

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA
PROBATE DIVISION**

CHECKLIST FOR PETITION TO DETERMINE HOMESTEAD - STAND ALONE PETITION

This checklist shall be completed and e-filed with your Petition. **Please review and sign the applicable certification clause at the end of the checklist prior to submitting it with your Petition. If any of the items below are not check, please complete “Certification B.”**
Completing and e-filing this Checklist does no remove any additional obligations imposed by rule or statute.

Estate of: _____

Case No: _____

Date: _____

Attorney: _____

	Certified copy of death certificate [731.103(1), 5.205, 5.171(a)]
	List surviving spouse & lineal heirs and addresses, including date of birth of minors [5.405(b)(3)]
	Legal description of property (street address is not sufficient) [5.405(b)(4)]
	Statement: Property inside or outside of a municipality [Fla. Const. Art. X, § 4(a)(1)]
	State actual acreage (not just “less than ½ acre”) [Fla. Const. Art. X, § 4(a)(1)] (for example 100' x 100', ½ acre = 21,000 sq feet; use metes & bounds description if there is one)
	Court has jurisdiction over beneficiaries [“Homestead Made Easy - Part3a,” Rohan Kelly, <i>Fla. Bar Journal</i> , Jul/Aug 1995, pp 56, 57], either through consent or formal notice [731.301(2), 5.040]
	Verified diligent search for creditors and status of creditors [5.041, 5.405(b)(5)] OR notice to creditors, if any [5.041], unless claims are barred, i.e., the date of death is over 2 years
	Statement that there are no other assets - and no assets anticipated [5.405(b)(5)]
	Verified petition by interested person - look to see if the nature of the petitioner’s interest is obvious or not [731.104, 5.020(e), 5.405(b)]
	Is there a will? (yes or none), If so: Testate: If original will filed, will is self-proved & admitted to Probate Does the will devise the property to a specific person (relationship)? Does the will direct the sale of property? Does the will devise the property to a trust and all of the beneficiaries of the property within the trust fall within the protected class? Intestate: Petition alleges diligent search to locate will with none found
	Order correctly reflects title to beneficiaries [5.405(c)] and does not direct PR to surrender homestead
Beneficiaries	Creditors

Comments:

Recommendation:

* There is no other petition in file, i.e., no petition for administration or summary administration.

Please complete the Certification that applies to your filing (either Certification A or Certification B). If the Petitioner is represented by counsel, only counsel must complete the applicable Certification Clause. If the Petitioners is pro se then the applicable Certification must be completed by the Petitioner.

CERTIFICATION A:

The undersigned Petitioner (print name) _____ /Attorney (print name) _____ certifies that he/she has reviewed the information necessary to support the Petition to Determine Homestead. The Petitioner /Attorney further certifies that all the required information was previously filed or filed concurrently with the Petition. The Petitioner /Attorney acknowledges that the Petition will not be reviewed by Court staff until the necessary information has been accepted into the OLS and/or e-filing system. The Petitioner /Attorney further acknowledges that a hearing may be required to process the Petition.

Petitioner's signature: _____

Signed on

OR

Attorney's signature _____

Signed on

CERTIFICATION B:

The undersigned Petitioner (print name) _____ /Attorney (print name) _____ certifies that he/she has reviewed the information necessary to support the Petition to Determine Homestead. The Petitioner /Attorney certifies that, after a diligent search and reasonable effort, the Petitioner /Attorney was unable to submit the following information for the following reasons:

The Petitioner /Attorney acknowledges that a hearing may be required concerning the deficiency.

Petitioner's signature _____

Signed on

OR

Attorney's signature _____

Signed on