

In the Circuit Court in and for _____ County, Florida

IN RE: ESTATE OF

PROBATE DIVISION

(Decedent's Name)

File Number _____

FLORIDA SMALL ESTATE AFFIDAVIT

**Disposition of Personal Property without Administration
Verified Statement**

Petitioner alleges:

1. Petitioner, whose name and address are _____

and whose Social Security number is _____, is _____ (relationship to decedent)
of _____ (decedent), who died at _____
_____ on the _____ of _____, 20____, a resident of _____
_____, whose last known address was _____
_____, and whose age, if known, was _____ and whose Social Security number is _____.

The decedent left no will

The decedent's will was deposited with the Clerk on _____, 20__.

2. So far as is known, the names of the beneficiaries of decedent's estate and of the decedent's surviving spouse, if any, their addresses and relationship to decedent, and the ages of any who are minors are:

NAME	ADDRESS	RELATIONSHIP	AGE (Birth Date if Minor)



3. The estate of decedent consists only of personal property exempt from the claims of creditors under the Constitution of Florida, and non-exempt personal property the value of which does not exceed the sum of the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the decedent's last illness, all being described as follows:

EXEMPT:	Description	Value

NON-EXEMPT:	Description	Value

Preferred funeral expenses (statement or receipts attached):

Services by	Amount	Paid or Due

Medical and hospital expenses for last 60 days of last illness (statement or receipts attached):

Services by	Type of Service	Amount	Paid or Due



Other debts of decedent:

Creditor	Goods or Services (How incurred)	Amount

Requested payment of distribution to:

Name	Property	Amount or Value

I know of no other assets or debts of the decedent except: _____

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true, to the best of my knowledge and belief.

(Signature of Petitioner)

(Address of Petitioner)

(Telephone)

Subscribed and sworn to (or affirmed) before me on _____ by _____.
(date) (name of affiant, deponent or other signer)

He/she is personally known to me or has presented _____ as identification.

-- OR --

Signature of person taking acknowledgment

Clerk of Circuit Court, _____ County

Name of Acknowledger typed, printed or stamped

By: _____
Deputy Clerk

Title

(seal) Commission Number & Expiration Date

_____, _____



Florida Statutes --

735.301 Disposition of Personal Property without Administration -

- (1) No administration shall be required or formal proceedings instituted upon the estate of a decedent leaving only personal property exempt under the provisions of s. 732.402, personal property exempt from the claims of creditors under the Constitution of Florida, and nonexempt personal property the value of which does not exceed the sum of the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness.
- (2) Upon informal application by affidavit, letter, or otherwise by any interested party, and if the court is satisfied that subsection (1) is applicable, the court, by letter or other writing under the seal of the court, may authorize the payment, transfer or disposition of the personal property, tangible or intangible, belonging to the decedent to those persons entitled.
- (3) Any person, firm or corporation paying, delivering, or transferring property under the authorization shall be forever discharged from any liability thereon.

732.402 Exempt Property

- (1) If a decedent was domiciled in Florida at the time of death, the surviving spouse, or, if there is no surviving spouse, the children of the decedent shall have the right to a share of the estate of the decedent as provided in this section, to be designated exempt property.
- (2) Exempt Property shall consist of:
 - (a) Household furniture, furnishings, and appliances in the decedent's usual place of abode up to a net value of \$10,000 as of the date of death; and
 - (b) All automobiles held in the decedent's name and regularly used by the decedent or members of the decedent's immediate family as their personal automobiles.
- (3) Exempt property shall be exempt from all claims against the estate except perfected security interests thereon.
- (4) Exempt property shall be in addition to any property passing to the surviving spouse or heirs of the decedent under s. 4, Art. X of the Florida Constitution or the decedent's will or by intestate succession, electives share, or family allowance.
- (5) Property specifically or demonstratively devised by the decedent's will to any devisee shall not be included in exempt property. However, persons to whom property has been specifically or demonstratively devised and who would otherwise be entitled to it as exempt property under this section may have the court determine the property to be exempt from claims, except for perfected security interests thereon, after complying with the provisions of subsection (6).
- (6) Persons entitled to exempt property shall be deemed to have waived their rights under this section unless a petition for determination of exempt property is filed by or on behalf of the persons entitled to the exempt property within 4 months after the date of the first publication of the notice of administration or within 40 days from the date of termination of any proceeding involving the construction, admission to probate, or validity of the will or involving any other matter affecting any part of the estate subject to this section.



Florida Rules of Civil Procedure

Rule 5.420 Disposition of Personal Property without Administration.

- (a) **Application.** An interested person may request a disposition of the decedent's personal property without administration. An application signed by the applicant shall set forth the following information:
- (1) the description and value of the exempt property;
 - (2) the description and value of the other assets of the decedent;
 - (3) the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses for the last 60 days of the last illness together with accompanying statements or payment receipts; and
 - (4) each requested payment or distribution of personal property.
- (b) **Exempt property.** If the decedent's personal property includes exempt property, or property that can be determined to be exempt property, the application must also be signed by all persons entitled to the exempt property of their representative.
- (c) **Preparation.** On request, the clerk shall assist the applicant in the preparation of the required writing.
- (d) **Disposition.** If the court is satisfied that disposition without administration is appropriate, the court may, without hearing, by letter or other writing authorize the payment, transfer, or disposition of the decedent's personal property to those persons entitled to it.

There must be no real property involved

Any person, firm or corporation paying, delivering or transferring property under the authorization shall be forever discharged from any liability thereon.

The Ex Parte Clerk or Deputy Clerk, charged with the responsibility of preparing the affidavit for the court, will interview the petitioner, obtain for the file:

- (1) A certified copy of death certificate;
- (2) Copies of medical and hospital bills for the last 60 days of illness;
- (3) The paid or unpaid funeral bill;
- (4) Copy or copies of documents that you are attempting to transfer to you (i.e. bank statement, copy of stock);
- (5) If the decedent left a will, it must be filed for record in the probate division (Any will filed for record only will not be a probated will);

And (6) Any necessary waivers and consents.

The Ex Parte Clerk will then prepare an Order directed to the payee.

Please check with the clerk's office for proper fee to file this form.

