

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

**CHECKLIST FOR PETITION FOR FORMAL 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 and Proposed Order(s). 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: _____

	Pro-se petitioner only: The Petitioner filed an Affidavit Regarding Criminal History ¹ (You may only file pro-se if you are the sole beneficiary. Fla. Prob. R. 5.030)
	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
	If the decedent was a Florida resident, the death certificate reflects a Palm Beach County residence. If the decedent was not a Florida resident, the decedent owned property in Palm Beach County, and the site of the property is reflected in the Petition for Administration.
	The Petition is verified, signed by the Petitioner, and signed by an attorney of record.
	The Petitioner’s interest in estate and the Petitioner’s address are listed in the Petition.
	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.
	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, is mentally and physical able to perform the duties of a personal representative, is 18 years or over, have not been convicted in any state or foreign jurisdiction of abuse, neglect, or exploitation of an elderly person or a disabled adult and is not a convicted felon and the Petitioner is a Florida resident. If the Petitioner is not a Florida resident, the Petitioner is related to the decedent within the statutorily required degree. Probate Rule 5.200 as amended 11/4/2021
	The correct beneficiaries are listed in the Petition with the birthdates of the minor beneficiaries, if any. If the will does not direct outright distribution to any beneficiary under a certain age, the petition includes the ages of those beneficiaries and the name of the trustee to whom distribution will be made.
	The assets of the estate and the approximate values of the assets are listed in the Petition.
	The proposed personal representative has preference of appointment for testate estates. If the Petitioner is not the first personal representative nominated in the will, the Petitioner has filed the necessary notarized renunciations or original death certificates that sufficiently demonstrate the proposed personal representative's preference of appointment.
	An oath of personal representative and designation of resident agent were filed, and they comply with the applicable probate rules. Probate Rule 5.320 as amended 11/4/2021
	<p><u>A trust is not a beneficiary of the decedent.</u></p> <p>OR</p> <p><u>If a trust of the decedent is a beneficiary of the will offered for probate:</u></p> <ul style="list-style-type: none"> • A disclosure of qualified trust beneficiaries is contained in the Petition or in a separate notice. • Every trustee is also a personal representative of the estate, and a disclosure of trust beneficiaries was filed. Further, if every trustee is also a personal representative, all qualified trust beneficiaries have consented to the Petition for Discharge. F.S. 731.201(2)(11)

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 Formal 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 Formal 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 Please note that trust companies, banks, as well as other qualified corporations identified in section 733.305, Florida Statutes, are not required to file this affidavit.