

### **Summary Administration Packet**

Intestate (without a Will)

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File completed forms with Clerk & Comptroller of Palm Beach County 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 (selfrepresented) 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: <a href="https://www.pbcgov.org/papa/">https://www.pbcgov.org/papa/</a>

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

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

#### **Additional Legal Resources:**

Legal Aid Society of Palm Lawyer Referral Service Florida Rural Legal

https://www.palmbeachbar.org/lawyer-Beach County Services

referral-service/ www.legalaidpbc.org www.frls.org

561-687-3266 (to hire a lawyer to 561-820-8902 561-655-8944 represent you in court or give you

legal advice)

#### File completed forms with Probate Division:

By mail: Online: In-person: Probate Division

https://www.myflcourtaccess.com/authority/ Judge Daniel T.K. Please note that the original death certificate **Hurley Courthouse** P.O. Box 4667 205 N. Dixie Highway

and original will (if any) must be mailed or West Palm Beach, hand-delivered to the Probate Division and FL 33402

cannot be e-filed. West Palm Beach, FL

Rev. 051722

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Room 3.23

#### 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 <a href="https://www.pbcgov.org/papa/glossary.htm">https://www.pbcgov.org/papa/glossary.htm</a>.

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 (<a href="https://www.flcourts.org/content/download/219089/file/RULE-2-525-Jan2014\_v2.pdf">https://www.flcourts.org/content/download/219089/file/RULE-2-525-Jan2014\_v2.pdf</a>) 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: <a href="www.mypalmbeachclerk.com/court-services/e-filing/self-represented-filers">www.mypalmbeachclerk.com/court-services/e-filing/self-represented-filers</a>. 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 \$75,000 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 INTESTATE 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	E NUMBER: in Re	Estate of:
	An authenticated copy of the death certificate (no security number) was filed. Fla. Stat. §731.103(1); Fl	
	The Petitioner submitted proof of payment of the medical bills from the last 60 days of the decedent	
	OR	
	If there are no such expenses, Petitioner has stated	so in the Petition.
	The Petitioner submitted proof of payment in full expenses. ii	of the decedent's reasonable funeral
	The Petitioner filed an Affidavit of Heirs.	
	The Petition includes a statement showing venue.	
	The Petition includes a statement specifying whet proceedings from another state or country.	
	The Petition demonstrates the eligibility for summidied over 2 years ago or the value of the estate, les \$75,000).	ary administration (i.e., the decedent se exempt property, does not exceed
	The Petitioner is a beneficiary of the estate.	
	The Petition includes: (a) the name and address of any); (b) the names and addresses of the decedent to the decedent; (c) if any beneficiary is a minor the decedent to the decedent.	's beneficiaries and their relationship
	The Petition states that, after a reasonably diligent any unrevoked wills or codicils.	search, the Petitioner is unaware of
	The Petition specifically describes the assets to be each asset (e.g., name and address of the financial number(s), legal property descriptions, etc.)	institution and the associated account
	Pro-se Petitioners Only: The Petition specifically and includes values for each asset (e.g., name and and the associated account number(s), legal prope of assets to be distributed, dated after the date of detc.)	address of the financial institution rty descriptions, etc.). Include proof
	All intestate beneficiaries have received formal no distribution;	tice of the Petition and the proposed

	OR
	The Petitioner had filed notarized consents from all the intestate beneficiaries.
	The Petition states that a diligent search for creditors was conducted and acknowledges
Ш	the penalty for failing to make a diligent search.
	No claims have been filed against the estate.
Longoni	OR
	If claims have been filed against the estate:
	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.
	The proposed order includes the correct distribution of assets under the laws governing intestacy.
	The estate contains no real property of the decedent.
	OR
	The estate contains real property of the decedent, and:
	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
	cation B). If the Petitioner is represented by counsel, only counsel must complete the
	able Certification Clause. If the Petitioners is pro se then the applicable Certification
	be completed by the Petitioner.
CERT	IFICATION A:
The un	dersigned Petitioner□ (print name)/Attorney □ (print
	certifies that he/she has reviewed the information
	ary to support the Petition for Summary Administration of Intestate Estate. The Petitioner

