

Determination of Homestead Checklist - Stand-Alone Petition

Estate of _____

Case No: _____

Date: _____

Attorney: _____

	Certified copy of death certificate
	Petition lists surviving spouse & lineal heirs and addresses, including date of birth of minors
	The petition includes a statement that there is a surviving spouse who has waived his/her homestead rights and the method by which the surviving spouse waived those rights, if applicable.
	The Petition includes a statement as to whether the property was the domicile of the decedent, or if not, whether the property was located within a municipality and the domicile of a member of the decedent's family
	The Petition alleges how the property was titled at the time of the decedent's death (if not solely owned, the shares of each owner must be listed)
	The Petition contains a statement whether the decedent died testate or intestate.
	The Petition includes the legal description of property and the street address.
	Statement: Property inside or outside of a municipality
	State actual acreage (not just "less than 1/2 acre") (for example 100' x 100', 1/2 acre = 21,000 sq feet; use metes & bounds description if there is one)
	Court has jurisdiction over beneficiaries, either through consent or formal notice
	Verified diligent search for creditors and status of creditors OR notice to creditors, if any, 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
	The Petitioner filed an Affidavit of Heirs.
	Petition is verified.

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

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Is there a will? (yes or no), If so:

- _____ Testate: If original was previously & 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?

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Order correctly reflects title to beneficiaries and does not direct PR to surrender homestead

Beneficiaries	Creditors

Comments:

Recommendation:
