

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA PROBATE DIVISION

IN RE: ESTATE OF _____,
Deceased.

Case No.: _____

Section: _____

CC08

Checklist and Certification – Determination of Homestead (Formal)

I, _____, as the attorney of record, have reviewed the applicable checklist(s) on the 11th Judicial Circuit Court’s website, and filed the following pleadings to the Clerk of Court’s docket, for which I have written the docket entry number next to each of the corresponding requirements below:

Qualification:

- The real property being determined as the homestead of the decedent qualifies under Article X, §4 of the Florida Constitution
- The devise/descent of the real property is in accordance with the restrictions of Article X, §4 of the Florida Constitution, Fla. Stat. §732.401, and Fla. Stat. §732.4015

Petition for Homestead:

- _____ Petition for Determination of Homestead - Fla. Prob. R. 5.405
- _____ Waivers and Consents to Petition OR Proof of Formal Notice to all interested persons* – Fla. Prob. R. 5.041; Fla. Stat. 731.201(23) (*Including: all known creditors and claimants, and all beneficiaries who would inherit but for Fla. Stat. §732.401)

Supporting Documents:

- _____ Copy of Property Tax or Utility bill with decedent’s name (from the last year decedent resided on the property)
- _____ Disinterested Third Party Affidavit in Support of Homestead

Required Filings:

- _____ Order Appointing Personal Representative and Letters of Administration have been previously entered
 - _____ Inventory has been filed– Fla. Stat. §733.604; Fla. Prob. R. 5.340
 - _____ Proof of Publication of Notice to Creditors has been filed and the publication period has ended – Fla. Stat. §733.2121
 - _____ Proof of Service of Notice to Creditors to AHCA (if decedent was over 55 years old) – Fla. Stat. §733.2121(d)
 - _____ Verified Statement Regarding Creditors – Fla. Prob. R. 5.241(d)
- OR
- All claims of creditors are barred as decedent died more than two (2) years before the Estate was opened – Fla. Stat. §733.710

Proposed Order submitted to courtMAP:

- Order Determining Homestead - Fla. Prob. R. 5.405(c) (includes street and legal address of subject real property)

I HEREBY CERTIFY that I have complied with the above checklist and filed the required pleadings and supporting documentation checked above in accordance with applicable Florida Statutes, Florida Probate Rules, local rules, administrative orders, and administrative memoranda. I understand that submission of this checklist is considered an official statement subject to Fla. Stat. §837.06.

Dated: _____

Attorney's Signature
Printed Name: _____
Bar Number: _____
Email Address(es): _____