

SUMMARY ADMINISTRATION PROCESS

In the State of Florida, the Probate procedure typically follows one of two pathways. Some estates meet the criteria for Summary Administration, which is notably faster and typically less costly than the formal probate process. Florida Law states that an estate can be eligible for Summary Administration under either of the following circumstances:

1. The total countable value of the estate is less than \$75,000.00 or
2. The decedent has been passed away for over two years.

So, if either of these criteria are satisfied, your estate may be better suited for Summary Administration. In determining whether your estate will qualify for the Summary Administration procedure remember that some property valuation is exempt. By far the biggest exemption is a homestead property. So, for example, if John Doe passed away and his estate contained the following items (1) a home valued at \$300,000.00 (2) a bank account with \$70,000.00 in assets, if the property was designated a homestead at the time of his passing, the value of the home would be exempt for purposes of calculating qualification into the summary administration process.

1. Petition for summary administration

Unfortunately, Probate is a process that always comes along with stress of losing a loved one. If your estate does qualify for Florida's Summary Administration (see above) then the first step is to gather the required paperwork. If the deceased passed away with a Will, we would need the original of the Last Will and Testament. We will also need an original death certificate. If you don't have the death certificate, an original can be ordered from the State of Florida or from the funeral home. After we have all the required documents, we will work with you to identify all the beneficiaries of the estate along with the assets. We will also help you identify whether any creditor claims exist against the estate.

2. Notify interested parties

The Petitioner must notify all interested parties of the probate proceedings by mailing a notice to their last known address.

3. The Determination of Homestead and Order of Summary Administration

After gathering the required information and opening the probate case it is critical to determine whether any homestead property exists. If so, this can pass outside of the Probate process and allow family member beneficiaries to receive the continued benefits that come with a homestead designation. Prior to the Judge issuing an Order of Summary Administration directing the Probate assets to heirs or beneficiaries there is also a period during which objections may be made and disputes settled. At the conclusion of the notice period and after the last Will is properly admitted to probate (if any) then an Order for Summary Administration will be issued directing distribution of assets.

4. Pay debts and distribute assets.

Once the court approves the summary administration, the Petitioner may be required to pay any debts and expenses of the estate, such as funeral expenses, outstanding bills and taxes, and any other liabilities from the assets.

After that, the remaining assets will be distributed to the heirs pursuant to Florida law.

How Long Does Summary Administration Take?

The entire summary administration process in Florida only takes up to a few months.

How is the Case Concluded?

Once the Court enters the Order of Summary Administration and Order on Exemptions (if any) then the case is concluded. The Court Order will transfer title to real property and can be used to obtain distribution of accounts, new title to vehicle and reissuance of checks.

Do I have to Go to Court?

Typically Summary Administrations do not require Court appearances and can be handled without the necessity of a hearing.

