy. Go to: www.mypalmbeachclerk.com/court-services/e-filing/self-represented-filers. Please note certain documents must be filed in original, hard copy format. A list of these documents is available on the Clerk of the Circuit Court & Comptroller's website at

Florida Probate Rules

Rule 5.530. Summary Administration

(a) Petition. The petition must be verified as required by law and must contain:

- (1) a statement of the interest of each petitioner, each petitioner's name and address, and the name and office address of each petitioner's attorney;
- (2) the name and last known address of the decedent, last 4 digits of the decedent's social security number, date and place of death of the decedent, and state and county of the decedent's domicile;
- (3) so far as is known, the names and addresses of the surviving spouse, if any, and the beneficiaries and their relationship to the decedent and the year of birth of any who are minors;
- (4) a statement showing venue;
- (5) a statement whether domiciliary or principal proceedings are pending in another state or country, if known, and the name and address of the foreign personal representative and the court issuing letters;
- (6) a statement that the decedent's will, if any, does not direct administration as required by chapter 733, Florida Statutes;
- (7) a 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 \$150,000 or that the decedent has been dead for more than 2 years;
- (8) a description of all assets in the estate and the estimated value of each, and a separate description of any protected homestead and exempt property;
- (9) a statement either:
 - (A) that all creditors' claims are barred or
 - (B) that a diligent search and reasonable inquiry for any known or reasonably ascertainable creditors has been made and one of the following:
 - (i) A statement that the estate is not indebted.
 - (ii) The name and address of each creditor, the nature of the debt, the amount of the debt and whether the amount is estimated or exact, and when the debt is due. If provision for payment of the debt has been made other than for full payment in the proposed order of

distribution, the following information must be shown:

- (a) The name of the person who will pay the debt.
 - (b) The creditor's written consent for substitution or assumption of the debt by another person.
 - (c) The amount to be paid if the debt has been compromised.
 - (d) The terms for payment and any limitations on the liability of the person paying the debt.
- (10) in an intestate estate, a statement that after the exercise of reasonable diligence each petitioner is unaware of any unrevoked wills or codicils;
- (11) in a testate estate, a statement identifying all unrevoked wills and codicils being presented for probate, and a statement that each petitioner is unaware of any other unrevoked will or codicil; and
- (12) a schedule of proposed distribution of all probate assets and the person to whom each asset is to be distributed.
- (b) Service.** The joinder in, or consent to, a petition for summary administration is not required of a beneficiary who will receive full distributive share under the proposed distribution. Any beneficiary and any known or reasonably ascertainable creditor not joining or consenting must receive formal notice of the petition.
- (c) Testate Estate.** In a testate estate, on the filing of the petition for summary administration, the decedent's will must be proved and admitted to probate.
- (d) Order.** If the court determines that the decedent's estate qualifies for summary administration, it must enter an order distributing the probate assets and specifically designating the person to whom each asset is to be distributed.

A copy of the entire Florida Probate Rules can be found in PDF format on the Florida Bar website at <https://www.floridabar.org/rules/ctproc/>.

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA
PROBATE DIVISION**

**CHECKLIST FOR PETITION FOR SUMMARY ADMINISTRATION OF
TESTATE ESTATE**

This checklist shall be completed and e-filed with 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 e-filing this Checklist does not remove any additional obligations imposed by rule or statute.

CASE NUMBER: _____ in Re Estate of: _____

☐	A copy or digitized copy of the death certificate (do not redact social security number) was filed. Fla. Stat. §731.103(1); Fla. Prob. R. 5.205(a), 5.171
☐	A copy of the original will or codicil was e-filed and the original will/codicil was deposited with the Palm Beach County Clerk of Court; OR
☐	The original will/codicil cannot be located, a Petition to Establish a Lost or Destroyed Will/Codicil was filed, and those who would take but for the will/codicil have consented to the Petition to Establish a Lost or Destroyed Will/Codicil or have been formally noticed and proof of formal notice has been filed AND the Petitioner filed an Affidavit of Heirs.
☐	The decedent was a Florida resident and the will/codicil is self-proven under the laws of Florida. If the will/codicil is not self-proven, an oath of witness was executed in front of a Clerk of the Court, Commissioner, or Judge and the oath was filed with the Petition; (NOTE: a notary stamp is insufficient.) OR
☐	If the will/codicil is not self-proved under the laws of Florida and the decedent is a Florida resident but the will was executed in another jurisdiction/outside the state of Florida, and an affidavit was filed demonstrating that the will/codicil was executed in conformity with the laws of the state or country where the will was executed and a copy of that state or country’s applicable statutes (self-proof and notary) is provided. OR
☐	The decedent was not a Florida resident, and an affidavit was filed demonstrating that the will/codicil was executed in conformity with the laws of the state or country where the will was executed and a copy of that state or country’s applicable statutes (self-proof and notary) is provided.

