

**Checklist for Opening Estate**  
**Formal Administration**  
***Testate***

The below checklist may be helpful in the preparing for filing a new Formal Administration. Each case is different, so other documents may be required. For instance, if the Decedent has been dead for less than two years, proof of publication must be submitted.

- **Original Documents** required to file with Court to open estate:
  - Death Certificate: the original certified copy must be deposited directly with the Probate Clerk's Office
  - Last Will and Testament: the original certified copy must be deposited directly with the Probate Clerk's Office
    - Is it signed by two (2) witnesses?
    - Is it signed by Decedent?
    - Is it self-proving? If not, has an Oath of Witness to Will been filed? See § 733.201, Fla. Stat.
  
- **Petition for Formal Administration** (Fla. Prob. R. 5.200 (a) – (j))
  - What to include in the Petition for Administration:
    - Petitioner's statement of interest, name and address;
    - Petitioner's attorney's name and office address;
    - Decedent's last known address, last four (4) digits of the Decedent's social security number, Decedent's date of death, and county and state Decedent was domiciled at death;
    - Name and address of the Decedent's surviving spouse, *if any*, the beneficiaries and their relationship to the Decedent, as well as the dates of birth of any of the beneficiaries who are minors;
    - Statement showing venue is proper as Decedent was resident of County on date of death;
    - Statement that the Petitioner is qualified to serve and be appointed as the Personal Representative under the laws of Florida;
    - Statement that domiciliary or principal proceedings are/are not pending in another state or country;
    - Statement of the approximate value and nature of the Decedent's assets which belong to the estate;
    - Statement that estate is/is not required to file a federal estate tax return (optional, but strongly recommended if information is available; if a return is due, then the estate will be given 24 months to close);
    - Statement identifying all unrevoked Wills and Codicils of Decedent are being presented for Probate, and statement that Petitioner is unaware of any other unrevoked Will or

Codicils *or*, if the Petitioner is aware of any other unrevoked Wills or Codicils, a statement why the other Wills or Codicils are not being probated;

- Statement that original of the Decedent's Last Will is in the possession of the Court, or is being filed simultaneously with the Petition; and
- Petition for Administration must be verified and signed by the Petitioner, and signed by the Petitioner's attorney.

**Petition for Order Designating Depository for Assets**

- Use the approved Probate Division Form, *if applicable*. Form may be found in this location:

<http://www.jud11.flcourts.org/SCSingle.aspx?pid=711>

**Oath of Personal Representative**

- Needs to comply with the applicable Florida probate rules. Needs to be signed by Personal Representative, and Designation of Resident Agent signed by attorney of record.

**Affidavit of Heirs**

- Use the approved Probate Division Form, *if applicable*. Form may be found in this location:

<http://www.jud11.flcourts.org/SCSingle.aspx?pid=711>

**Affidavit Concerning Criminal History** (optional, but suggested)

- Use the approved Probate Division Form. Form may be found in this location:

<http://www.jud11.flcourts.org/SCSingle.aspx?pid=711>

**Beneficiaries**

- If any of the Beneficiaries are deceased, copies of the Death Certificates for the deceased beneficiary will need to be filed with the Court.
- If applicable, Waivers and Consents regarding the initial pleadings will need to be signed by each of the Beneficiaries or interested persons who are otherwise entitled to notice of the Petition for Administration prior to the appointment of a Personal Representative. If no Waivers and Consents are provided, then, if applicable, a Formal Notice deadline will need to lapse prior to proceeding with opening the estate.

**Notice of trust** (if applicable)

**Proposed Letters and Orders to be submitted to the Court for review and consideration**

- Letters of Administration

- Use the approved Probate Division Form, *if applicable*. Form may be found in this location: <http://www.jud11.flcourts.org/SCSingle.aspx?pid=711>
- Order Admitting Will to Probate and Appointing Personal Representative
  - Use the approved Probate Division Form, *if applicable*. Form may be found in this location: <http://www.jud11.flcourts.org/SCSingle.aspx?pid=711>
- Order Designating Depository for Assets
  - Use the approved Probate Division Form, *if applicable*. Form may be found in this location: <http://www.jud11.flcourts.org/SCSingle.aspx?pid=711>