$\Box$ /Attorney $\Box$ further certifies that all the required information was previously filed or filed concurrently with the Petition. The Petitioner $\Box$ /Attorney $\Box$ 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 $\Box$ /Attorney $\Box$ further acknowledges that a hearing may be required to process the Petition.
Petitioner's signature:
Signed on, 20
OR
Attorney's signature:
Signed on
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 Intestate Estate. 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
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

PR	OBATE DIVISION:
FII	E NO.:
IN	RE: ESTATE OF
(D	cedent's Name)
	Petition for Summary Administration
	INTESTATE
	Petitioner(s) allege:  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)
	the date of death, decedent was <b>domiciled</b> (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:

N	lame	Address	Relationship to decedent	Year of Birth (if a Minor)	
F					
L					
_					
4.	The <b>venue</b> of this pr	roceeding is in this county be	cause		
state or country. (I)		proceedings (check one) Dar 'are' was selected, complete the 'jurisdiction)	e □are not known to be he following): Letters ha	pending in another ve been issued by	
		jui isaiciioni	the	address of which is	
	Parsonal Represent	ative or Executor in other sta	te/country)	_to (person named	
			, whose address is		
	a			,	
6.	Decedentleft a will, the original of which is attached to this petition or died				
	intestate (without a	will). After exercising reason	able diligence, the petiti	oner is unaware of	
	any other unrevoked	d wills or codicils. If the dece	dent left a will, the will	is either in the	
	possession of the co	urt or accompanies this petiti	on. (If the decedent died	l intestate an	
	Affidavit of Heirs m	ust be filed along with the pet	tition.)		

1.	I CII	uo.	ner(s) are critical to summary administration because.	
			(Check only those boxes that apply)	
	i	a.	☐ Decedent's will does not direct administration as required by Florid	a Statutes Chapter
			733.	
	1	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 c	laims of creditors,
			does not exceed \$75,000.	
	,	c.	☐ The decedent has been dead for more than two years.	
8.	Acc	ord	ing to the petitioner's best knowledge, information and belief the followin	g is a complete list
			ssets in this estate and their estimated values, together with those assets cla	
	[sep	ara	tely designate protected homestead and exempt property]:	
pr wi	oper ill no urt.	ty (eed	, but not limited to, the Florida Prepaid College Trust Fund. (e) Oth (including cash) up to a value of \$1,000. Be aware that if a property is to complete the Petition and proposed Order Determining Homest my other assets listed here should also be added to the Petition and Determine Exempt Property and submitted to the court.	s listed, you tead for the
	em	ιο	Description (For real property, include mailing and legal	Value
			address; for vehicles, include make, model, year, color,	
			and VIN#)	

	Total of above:	
	includes any personal or real property that is not listed above as eace of an item – such as a bank account – that exceeds the \$1,000	
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 1	respect to claims of cre	editors (check only those boxes that appl	y):	
a.	☐ All claims of cred	itors are barred.		
b.		made diligent search and reasonable able creditors and (check one):	inquiry for any known or	
	☐ The estate	is not indebted.		
	required by F	is indebted and provision for the paymen lorida Statutes Section 735.206 and Floritached schedule.		
c.	☐ All creditors ascer	rtained 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.				
receive tin timely cla of costs ag 10. It is pr	mely notice of this petition and, if the creditor gainst those who joined roposed that all assets of	that any known or reasonably ascertainal ion and for whom provision for payment prevails, shall be awarded reasonable att d in the petition.	was not made may enforce a corney's fees as an element	
follow	/ing: 	Property/Asset	Amount or Share	
Name		Тюренулгазес		

		Petitioner's Signature
	,	·
administration be entered directin schedule set forth in paragraph 10	g distribution of the assets in of this petition.	d request that an order of summary  In the estate in accordance with the  read the foregoing, and the facts alleged