☐	The Petitioner submitted proof of payment of the decedent's reasonable and necessary medical bills from the last 60 days of the decedent's last illness. ⁱ
	OR
☐	If there are no such expenses, Petitioner has stated so in the Petition.
☐	The Petitioner submitted proof of payment in full of the decedent's reasonable funeral expenses. ⁱⁱ
☐	The Petition includes: (a) the name and address of the decedent's surviving spouse (if any); (b) the names and addresses of the decedent's beneficiaries and their relationship to the decedent; (c) if any beneficiary is a minor the year of birth is included.
☐	The Petition includes a statement showing venue.
☐	The Petition includes a statement specifying whether there are domiciliary or principal proceedings from another state or country.
☐	The Petition demonstrates the eligibility for summary administration (i.e., the decedent died over 2 years ago or the value of the estate, less exempt property, does not exceed \$150,000).
☐	The Petitioner is a beneficiary or a person nominated as personal representative in the decedent's will offered for probate.
☐	The Petition includes a statement that the decedent's will does not direct administration as required by Probate Rule 5.530.
☐	The Petition specifically describes the assets to be distributed, and includes values for each asset (e.g., name and address of the financial institution and the associated account number(s), legal property descriptions, etc.)
☐	Pro-se Petitioners only: The Petition specifically describes the assets to be distributed, and includes values for each asset (e.g., name and address of the financial institution and the associated account number(s), legal property descriptions, etc.). Include proof of assets to be distributed, dated after the date of death (ex. Bank statement, car title, etc.)
☐	The Petition states that a diligent search for creditors was conducted and acknowledges the penalty for failing to make a diligent search.
☐	<u>No claims have been filed against the estate.</u>
	OR
☐	<u>If claims have been filed against the estate:</u>
	☐ The creditor's claims have been stricken, or are otherwise barred by statute;
	OR
	☐ Provision for payment of outstanding debt has been made to the extent that assets are available;
	OR
	☐ There are insufficient assets to satisfy the outstanding claims, and formal notice of the Petition was served on the outstanding creditors.
☐	All beneficiaries under the will offered for probate have received formal notice of the petition and the proposed distribution;

☐	OR
☐	The Petitioner has filed notarized consents from all the beneficiaries under the will offered for probate.
☐	The proposed order includes the correct distribution of assets as directed by the will offered for probate.
☐	<u>A trust is not a beneficiary of the decedent.</u>
☐	OR
☐	<u>If a trust of the decedent is a beneficiary of the will offered for probate:</u>
	☐ Every trustee of the decedent's trust is also a Petitioner for summary administration, and the Petitioners filed a disclosure of qualified trust beneficiaries and served each qualified beneficiary of the trust formal notice of the Petition or notarized consents.
	OR
	☐ At least one trustee of the decedent's trust is not a Petitioner for summary administration.
☐	<u>The estate contains no real property of the decedent.</u>
☐	OR
☐	<u>The estate contains real property of the decedent, and:</u>
	☐ The Petitioner is claiming the decedent's real property is homestead, and a Petition to Determine Homestead has been filed;
	OR
	☐ The Petitioner is not claiming homestead protection for the real property.

Please complete the Certification that applies to your filing (either Certification A or Certification B). If the Petitioner is represented by counsel, only counsel must complete the applicable Certification Clause. If the Petitioners is pro se then the applicable Certification must be completed by the Petitioner.

CERTIFICATION A:

The undersigned Petitioner ☐ (print name) _____ /Attorney ☐ (print name) _____ certifies that he/she has reviewed the information necessary to support the Petition for Summary Administration of Testate Estate. The Petitioner ☐ /Attorney ☐ further certifies that all the required information was previously filed or filed concurrently with the Petition. The Petitioner ☐ /Attorney ☐ acknowledges that the Petition will not be reviewed by Court staff until the necessary information has been accepted into the OLS

and/or e-filing system. The Petitioner ☐/Attorney ☐ further acknowledges that a hearing may be required to process the Petition.

