

7-2016

Probate A to Z: Guiding You Through the Statutes, Rules, and Procedures (click SharkMedia below for video)

Adam Scott Goldberg
Krause & Goldberg PA

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NSUWorks Citation

Goldberg Adam S. "Probate A to Z: Guiding You Through the Statutes, Rules, and Procedures (click SharkMedia below for video)" (2016). *Law Center Plus Seminar Series*. Paper 15.
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**NOVA SOUTHEASTERN
UNIVERSITY**

Shepard Broad College of Law

Law Center Plus: Continuing Your Legal Education

Probate A to Z: Guiding You through the Statutes, Rules, and Procedures

**Friday, July 15, 2016
7:30 am – 9:30 am
3305 College Avenue
Ft. Lauderdale, FL 33314**

**Presented by: Adam Scott Goldberg, LL.M.
Partner, Krause & Goldberg PA, Weston, FL**



For almost twenty years, Adam Scott Goldberg has represented charitable organizations and served on the Board of Directors as a fiduciary and in advisory capacities for non-profit and tax exempt organizations. His law practice also includes representing such organizations in matters relating to: creating, merging, internal auditing, organizational restructuring, and dissolving the entity. His law practice includes probate, estate planning, trust administration and IRS controversy work and he has lectured extensively in these areas. His law firm also handles residential and commercial real estate, business transactions, and elder law matters. Goldberg is about to begin his eighteenth year as an Adjunct Professor at NSU Shepard Broad College of Law, where he teaches courses in probate, will drafting, estate planning, and exempt organizations. He is also an Adjunct Professor of Law at the University of Miami School of Law, where he teaches in its LL.M. program in Estate Planning.

Welcome and Introduction:

7:55 – 8:00 am

Elena Rose Minicucci, JD, Director of Alumni Relations at NSU Law

Seminar Presentation:

Adam Scott Goldberg, Esq., LL.M. of Krause & Goldberg, P.A. in Weston, FL

8:00 am to 9:30 am

- I. Introduction – Probate Overview of the Courts
 - A. Definition: The process of distributing assets titled in the sole name of the decedent to the proper beneficiaries while factoring in the claims of creditors.
 - B. New Broward County Courthouse
 - C. New Miami-Dade County Probate Location as of August 2015
 - D. South (Delray Beach) and North (Palm Beach Gardens) Probate Options in Palm Beach County

- II. Topics in Alphabetical Order (presented in timeline order)
 - A. Accountings
 - a. See Florida Probate Rules 5.346
 - b. See Florida Probate Rules Appendix A for sample formAncillary Probate
AHCA
Affidavit of Criminal History (New in Broward County as of November 2015)

 - B. Bond
Beneficiaries

 - C. Caveats

Copies (certified, true or exemplified)
Confidential information
Curators
a. See Florida Probate Rule 5.122
b. The court may appoint *sua sponte*
Checklists (New in Broward County since January 2016)

- D. Daily Business Reviews
DR-312
Death Certificates (2 Types in Florida)
 - a. See Florida Probate Rule 5.171 and 5.205
 - b. Extended Absence 5 year rule
- E. Escheat
Elective Share
 - a. See Florida Statute Sec. 732.201
 - b. Currently 30% of elective estate
- F. Filing in the E-Filing System
Family Allowance (up to \$18,000)
Formal Notice
www.fltreasurehunt.org
- G. Guardian ad Litem / Minor Beneficiaries
- H. Homestead
Heirs
- I. Inventory
 - a. See Florida Probate Rule 5.340
 - b. Due 60 days after granting of Letters of Administration
- J. Jury trials (or lack thereof)
Jewelry (separate writings)
Jurisdiction for probate matters
- K. Know Your Chief Judge & Court Procedures (i.e., Miami-Dade, Broward, Palm Beach)
Killers Inheritance
- L. Lawyer is Required
 - a. See Florida Probate Rule 5.030
 - b. Lawyer can also serve as Personal RepresentativeLetters of Administration
 - a. See Florida Probate Rule 5.235
 - b. Stale LettersLegal fees and costs (fixed fee, hourly, full contingency or statutory)
 - a. See Florida Stat. 733.6171
 - b. \$1,500 on an estate of up to \$40,000
\$2,250 from an estate of \$40,001 to \$70,000

