

State of Florida
Ninth Judicial Circuit of Florida

Office of:
Lawrence R. Kirkwood
Circuit Court Judge
ORANGE COUNTY COURTHOUSE
425 N. ORANGE AVENUE
ORLANDO, FLORIDA 32801
<http://www.ninthcircuit.org>

ESTATE OF:

CASE NO.:

OBSERVATIONS:

The items marked by an "X" were omitted from the file and/or pleadings submitted. Please file corrective pleadings and mail to: Clerk of Court Probate Division, P. O. Box 4994, Orlando, Florida, 32802-4994, for submission to the Court. If you object to this request and feel you have complied with the Florida Statutes, the Probate Rules, and the case law with what you have previously filed, please set your case for a scheduled hearing (NOT AT EX PARTE) and give notice to all parties.

Please Note: The clerk will not submit the proposed orders to the court for review until all items have been received.

Petition for Summary Administration (Testate):

	Statement of interest of petitioner(s).
	Address of petitioner(s).
	Last known address of decedent.
	Date of death of decedent or date listed conflicts with Death Certificate.
	Place of death of decedent is not consistent with Death Certificate.
	State and County of decedent's domicile and/or county listed conflicts with Death Certificate.
	Name and address of surviving spouse. Death Certificate shows decedent as "married".
	Name and address of beneficiary or beneficiaries and their relationship to Decedent: _____.
	Date of birth of minor beneficiary.
	Statement showing venue.
	Statement regarding whether or not domiciliary proceedings exist. (Per revision to Rule 5.530).
	Statement that after the exercise of reasonable diligence the petitioner is

Observation continued.

	unaware of any other unrevoked will or codicil.
	Statement as to why petitioners are entitled to summary administration.
	Complete list of exempt and non-exempt assets and their estimated value.
	Statement regarding diligent search and reasonable inquiry for any known or reasonably ascertainable creditors.
	Statement that the estate is not indebted.
	Statement that all creditors' claims are barred.
	Schedule of distribution of assets to beneficiaries and creditors.
	Petition fails to request court to enter an order of summary administration that directs distribution of assets.
	Attorney did not sign petition.
	Attorney's Name, Address, Florida Bar number, and phone number.
	Petitioner did not sign petition.
	Petition is not verified.

Death Certificate:

	Death certificate not filed.
	Death certificate reflects different county of residence. If death certificate is incorrect, an amended death certificate or affidavit must be filed. Otherwise, venue must be transferred.

Funeral Bill:

	Proof that funeral expenses have been paid in full.
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Last Will and Testament:

	Will is not self-proved. Oath of witness required. Oath of witness must be taken before a Florida Circuit Judge, Clerk, or Commissioner appointed by the Court. <ul style="list-style-type: none">• If deputy clerk administers oath to witness, please submit \$3 fee to Orange County Clerk of Court.
	Witnesses to Will have not been located. Proof of Will must be taken before a before a Florida Circuit Judge, Clerk, or Commissioner appointed by the Court. <ul style="list-style-type: none">• If deputy clerk administers oath to witness, please submit \$3 fee to Orange County Clerk of Court.
	Affidavit of Diligent Search must be filed to show what was done to locate witnesses to Will.
	Will is not an original. Original Will must be filed. -or- procedure for lost or destroyed will must be followed.
	Authenticated copies of domiciliary proceedings not submitted.

Codicil:

Observation continued.

	<p>Codicil(s) not self-proved. Oath of witness required. Oath of witness must be taken before a Florida Circuit Judge, Clerk, or Commissioner appointed by the Court.</p> <ul style="list-style-type: none"> • If deputy clerk administers oath to witness, please submit \$3 fee to Orange County Clerk of Court.
	<p>Witnesses to Codicil(s) have not been located. Proof of Codicil must be taken before a Florida Circuit Judge, Clerk, or Commissioner appointed by the Court.</p> <ul style="list-style-type: none"> • If deputy clerk administers oath, please submit \$3 fee to Orange County Clerk of Court.
	<p>Affidavit of Diligent Search must be filed to show what was done to locate witnesses to Codicil(s).</p>
	<p>Codicil is not an original. Original codicil must be filed. –or- procedure for lost or destroyed codicil must be followed.</p>

