

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT, IN AND FOR MIAMI-DADE COUNTY, FLORIDA PROBATE DIVISION IN RE: ESTATE OF _____ deceased. Case no.: _____ Section: _____	SH-13
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PETITION TO DETERMINE HOMESTEAD

(intestate)

Petitioner, _____ who has
[petitioner's name]

an interest in the estate as _____ alleges:
[interest in estate or relation to decedent]

1. The Decedent, _____,
[name of decedent]

who died on _____, _____, was domiciled in Miami-Dade County, FL, and was survived by:
[decedent's date of death]

[check all that apply]

- ☐ a. A spouse.
- ☐ b. One or more minor children.
- ☐ c. One or more lineal descendants (for example: adult children, grandchildren, great-grandchildren, etc.).
- ☐ d. One or more heirs at law who are neither a spouse nor a lineal descendant of the Decedent (for example: parents, aunts, uncles, cousins, etc.).

2. At the time of the Decedent's death, the Decedent owned the following described contiguous parcel of real property ("the Property") on which protected homestead is claimed:

Street Address

Legal Description	

Folio Number _____

3. At the time of the Decedent's death, the Property was titled as follows:

- ☐ Soley in the name of the Decedent.
☐ Jointly in the name of the Decedent and their predeceased spouse.
☐ Other: _____

4. The Property:

- ☐ was the domicile of the Decedent.
☐ was the domicile of a member of the Decedent's family and was located within a municipality.

5. The name and address of the Decedent's surviving spouse, if any, lineal descendants, and heirs at law having an interest in the Decedent's estate and their respective relationships to the Decedent, are:

NAME AND ADDRESS <i>[name and address of spouse, descendant, or heir at law]</i>	RELATION TO DECEDENT <i>[relation to decedent]</i>	YEAR OF BIRTH <i>(if minor)</i>

6. The surviving spouse ☐ has [or] ☐ has not waived their homestead rights.

☐ The Decedent was not survived by a spouse.

7.* The Property constituted the homestead of the Decedent within the meaning of Section 4 of Article X of the Constitution of the State of Florida, and the petitioner believes that upon Decedent's death, title to the Property descended to and the constitutional exemption from the Decedent's creditors inured to:

NAME OF HOMESTEAD BENEFICIARIES <i>[name of homestead recipients]</i>	SHARE OF PROPERTY

*You may attach additional pages if necessary

8. The only persons other than petitioner, having an interest in this proceeding, including unpaid creditors and their respective address are: _____

Petitioner requests that an order be entered determining that the Property constituted the exempt property of the Decedent, title to which, upon Decedent's death, descended and the constitutional exemption from claims inured as set forth in paragraph 7; and directing those in possession of the Property to surrender possession of the Property to those entitled to it.

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

Date

Printed Name of Petitioner

Email Address