- 3% on all amounts from \$100,000 to \$999,999
- 2.5% on all amounts from \$1,000,000 to \$2,999,999
- 2% on all amounts from \$3,000,000 to \$4,999,999
- 1.5% on all amounts from \$5,000,000 to \$9,999,999
- 1% on all amounts from \$10,000,000 and up

Extraordinary services would call for an additional fee

- M. Motor vehicles / Exempt Property
 - a. See Florida Statute 732.402
 - b. Up to 2 regularly driven vehicles
 - c. Up to \$20,000 of furniture, furnishings and appliances in home

- N. Notarized signatures are required in Palm Beach County
Notice to Creditors
 - a. See Florida Probate Rule 5.241
 - b. Commonly done through Daily Business Review
 - c. Priorities in Payment of Claims - Florida Statute 733.707
 - 1. Class 1- Costs, expenses of administration, and compensation of Personal Representatives and the attorney's fees
 - 2. Class 2 - Reasonable funeral, interment, and grave marker expenses, whether paid by a guardian, the Personal Representative, or any other person, not to exceed the aggregate of \$6,000.
 - 3. Class 3 - Debts and taxes with preference under federal law, and claims pursuant to Florida Statutes, 409.9101 (Medicaid) and 414.28 (Public Assistance).
 - 4. Class 4 - Reasonable and necessary medical and hospital expenses of the last 60 days of the last illness of the decedent, including compensation of persons attending the decedent.
 - 5. Class 5 - Family allowance
 - 6. Class 6 - Arrearage from court-ordered child support
 - 7. Class 7 - Debts acquired after death by the continuation of the decedent's business, in accordance with Florida Statutes Sec. 733.612(22), but only to the extent of the assets of that business.
 - 8. Class 8 - All other claims, including those founded on judgments or decrees rendered against the decedent during the decedent's lifetime, and any excess over the sums allowed in classes 1 through 7

- O. Oath of Personal Representative
Oath of Witness to Will

- P. Personal Representative
Pretermitted Spouse and Children
Principal and Income

- Q. Qualified Disclaimer

- a. *See*, Florida Statutes, Chapter 739
- b. Consider post mortem estate planning
- c. See Internal Revenue Code, 26 US Code Sec. 2518 (Disclaimers)
- d. Requirements:
 - 1. Must be in writing
 - 2. The party disclaiming may not receive any form of consideration for the execution of the disclaimer
 - 3. The party disclaiming may not dictate where or to whom the asset is to go
 - 4. Must be filed within 9 months of the creation of the interest
 - 5. The party disclaiming cannot accept any benefit from the asset prior to the disclaimer

- R. Restricted Depository
Resident Agent

- S. Summary Administration
Safe Deposit Boxes:
 - a. See Florida Probate Rules 5.342 (Inventory) and 5.3425 (Search)
 - b. An initial Petition to open may be optional

- T. Trusts
Taxes (Income, Estate and Gift)

- U. Undue Influence

- V. Venue

- W. Wills

- X. Ex Parte Calendar
 - A. Tuesdays and Thursdays in Broward, Miami-Dade and Palm Beach
 - B. Each county and each judge has different procedures
 - C. Most now require some advance notice and most are capped
 - D. Emergency procedures possible

- Y. “Y”? Because Probate can be Profitable

- Z. Zebras and other animals; what to do about the decedent’s animal friends

III. Conclusion and Questions

Handouts and Resources

Handouts: Program outline and separate handout with references to statutes, rules, and court procedures

Resources:

Florida Probate Code: Chapters 731-735, Fla. Sta. <http://www.leg.state.fl.us/Statutes/>

Clerk of Court (FL) online by County: <https://flclerks.site-ym.com/?FindaClerk>

The Florida Bar online:

