

**Checklist for Opening Estate  
Summary Administration  
Testate**

The below checklist may be helpful in the preparing for filing a new Summary Administration. Each case is different, so other documents may be required. For instance, if the Decedent has been dead for less than two years, a copy of all paid funeral bills 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 Summary Administration** (Fla. Prob. R. 5.530 (a) – (d))
  - What to include in the Petition for Summary 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 domiciliary or principal proceedings are/are not pending in another state or country;
    - Statement that Decedent's Will, *if any*, does not direct administration as required by chapter 733, Florida Statutes;
    - Statement that the value of the entire estate subject to administration is less the value of property exempt from the claims of creditors, does not exceed \$75,000.00 or that the decedent has been dead for more than two (2) years;
    - Description of all assets in the estate and estimated value of each, and separate description of any protected homestead and exempt property;
    - Statement that either 1) all creditor's claims are barred, or 2) diligent search and reasonable inquiry for any reasonably ascertainable creditors has been made;

- 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;
- Schedule of proposed distribution of all probate assets, including the asset value and the person to whom each asset is to be distributed; and
- Petition for Summary Administration must be verified and signed by the Petitioner, and signed by the Petitioner's attorney.

**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.
- Each beneficiary must sign the Petition for Summary Administration or a separate joinder thereto (mere waiver/consent is insufficient). Alternatively, if a beneficiary is served with formal notice, then the statutory period must elapse prior to adjudication. PLEASE DO NOT SUBMIT PROPOSED ORDERS PRIOR TO THE EXPIRATION OF SUCH NOTICE PERIODS.

**Notice of trust** (if applicable)

**Homestead**

- If a petition to determine homestead status of real property has been filed, then all homestead requirements (except for the verified statement regarding creditors) must be met including the publication of notice to creditors and resolution of claims prior to entry of an Order of Summary Administration. Please refer to the homestead checklist for further details.

**Creditor Claims**

- Has a claim been filed? If yes, EITHER:
  - Provide for payment of the claim in the Petition and Order of Summary Administration (amend the petition if submitted prior to the claim being filed), OR
  - Convert to formal administration for further resolution.

**Proposed Orders to be submitted to the Court for review and consideration** (all proposed orders in a summary administration must be submitted and considered simultaneously; i.e. an Order Admitting Will shall not be considered separately from the Order of Summary Administration)

- Order Admitting Will to Probate

- 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 Determining Homestead (when applicable)
- Order of Summary 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>