Proposed Order Admitting Will/Codicil to Probate:

	<p>Proposed Order Admitting Will/Codicil to Probate not submitted. (____ self-proved/ ____ non self-proved).</p>
	<p>Incorrect spelling of name(s) or incorrect dates on proposed Order Admitting Will/Codicil to Probate.</p>
	<p>Proposed Order omits names of witnesses to Will/Codicil.</p>
	<p>Order Admitting Will/Codicil of Nonresident to Probate not submitted.</p>

Proposed Order of Summary Administration:

	<p>Proposed Order of Summary Administration not submitted.</p>
	<p>Proposed Order of Summary Administration does not include required 3" x 3" recording space in upper right-hand corner.</p>
	<p>Proposed Order of Summary Administration does not follow Bar Form.</p>
	<p>Proposed Order of Summary Administration has a typographical error in date of death or spelling of name(s).</p>
	<p>Proposed Order of Summary Administration does not include name and address of beneficiary or beneficiaries.</p>
	<p>Proposed Order of Summary Administration does not include a description of assets that are to be disbursed.</p>
	<p>Proposed Order of Summary Administration only includes a partial description of the asset(s). Please provide a full description that includes all financial institution information such as name and account number, insurance policy number, check number, or vehicle identification number, if applicable.</p>
	<p>Proposed Order of Summary Administration does not include share or amount of asset that beneficiary is entitled to receive.</p>

Petition To Determine Homestead:

Observation continued.

	Petition for Summary lists the property as exempt/homestead. Petition to Determine Homestead Status of Real Property not filed.
	Decedent's date of death.
	Decedent's domicile at the time of death.
	The name of the decedent's surviving spouse and the names and dates of birth of the decedent's surviving lineal descendants.
	Legal description of the property owned by the decedent on which the decedent resided.
	Other interested person, including creditors.
	Petition does not include the necessary information as required by the statutes and rules.
	Date of birth of minor beneficiary.
	Remove verbiage regarding personal representative from the petition as personal representatives are not appointed within Summary Administrations.
	Petition was not verified.
	Petitioner did not sign the petition.
	Attorney's name, address, phone number and Florida Bar number.
	Attorney did not sign the petition.

Proposed Order Determining Homestead:

	Proposed Order Determining Homestead not submitted.
	Proposed Order Determining Homestead does not describe the real property.
	Proposed Order Determining Homestead does not identify the person or persons entitled to the protected homestead real property and define the interest of each.
	Proposed Order Determining Homestead does not include required 3" x 3" recording space in upper right-hand corner.
	Proposed Order Determining Homestead does not follow Bar Form.
	Proposed Order Determining Homestead has a typographical error in date of death or spelling of name(s).
	Remove verbiage regarding personal representative from the proposed order as personal representatives are not appointed within Summary Administrations.

Notice to Beneficiaries, Heirs or Creditors:

	Consent and Waiver to Petition for Summary Administration from beneficiaries, heirs, or creditors not joining or consenting to Petition –or- Formal Notice must be served and proof of service filed.
	Proof of Service of Formal Notice.
	Consent and Waiver to Petition to Determine Homestead from beneficiaries, heirs

Observation continued.

	or creditors not joining or consenting to Petition –or- Formal Notice must be served and proof of service filed.
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Miscellaneous:

	Objection filed. Hearing required.
	Death certificate of beneficiary not filed: _____.
	A caveat by interested party or creditor has been filed. Formal notice must be served and proof of formal notice filed.
	Claim(s) has/have been filed. Submit Satisfaction of Claim(s), make provision for creditor(s) to be paid within the proposed Order of Summary Administration, or file proof of service of formal notice to creditor(s).
	Copy of the pages from the trust agreement that names the trustee(s) not filed.
	Other: _____
	Judge WILL NOT sign any order with only his signature on the last page.
	Judge WILL NOT sign any order that is a facsimile. Please submit original.
	Self-addressed, stamped envelope not provided for copies.

Date Reviewed: August 4, 2008

CC:

Enclosures: Proposed Order(s)