IN RE: CASE NO.:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

# REPORT AND RECOMMENDATIONS OF THE MAGISTRATE

**ON:**

ATTENDANCE:

 [ ]  Petitioner  **\_\_****[ ] \_\_\_** Attorney for Petitioner

 [ ]  Respondent **\_\_****[ ] \_\_\_** Attorney for Respondent

 [x]  Court Reporter: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ X Clerk of Court

This cause has come on to be heard before Magistrate Amy W. Ellis on **,**pursuant to the Petitioner/Respondent’s **Motion** . The Magistrate has jurisdiction pursuant to Rule 5.095 of the Florida Probate Rules. The Court finds that an Order of Referral for the matters heard by the Magistrate was served upon the parties and that no party made a timely objection to the referral. This Court being otherwise advised, the following Findings of Fact and Conclusions of Law are made:

1. The Decedent, {NAME}, died on {DATE}. At the time of Decedent’s death he/she was/was not a resident of Collier County, Florida.
2. A Petition for {Name of Petition} was filed on {DATE}
3. {Enter additional facts, findings and conclusions}

**RECOMMENDED ORDER OF THE MAGISTRATE**

 Based upon the above-stated Findings of Fact and Conclusions of Law, the Magistrate submits the following Recommended Order for the approval of the Court:

1. The Petition for {NAME OF PETITION} is GRANTED/DENIED/GRANTED IN PART/DENIED IN PART.
2. {Add additional findings. If a Petition for Homestead the legal description must be included}.

**PLEASE READ CAREFULLY (Language in Bold is Required by Fla. R. Civ. P. 1.490)**:

**IF YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE MAGISTRATE, YOU MUST FILE EXCEPTIONS IN ACCORDANCE WITH RULE 5.095(H) OF THE FLORIDA PROBATE RULES. YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR EXCEPTIONS OR YOUR EXCEPTIONS WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED IF NECESSARY FOR THE COURT'S REVIEW.**

The hearing before the Magistrate was electronically recorded by the Court. A party may request an electronic certified copy of the proceeding on CD, at that party’s expense, and may then have the recording transcribed, at that party’s expense. Providing the Court with a copy of the CD, instead of a certified written transcript, is insufficient for review by the Court of exceptions. Media request forms, procedures, and fees, and a list of approved Transcriptionists are available on the Court’s website, [www.ca.cjis20.org](http://www.ca.cjis20.org) , or by calling the Court’s Electronic Court Reporting Department at 239-533-8207. However, if the below box is checked, one of the parties elected to retain, at that party’s own expense, a live Court Reporter who was present for the purpose of creating the official record of the proceeding. Accordingly, any request for a transcript of the proceeding must be submitted to that Court Reporter.

* A live Court Reporter created the official record of the proceeding, and that Court Reporter’s name and address is as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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All parties 🞎 have 🞎 have not waived the ten day period in which to file exceptions to the Report and Recommendations of the General Magistrate.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 201\_\_.

 BY:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Honorable Amy W. Ellis

 Magistrate, Twentieth Judicial Circuit

Electronic Service per e-Portal Service List:

{Names and addresses of all parties on e-service WITH THE CLERK}

**CERTIFICATE OF SERVICE**

 **I HEREBY CERTIFY** that a true and correct copy of the above and foregoing has been provided this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2022, to the following:

{Name and Address}

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Magistrate Assistant