Checklist for:

**Homestead Stand Alone Petition\***

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

| Estate of: |
| --- |
| | File #: |  | Date: | |  | | --- | --- | --- | --- | --- | | Attorney: |  | |  |  | |

| Docket# | Item# | Date |  |
| --- | --- | --- | --- |
|  |  |  | Date of the decedent’s death [5.405(b)(1)] and County of decedent’s domicile at the time of death [5.405(b)(2)] |
|  |  |  | List of surviving spouse & lineal heirs and addresses, incl dob if minors [5.405(b)(3)] |
|  |  |  | Legal description of property [5.405(b)(4)] |
|  |  |  | Statement: Property inside or outside of a municipality [Fla. Const. Art. X, §4(a)(1)] AND Acreage is within constitutional requirements [Fla. Const. Art. X §4(a)(1)] |
|  |  |  | 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)] |
|  |  |  | If testate, homestead devised as authorized by law [Fla. Const. Art. X §4(a)(1)]  If homestead not devised as authorized by law, descent determined under intestacy [732.401] |
|  |  |  | Court has jurisdiction over parties [“Homestead Made Easy – Part 3a, Rohan Kelly, Fla. Bar Journal, Jul/Aug 1995, pp 56, 57, either consents filed OR formal notice given] [733.212(1)(d), 5.040] |
|  |  |  | Verified diligent search for creditors and status of creditors, unless claims are barred, i.e., the date of death is over 2 years [5.040, 5.405(b)(5)] |
|  |  |  | Notice to creditors, if any, unless claims are barred [5.040] |
|  |  |  | Statement that there are no other assets – and no assets anticipated [5.405(b)(5)] |
|  |  |  | Order correctly describes the real property and determines whether any of the real property constituted protected homestead [5.405(c)] |
|  |  |  | Order correctly identifies benies’s name(s) and each respective benie’s interest in homestead property [5.405(c)] |
|  |  |  | Certified copy of death certificate [731.103(1), 5.205, 5.171(a)] |
|  |  |  | If original Will filed, Will is self-proved & admitted to Probate [5.330(c)] |
|  |  |  | If no Will, petition alleges diligent search to locate Will with none found [5.530(a)(10)] |
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| Comments: |
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