

## CHECKLIST FOR PETITION TO DETERMINE HOMESTEAD

This Checklist must be completed and e-filed with your proposed Order. An Attorney **shall** certify in writing that she/he has reviewed both the checklist and supporting documents prior to submission. Completing and submitting the Checklist does not obviate any additional obligation imposed by rule or statute. If the submission is deficient, you shall receive a single email identifying the deficiency for correction. Pending correction, the file **will not** move forward.

Estate of \_\_\_\_\_

Probate Case No.: \_\_\_\_\_

Type of Estate: ☐ Testate

☐ Intestate

☐ Ancillary

| Judicial<br>Administration<br>Reviewed: |                                                                                                                                                                       | Attorney<br>Certification |                          |                          | DIN<br># |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------------------|--------------------------|----------|
|                                         |                                                                                                                                                                       | YES                       | NO                       | N/A                      |          |
|                                         | All Required Notices to Creditors, Beneficiaries and Interested Parties Given?                                                                                        | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Notice of Administration served as required by R.5.240 and/or waivers _____ & proofs filed _____?                                                                     | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Notice to Creditors served _____ on DOR _____ on AHCA age 55+ _____ F.S. 733.2121?                                                                                    | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Proof of publication of Notice to Creditors filed. R.5.241 _____? or claims are barred _____?                                                                         | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Verified diligent search Statement Regarding Creditors filed R.5.241 _____? or claims barred _____?                                                                   | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Notice to petition to determine homestead property filed _____?                                                                                                       | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Consents & waivers to petition to determine homestead property filed _____?                                                                                           | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Verified Petition to Determine Homestead Property complying with R. 5.406 filed?                                                                                      | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Was the property owned by the decedent at death?                                                                                                                      | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Decedent was a Florida resident?                                                                                                                                      | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Was the property the residence of the decedent?                                                                                                                       | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Petition state name of persons entitled to homestead property                                                                                                         | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Legal description of homestead real property listed?                                                                                                                  | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Statement that property is inside or outside of municipality with acreage? Inside municipality less than ½ acre? Outside municipality less than 160 contiguous acres? | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Surviving Spouse and lineal heirs with dates of birth listed of minors, if any? Did the homestead descend by intestacy?                                               | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Statement that property descended to, or was validly devised?                                                                                                         | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Decedent's exemption from claims of decedent's creditors inured to spouse/heirs?                                                                                      | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |
|                                         | Does the exemption from forced sale by the decedent's creditors inured to anyone? If yes, to whom named?                                                              | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |          |

|  |                                                                                        |                          |                          |                          |  |
|--|----------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--|
|  | <b>Order Determining Homestead?</b>                                                    |                          |                          |                          |  |
|  | Provide the legal description and that the property is the homestead of the decedent?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
|  | Find that the homestead property descended to or was validly devised?                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
|  | Identify the persons entitled to decedent's exemption from decedent's creditor claims? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
|  | Define the interest of persons receiving the protected homestead?                      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |

Please complete the Certification

The undersigned Attorney certifies that she/he has reviewed the information necessary to support the Petition to Determine Homestead. The Attorney further certifies that all required information was previously, or concurrently filed, with the Petition. The Attorney acknowledges that the Petition will not be reviewed by the Court until the necessary information has been accepted via the **OKALOOSA, PROBATE-GUARDIANSHIP ONLY** section of the Florida E-Filing Portal. The Attorney further acknowledges that a hearing may be required to process the Petition.

**Attorney for Personal Representative:** \_\_\_\_\_ **Dated:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_