

# Basic Diagram of Administration Plan for Florida Probate Estate

of \_\_\_\_\_

as of \_\_\_\_\_

## Probate Estate - Process

File petition for administration

Court issue letters of admin to PR

PR publish notice to creditors

Marshal assets, open bank account, obtain title search, search for creditors, & pay expenses but not claims yet

File and serve notice to creditors and notice of admin

File and serve inventory within 60 days after appointment

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Creditors file claims by 3 months after date of publication of notice to creditors

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File statement regarding creditors and objections to claims by 4 months after date of publication

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Pay claims and file satisfactions of claims

File and serve petition for discharge and final accounting

All beneficiaries consent, or wait 30 days

Distribute assets to beneficiaries

Pay remaining fees and expenses of administration

File receipts of beneficiaries & report of distribution

File final federal tax returns

Court enter order of discharge

## Probate - Assets

Vehicle

Contents of house

Banks and financial institutions

Real estate

## Probate - Debts

Attorney & PR fees, bond premium, title search fees, appraisal fees, title premiums, funeral expenses, and administration expenses

Taxes and government claims

Medical claims

Other creditor claims

## Non-Probate Assets

House (homestead real property) (need to petition court to determine homestead status)

Life Insurance, retirement accounts, annuities

Jointly-owned assets

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## Probate Diagram

This free legal form was drafted by St. Petersburg probate attorney James W. Martin, P.A. as a sample diagram depicting the Florida probate process, assets, and debts of a Florida resident decedent to assist Florida probate lawyers in explaining the Florida probate process to personal representatives, beneficiaries, creditors, and clients.\*

A prior version of this form was published in the August 2008 edition of ALI-ABA The Practical Lawyer and the February 2010 edition of The Florida Bar Journal as part of his article "Ten Tips for Handling Complex Probate".

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