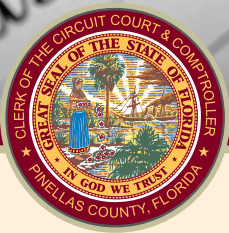


PROBATE OF ESTATES: WILLS

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Probate is a legal process through which the assets of a deceased person are properly distributed to the heirs or beneficiaries under a will or, if there is no will, according to Florida law. The court oversees the estate to make sure debts are paid and proper distribution is made.

KEN BURKE, CPA
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER
PINELLAS COUNTY, FLORIDA

Last Will And Testament: A will is a document which disposes of a person's property after his/her death. It generally names a personal representative to administer the estate.

When To File A Will: The custodian of the deceased's original last will and testament must deposit the will with the Clerk of the Circuit Court in the county where the decedent was domiciled, within ten days after learning the person is deceased.

The custodian must supply the person's date of death or the person's social security number to the Clerk upon deposit of the will.

You do not need an attorney to file the will with the Clerk of the Circuit Court. However, you may want to consult with an attorney before filing the will.

If the deceased person left no will and there are assets to be probated, the estate of the decedent must be distributed in accordance with Florida probate law.

If there is a will filed but no personal representative has been named, it may be necessary for an attorney to petition the court on behalf of the heirs, beneficiaries or other interested parties to appoint a personal representative to administer the estate.

Types Of Probate Proceedings:

You may wish to seek legal advice before deciding which type of proceeding is appropriate.

1. A *Formal Administration* may be filed when there are assets exceeding \$75,000 and/or when it is necessary to appoint a representative to act on behalf of the estate. At the time of appointment, Letters of Administration are issued to the

personal representative by the court giving him/her the authority to complete the administration of the estate with the court overseeing to ensure the decedent's debts are paid and that correct distribution is made to the heirs and/or beneficiaries.

2. A *Summary Administration* does not require the appointment of a personal representative and may be filed when the value of the entire estate subject to administration does not exceed \$75,000. A Petition for Summary Administration can be filed by any beneficiary or nominated personal representative in the decedent's will or by an attorney representing the petitioner(s).
3. A *Disposition of Personal Property Without Administration* may be filed via informal petition to request release of the decedent's solely owned assets to reimburse the person who paid the final expenses, such as funeral bills, medical bills, etc., incurred during the 60 days prior to death.

When filing a Disposition of Personal Property Without Administration, the following documentation should be submitted:

- The decedent's will, if one exists
- Itemized funeral bill and receipt if paid
- Paid receipts for medical expenses incurred within the 60 days prior to death
- Death certificate
- Statement regarding the type of asset to be released
- Identification of the person filing (must be the person who paid the funeral/medical expenses)

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- Filing fee as set by Florida Statute
- Clerk's fee for preparing each order
- Payment for requested certified copies of the Order of Disposition when signed by the court

After all the required documents have been filed, the court will enter an order either allowing or disallowing the release of the assets to the requesting party. The prepaid certified copy of the original order will be mailed to the petitioner for submission to the asset holder.

For more information, please call Probate Court Records at (727) 464-3321 or visit

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Persons with disabilities requiring reasonable accommodations to use the services provided should call (727) 464-4062 (TDD or Voice). Call 24 hours prior to coming to the courthouse.

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