- “Florida Probate Rules” at: www.floridabar.org
- “What is Probate?” informational packet and video at: www.floridabar.org

The Circuit Courts in South Florida: Be sure to always check the local rules, administrative orders, and policies online. Additionally, as to Probate, see:

- Eleventh Judicial Circuit (Miami-Dade) “Probate Attorneys’ Corner” is a clickable database of procedures, forms, checklists and more. See: <http://www.jud11.flcourts.org/SCSingle.aspx?pid=251>
- Seventeenth Judicial Circuit (Broward) Probate Court Procedures by Judge. Judges - See: <http://www.17th.flcourts.org/index.php/judges/probate>
Probate Orders: See: <http://www.17th.flcourts.org/index.php/rules-and-policies/probate-orders>
- Fifteenth Judicial Circuit (Palm Beach)
 - Probate - See <http://15thcircuit.co.palm-beach.fl.us/web/guest/series6>
 - Administrative Orders/Local Rules – See
 - <http://15thcircuit.co.palm-beach.fl.us/web/guest/adminorders>

SUPPLEMENTAL MATERIALS
for
JULY 15, 2016
NSU COLLEGE OF LAW
LAW CENTER PLUS
PROBATE A to Z

BROWARD PROBATE FEES AS OF JULY 12, 2016

New Formal Probate	\$401 plus \$5 or 3.5% with credit card
Trust Administration	\$401 plus \$5 or 3.5% with credit card
New Summary Probate (over \$1,000)	\$346 plus \$5 or 3.5% with credit card
New Summary Probate (under \$1,000)	\$236 plus \$5 or 3.5% with credit card
Re-Open fee	\$50
Caveat	\$42
Certified Copy	\$2 per certification
True Copy	\$1 per page
Notice of Trust	\$42
Oath of Witness to Will	\$3.50
Records Search	\$2
Exemplified Copy	\$7
Appeal to 4 th DCA	\$100 to Clerk of the Circuit Court \$300 to 4 th DCA

PUBLICATION COSTS

Daily Business Review - Broward	\$182
Daily Business Review - Miami-Dade	\$ 65
Daily Business Review - Palm Beach	\$194
Business Observer - Sarasota	\$100

FEE OF ATTORNEY FOR PERSONAL REPRESENTATIVE

Florida Stat. 733.6171 states that a reasonable fee is as follows:

\$1,500	on an estate of up to \$40,000
\$2,250	from an estate of \$40,001 to \$70,000
3%	on all amounts from \$100,000 to \$999,999
2.5%	on all amounts from \$1,000,000 to \$2,999,999
2%	on all amounts from \$3,000,000 to \$4,999,999
1.5%	on all amounts from \$5,000,000 to \$9,999,999
1%	on all amounts from \$10,000,000 and up

Extraordinary services such as the sale of real property, the carrying on of a business or litigation would call for an additional fee.

From: noreply <noreply@myflcourtaaccess.com>
To: westonlawyers <westonlawyers@aol.com>
Subject: FL Courts E-Filing Portal Announcements
Date: Wed, Jun 29, 2016 12:09 pm

Dear Portal Users:

Today, the Florida Courts E-Filing Authority voted to increase the convenience fee associated with filings. Effective July 1, 2016, the rates will increase to \$5.00 per filing when paying with echeck and 3.5% when paying with a credit card. The increased fees were deemed necessary to cover expenses associated with the operational costs of payments and transactions. To implement this change, the portal will be unavailable on 6/30/2016 from 9PM until midnight eastern time zone.

For further information, please visit

<https://www.myflcourtaaccess.com/> to review documents and other meeting information.

