Summary Administration – Testate

When to use this packet:

The assets of the estate are less than $75,000 or the decedent has been dead longer than 2 years

AND

The decedent had a will

The following checklist and chart will help you determine if they are eligible for summary administration and provide the forms needed to file your case. Before filing for summary administration, contact the holder of the assets you are trying to recover (for example, if the asset is a bank account, contact the bank) to see what may be required for transfer.

Important Note:

These forms and instructions are provided as a public service to persons seeking administer an estate without the assistance of an attorney. These documents are meant to serve as a guide only, and to assist self-represented individuals with their cases. Any person using these instructions or forms does so at their own risk, and the court shall not be responsible for any losses incurred by any person in reliance on these instructions or forms.

Summary Administration

Florida Statutes 735.201-735.206, 732.401-402, and Florida Probate Rules 5.530, 5.405 and 5.406

Summary Administration is a simplified process for administering small estates which may be utilized without the assistance of a lawyer. To qualify for Summary Administration, the decedent must be dead for longer than 2 years or have less than $75,000 in assets (not including exempt assets). In addition, transfer of a decedent's homestead to their heirs is also possible in summary proceedings with the homestead forms.

If the value of the decedent's assets is less than $6,000, you may qualify for Disposition without Administration, a simpler process which does not require an attorney but is subject to certain limitations.

To file for Summary Administration, you must meet all of the following prerequisites:

(a) You must be a beneficiary of the decedent's estate.
(b) The decedent must have owned assets in Miami-Dade County when they died.
(c) The decedent must be dead longer than 2 years OR the decedent's estate must be valued less than $75,000.00, not including any homestead or exempt property.
(d) The decedent's will does not direct administration as required by Chapter 733 F.S..

Homestead property (pursuant to Art. X, Section 4, Fla. Const.) includes the decedent's residence (real property) to the extent of one-half acre, but does not include Co-Op interests.

Determinations of Homestead require additional forms. See the Homestead checklist for additional requirements.



ABOUT CREDITORS



If the decedent has been dead for less than 2 years, the petitioner will have to make a diligent search and reasonable inquiry for any "Creditors" or people or businesses to which the decedent owed money. Typical creditors include credit cards and utility companies, such as FPL.

You must include their payment out of the non-exempt assets in your petition and serve them Formal Notice of the Petition for Summary Administration. You will need to file the completed proof of service

If a creditor files a claim against the decedent's estate, you will need to either: provide for payment to the creditor in the petition and order. Alternatively, you may pay the creditor outside of probate and file a satisfaction and release signed by the creditor.

Objections to creditor claims are outside the scope of these forms. If you wish to contest or object to a creditor's claim, the assistance of an attorney may be needed.

If a creditor's claim is filed after the summary order is entered, the recipients of the decedent's property will be personally liable for all lawful claims against the estate of the decedent but only up to the value or amount of money they received from the estate.

These self-help forms are intended for use in uncontested estates only. If an objection to the petition is filed by any interested parties or if there is a dispute amongst the beneficiaries, you should seek the assistance of an attorney.

Helpful Tips

- The funeral bill or receipt must be stamped "paid in full" or show a "$0" balance.
- If you are transferring real property, you must include the street address, legal description, and folio number on the petition and proposed order.
- If you are transferring a car, truck, or any vehicle, you must include the make, model, and Vehicle Identification Number ("VIN") in your petition and proposed order.
- All forms must be completely filled out. Any line that provides a choice must be completed. If there is no applicable answer, please write "N/A" in the provided space.
- What will happen next? How long does it take?
    - The court will review the documents you have filed. You can expect a response within 4-6 weeks.
    - If you did not provide all the necessary documents, the court will send you an email (or a letter sent via U.S. Mail) describing what missing documents or corrections your file needs to be processed. Once the deficiencies have been cured, you may resubmit your proposed order for another review.
    - Once all necessary documents meeting the court's requirements have been filed, the order will be signed and a copy will be sent via email, or, if you provided the self-addressed envelope and additional fee, a certified copy will be mailed to you.
- What does the Order do?
  The order will direct the asset holder to transfer the asset to the person entitled to it. Agencies such as the Department of Motor Vehicles and banks may require a certified copy of the order to release or transfer any assets. Each asset holder may require their own certified copy, so make sure to get enough copies. Additionally, you may wish to keep one certified copy for your own records. Certified copies can be obtained from the Clerk of Courts office

FEES AND COSTS

Filing fee - $346. Certain individuals may qualify for the waiving of filing fees based on need. Please speak to the clerk regarding the Application of Indigency.
Certified Copies Fee - $2.00 per order + $1.00 per page. If you are trying to obtain funds from different banks, each bank will require a separate certified copy of the Court's order.

Payment options:
1) Credit cards (American Express, Visa, or Master Card only)
2) Money order or Cashier's check made payable to:

The Clerk of Circuit Court, Probate Division
20 NW 1st Ave, Suite 6.223
Miami, Florida 33128
Phone: 305-349-7490

Personal Checks are not accepted.

Self-Addressed Stamped Envelope: must be included if requesting certified copies.

Glossary of terms (from FS 731.201):

Assets – anything owned that has monetary value.

Beneficiary - means an heir at law in an intestate estate.

Case Number (or reference number) – this is a number assigned to the case when it is filed. Once filed, please put this number on all other paperwork submitted to the case.

Claim (or claim of creditor) – A demand for money or property filed by a creditor; a liability of the decedent, whether arising in contract, tort, or otherwise, and funeral expense.

Codicil - a supplement or addition to a will.

Creditor – person or business to whom the decedent owed money.

Decedent – the person who has passed away. In this instance, the person whose estate you are trying to Probate.

Descendant -- means a person in any generational level down the applicable individual's descending line and includes children, grandchildren, and more remote descendants. The term "descendant" is synonymous with the terms "lineal descendant" and "issue".

Domicile -- means a person's usual place of dwelling and shall be synonymous with residence.

Estate – the property of a decedent that is the subject of administration.

Exempt property -- means the property of a decedent's estate which is exempt from the claims of creditors as described in s. 732.402.

Heirs or "heirs at law" -- means those persons, including the surviving spouse, who are entitled under the statutes of intestate succession (FS Chapter 732) to the property of a decedent. Includes decedent's blood relatives such as children and grandchildren, parents, siblings, nieces/nephews, grandparents, aunts/uncles, and cousins. Also includes heirs related by way of legal adoption.

Homestead -- means the real property described in s. 4(a)(1), Art. X of the State Constitution on which at the death of the owner the exemption inures to the owner's surviving spouse or heirs under s. 4(b), Art. X of the State Constitution. Legal descriptions can be found at https://www.miamidade.gov/pa/.

Intestate – the decedent died without a will. See also Testate.

Petitioner – the person asking the court for an order. This will be you; the person filling out and signing the petition form.

Testate – the decedent had a will before passing. See also Intestate.

Venue – is the appropriate location for a case to be heard by the court. For Probate, the appropriate venue is the county in this state where the decedent was domiciled before they died, or if the decedent had no domicile in this state, then in any county where the decedent's property is located.

Additional Resources:

For Death Certificates: www.FloridaHealth.gov or call: (727) 507-4330 ext. 1200

For vehicles: www.flhsmv.gov

For unclaimed property: www.fltreasurehunt.gov

No-cost and low-cost legal assistance: Legal Services of Greater Miami, Inc., (305) 576-008, https://www.legalservicesmiami.org

Florida Statutes: www.flsenate.gov/Laws/Statutes

Florida Probate Rules: https://www.floridabar.org/rules/ctproc/