Petitioner's signature: _____

Signed on _____, 20____

OR

Attorney's signature: _____

Signed on _____, 20____

CERTIFICATION B:

The undersigned Petitioner ☐ (print name) _____/Attorney ☐ (print name) _____ certifies that he/she has reviewed the information necessary to support the Petition for Summary Administration of Testate Estate. The Petitioner ☐/Attorney ☐ certifies that, after a diligent search and reasonable effort, the Petitioner ☐/Attorney ☐ was unable to submit the following information for the following reasons:

The Petitioner ☐/Attorney ☐ acknowledges that a hearing may be required concerning the deficiency.

Petitioner's signature: _____

Signed on _____, 20____

OR

Attorney's signature: _____

Signed on _____, 20____

ⁱ Not required if the decedent has been dead for more than 2 years.

ⁱⁱ Not required if the decedent has been dead for more than 2 years.

IN THE CIRCUIT COURT
OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION: _____

FILE NO.: _____

IN RE: ESTATE OF

(Decedent's Name)

Petition for Summary Administration

TESTATE

Petitioner(s) allege:

1. **Petitioner(s)**, whose names are/is _____, has/have an interest in the above estate as *(relationship to decedent)* _____. Their addresses are set forth in paragraph 3 and the name and office address of their attorney are set forth at the end of this petition.
2. **Decedent**, whose name was _____, whose last known address was *(full street address, city, state, and ZIP)* _____, and, if known, whose age was _____, and the last four digits of whose Social Security number are _____. Died on *(date of death)* _____, at *(location of death)* _____, and on the date of death, decedent was **domiciled** *(a permanent resident)* in *(county and state)* _____.
3. So far as is known, the names of the beneficiaries of this estate *(including petitioners)* and of decedent's surviving spouse, if any, their addresses and relationships to decedent, and the dates birth of any who are minors are :

Name	Address	Relationship to decedent	Year of Birth (if a Minor)

4. The **venue** of this proceeding is in this county because_____.
5. Domiciliary probate proceedings (*check one*) ☐are ☐are not known to be pending in another state or country. (*If 'are' was selected, complete the following*): Letters have been issued by (*county and state of jurisdiction*)_____ the address of which is _____ to (*person named Personal Representative or Executor in other state/country*)_____, whose address is _____.
6. Decedent_____left a will, the original of which is attached to this petition or_____died intestate (*without a will*). After exercising reasonable diligence, the petitioner is unaware of any other unrevoked wills or codicils. If the decedent left a will, the will is either in the possession of the court or accompanies this petition. (*If the decedent died intestate an Affidavit of Heirs must be filed along with the petition.*)

7. Petitioner(s) are entitled to summary administration because:

(Check only those boxes that apply)

- a. ☐ Decedent's will does not direct administration as required by Florida Statutes Chapter 733.
- b. ☐ To the best knowledge of the petitioner, 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 \$150,000.
- c. ☐ The decedent has been dead for more than two years.

8. According to the petitioner's best knowledge, information and belief the following is a complete list of the assets in this estate and their estimated values, together with those assets claimed to be exempt [separately designate protected homestead and exempt property]:

Homestead/EXEMPT property includes: (a) Homestead property, (b) Household furniture, furnishings, and appliances in the decedent's residence up to a value of \$20,000 . (c) Two (2) motor vehicles in the decedent's name and regularly used by the decedent or members of the decedent's immediate family as their personal vehicles. (d) All qualified tuition programs , including, but not limited to, the Florida Prepaid College Trust Fund. (e) Other personal property (including cash) up to a value of \$1,000. Be aware that if a property is listed, you will need to complete the Petition and proposed Order Determining Homestead for the court. Any other assets listed here should also be added to the Petition and proposed Order to Determine Exempt Property and submitted to the court.		
Item	Description (For real property, include mailing and legal address; for vehicles, include make, model, year, color, and VIN#)	Value

Total of above:		

NON-EXEMPT includes any personal or real property that is not listed above as exempt. Include the balance of an item – such as a bank account – that exceeds the \$1,000 from above.	
Item	Description – provide as much information as possible, such as account numbers (and name of Bank), serial numbers, VIN numbers
Total of above:	

9. With respect to claims of creditors (check only those boxes that apply):

- a. ☐ All claims of creditors are barred.
- b. ☐ Petitioners have made diligent search and reasonable inquiry for any known or reasonably ascertainable creditors and (check one):
 - ☐ The estate is not indebted.
 - ☐ The estate is indebted and provision for the payment of debts and the information required by Florida Statutes Section 735.206 and Florida Probate Rule 5.30 is as set forth on the attached schedule.
- c. ☐ All creditors ascertained to have claims and who have not joined in the petition or consented to the order requested shall be served by formal notice with a copy of this petition.

