Checklist for:

Election to Take Elective Share By Surviving Spouse

§732.201 Fla. Stat. Right to elective share, §732.2125 Right of election; by whom exercisable, §732.2135 Time of election; extensions; withdrawal, §732.702 Waiver of spousal rights

Fla. Probate Rule 5.360 Elective Share

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

| Docket# | Item# | Date |  |
| --- | --- | --- | --- |
|  |  |  | Was the decedent domiciled in the State of Florida? [732.201] |
|  |  |  | Election filed by surviving spouse? [732.201, 732.2125, 5.360(a)] |
|  |  |  | There was NO valid waiver of spousal rights? [732.702(1)] |
|  |  |  | Was Election filed on or before the earlier of date that is 6 months after date of service of copy of NOA on surviving spouse OR 2 years after date of death of decedent? [732.2135] |
|  |  |  | Was copy of Election formally served upon the Personal Representative? [5.360(1)] |
|  |  |  | Was the Election verified? |
|  |  |  | Did Personal Representative formally serve notice of Election within 20 days of receipt of notice upon all interested persons who may reasonably be expected to be affected by the outcome of the Election? [5.360(b)(3), 5.360(a)(2)(B)] |
|  |  |  | Does the Notice of Election indicate the names and addresses for the attorneys of surviving spouse and Personal Representative? [5.360(b)(3)] |
|  |  |  | Does the Notice of Election state that the individuals may be required to contribute toward satisfaction of the elective share? [5.360(b)(3)(A)] |
|  |  |  | Does the Notice of Election state that objections must be served within 20 days after service of copy of Notice and Election? [5.360(b)(3)(B)] |
|  |  |  | Does the Notice of Election state that if no objection is timely served, then an Order may be granted without further notice? [5.360(b)(3)(C)] |
|  |  |  | Any Objections filed? If so, notice and hearing required. If not, Order may be entered. [5.360(c)] |

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| Comments: |
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