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

IN RE: ESTATE OF:	PROBATE DIVISIO	N	
Deceased.			
	/ CASI	Ε:	-
	JOINDER, WAIVER AN	ND CONSENT	
The undersigned whose	name is	(print) a	nd who has
an interest in this estate as		(example: child, sibling, spouse	e, parent,
etc.) of the decedent hereby ack	enowledges receipt of a copy	of the Petition for Summary Admi	nistration
and joins in the Petition. I hereb	by consent to the entry of an (	Order of Summary Administration	granting
the relief requested in the Petiti	on without further notice to n	ne.	
Signed this day	y of	, 20	
Print name:	Signat	ure:	<del></del>
Email:(required)			
STATE OF			
		by means of [	
and [ ] who is personally know	wn to me or [ ] who produced	d as identification	
this day of _	, 20	·	
Notary Public:			
Commission No.  Commission Expires:			
Name of Notary:			
	Or		
Deputy Clerk/Palm Beach Cou	nty		

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

PROBAT	E DIVISION:	
FILE NO.		-
IN RE: ES	STATE OF	
(Deceden	t's Name)	
	AFFIL	DAVIT OF HEIRS
if applical Decedent Decedent and theref in a partic	ble. Please include even the name 's death, indicating that they are never had a relative within a pate fore had no siblings), please indicate	ALL RELATIVES of the Decedent, including yourself, nes of relatives who were deceased at the time of thee re deceased and specifying the date of death. If the rticular category (i.e. the decedent was the only child, rate "None" in that category. If the Decedent's relatives the specify "Unknown." When applicable, please indicate (i.e. half-brother or half-sister).
int I a I h	terest in this estate.  am □ am not □ related to the Denave known the Decedent for	provide your name, age, and address. If the spouse is
b.	address. If the former spouse is	ue to death or divorce). (Please provide name, age, and is deceased, please indicate name and date of death. If the divorced please indicate name of former spouse and

3.	Children of the Decedent, or descendants of deceased children. (Please provide name, age, and address. If any of the children are deceased, please indicate name and date of death. In addition, please indicate if Decedent has any grandchildren from the predeceased children and specify their name, age, and address. If any of the children are not biologically related to both the Decedent and Decedent's spouse at the time of Decedent's death, please provide the name of that particular child's other biological parent. If the surviving spouse has children who are not the children of the Decedent, please indicate their names.)
4.	Parents of the Decedent. (Please provide name, age, and address. If the parents are deceased, please indicate name and date of death.)
5.	Siblings of the Decedent, or descendants of deceased siblings. (Please indicate if the relationship is that of a half-relative, i.e., half-brother or half-sister. Please provide name, age, and address of the Decedent's siblings. If any of the siblings are deceased, please indicate name and date of death. In addition, please list the children of the predeceased siblings, if any.)

6.	Grandparents of the Decedent. (Please provare deceased, please indicate name and date	rvived the Decedent and are not listed in the categories me, relationship to the Decedent, age, and address.		
7.	•			
	penalty of perjury, I swear or affirm that be facts stated herein are true and complete	I have read the foregoing Affidavit of Heirs to the best of my knowledge.		
Email				
	address	Affiant's Signature  Printed Name of Affiant		
	address			

Sworn to (or affirme	d) and subscribed before n	ne by means of □ physical presence or □ online
notarization, this	day of	, 20, by
		Notary Public or Deputy Clerk
☐ Personally known	1	
☐ Produced identifie	cation	
Type of identificatio	n:	
		Print, type, or stamp commissioned Name of Notary Public/ Deputy Clerk

IN THE CIRCUIT CO OF THE FIFTEENTH IN AND FOR PALM I		DA .
PROBATE DIVISION FILE NO.		
IN RE: ESTATE OF		
(Decedent's Name)		
	ORDER OF SUMMARY (Intesta	
persons have been serv that the material allega summary administratio	ed proper notice of the petitions of the petitions of the petition are truen and an Order of Summary	for summary
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			
	_	O' ' ' I. I.	_
		Circuit Judge	<b>5</b>