Petitioners acknowledge that any known or reasonably ascertainable creditor who did not receive timely notice of this petition and for whom provision for payment was not made may enforce a timely claim and, if the creditor prevails, shall be awarded reasonable attorney's fees as an element of costs against those who joined in the petition.

10. It is proposed that all assets of the decedent, including exempt property, be distributed to the following:

Name	Property/Asset	Amount or Share

Petitioners waive notice of hearing on this petition and request that an order of summary administration be entered directing distribution of the assets in the estate in accordance with the schedule set forth in paragraph 10 of this petition.

Under penalties of perjury, we declare that we have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on _____, _____.

Email address (required)

Petitioner's Signature

Printed Name of Petitioner

Email address (required)

Petitioner's Signature

Printed Name of Petitioner

Email address (required)

Petitioner's Signature

Printed Name of Petitioner

MUST BE NOTARIZED

State of _____

County of _____

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online
notarization, this _____ day of _____, 20____, by
_____.

Notary Public or Deputy Clerk

☐ Personally known

☐ Produced identification

Type of identification: _____

Print, type, or stamp commissioned
Name of Notary Public/ Deputy Clerk

IN RE: ESTATE OF: PROBATE DIVISION

PROBATE DIVISION

_____/ **CASE:** _____

The undersigned whose name is _____ (print) and who has an interest in this estate as _____ (example: child, sibling, spouse, parent, etc.) of the decedent hereby acknowledges receipt of a copy of the Petition for Summary Administration and joins in the Petition. I hereby consent to the entry of an Order of Summary Administration granting the relief requested in the Petition without further notice to me.

Print name: _____ Signature: _____

STATE OF _____
COUNTY OF _____

Notary _____ Public: _____
 Commission No. _____
 Commission Expires: _____
 Name of Notary: _____

Deputy Clerk/Palm Beach County

IN THE CIRCUIT COURT
OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION: _____

FILE NO. _____

IN RE: ESTATE OF

(Decedent's Name)

ORDER OF SUMMARY ADMINISTRATION

(Testate)

On the petition of _____ for summary administration of the estate of _____, deceased, the court finding that the decedent died on _____; that all interested persons have been served proper notice of the petition and hearing or have waived notice thereof; that the material allegations of the petition are true; that the will dated _____, _____, has been admitted to probate by order of this court as and for the last will of the decedent; and that the decedent's estate qualifies for summary administration and an Order of Summary Administration should be entered, it is

ADJUDGED that:

1. There be immediate distribution of the assets of the decedent as follows:

NAME:	ADDRESS:	ASSET, SHARE, OR AMOUNT

--	--	--

2. Those to whom specified parts of the decedent's estate are assigned by this order shall be entitled to receive and collect the same, and to maintain actions to enforce the right.

3. Debtors of the decedent, those holding property of the decedent, and those with whom securities or other property of decedent are registered, are authorized and empowered to comply with this order by paying, delivering, or transferring to those specified above the parts of the decedent's estate assigned to them by this order, and the persons so paying, delivering, or transferring shall not be accountable to anyone else for the property.

ORDERED on _____, _____.

Circuit Judge

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION: _____

FILE NO. _____

IN RE: ESTATE OF

(Decedent's Name)

ORDER ADMITTING WILL TO PROBATE

(Summary Administration)

The writing presented to this Court as the last will of _____
_____, deceased, having been established by
the oath of _____, a subscribing and attesting
witness, as being the last will of the decedent, and no objection having been made to its probate,
and the court finding that the decedent died on _____, it is
ADJUDGED that the will dated _____, and attested by
_____ as subscribing and attesting witnesses, is admitted
to probate according to law as the last Will of the Decedent.

ORDERED on _____, _____.

Circuit Judge