-FL Courts E-Filing Portal

BROWARD COUNTY PROBATE JUDGES

201 SE 6th Street
Ft. Lauderdale, FL 33301

Judge Marc H. Gold, Division 60

Chamber 826

Judicial Assistant: Kim Silvaroli

(954) 831-7807

email for special set hearings/ex parte requests: div60J@17th.flcourts.org

(See judge's instructions)

Motion Calendar: Mon & Wed at 9:30 am

Ex Parte Hearings: Tues & Thurs at 9:30 am

Judge Charles M. Greene, Division 61

Chamber 822C

Judicial Assistant: Anita Werking

(954) 831-7700

email for ex parte courtesy copies and special set hearing: awerking@17th.flcourts.org

(See judge's instructions)

Motion Calendar: Mon & Wed at 9:00 am

Ex Parte Hearings: Tues & Thurs at 9:00 am

Judge Mark A. Speiser, Division 62

Chamber 801B

Judicial Assistant: Lizette Marciniak

(954) 831-7805

Motion Calendar: Mon & Wed from 9:00am-10:00am

Ex Parte Hearings: Tues & Thurs at 9:00 am - provide copies of documents at the hearing (see judge's instructions)

Broward Clerk: (954) 831-7154

MARK A. SPEISER
ADMINISTRATIVE JUDGE
PROBATE DIVISION
CIRCUIT JUDGE
SEVENTEENTH JUDICIAL CIRCUIT OF
FLORIDA



BROWARD COUNTY
COURTHOUSE
201 S.E. 6TH STREET
FORT LAUDERDALE, FL 33301
(954) 831-7805

TO: All Attorneys
FROM: Judge Mark A. Speiser
RE: Mandatory checklists
DATE: December 30, 2015

For a more efficient processing of cases, as of January 11, 2016, the probate division of the Seventeenth Judicial Circuit will implement mandatory checklists for the following types of petitions:

- 1) Petition for Disposition of Personal Property without Administration
- 2) Petition to Determine Homestead
- 3) Petition for Formal Administration of Intestate Estate
- 4) Petition for Summary Administration of Intestate Estate
- 5) Petition for Formal Administration of Testate Estate
- 6) Petition for Summary Administration of Testate Estate
- 7) Petition for Formal Ancillary Administration
- 8) Petition for Summary Ancillary Administration
- 9) Petition for Discharge.

As of January 11, 2016, if any of the above-referenced petitions is not accompanied by the required certified checklist at the time of e-filing, the petition will be rejected by the clerk's office. The petition must be resubmitted with the proper certified checklist for the Court to review it.

Cc: Judge Peter M. Weinstein
Judge Charles M. Greene
Judge Marc H. Gold
General Magistrate Rita Sclafani Berry
General Magistrate Claudette Vanni
Insiya Joher, Staff Attorney
Dian Diaz, Chief Director, Court Services, Division III, Clerk of Court
Lauren Eisenberg, Probate Division Supervisor, Clerk of Court
Ihosvanny Nasco, Probate Division Supervisor, Clerk of Court

IN THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA
PROBATE DIVISION

In Re: Estate of _____

Case No.: _____

Judge: _____

AFFIDAVIT CONCERNING CRIMINAL HISTORY

This affidavit must be filed by all Personal Representatives and Petitioners in all testate and intestate cases, formal and summary administrations.

I, _____, swear or affirm:

(initial) I certify that I have not been convicted of a felony.

(initial) I certify that I have been convicted of a felony. List offense, date of conviction, court and case number, state and county of the court, regardless of whether adjudication was entered or withheld.

Offense(s) _____

Date(s) of conviction _____

Court & case number _____

State & County of the court _____

Under penalties of perjury, I declare that I have read the foregoing Affidavit Concerning Criminal History and the facts stated herein are true.

Affiant's signature

Print name and address of Affiant

State of _____

County of _____

Subscribed and sworn before me this _____ day of _____, 20_____.

Notary Public or Deputy Clerk

Personally known

Produced identification

Type of identification: _____

Print, type or stamp commissioned name
of Notary Public or Deputy Clerk

Judge Greene

Administrative Assistant: Anita Werking, (954) 831-7700

Although efilng became mandatory April 1st, Judge Greene requires courtesy copies of all motions to be heard.

Ex parte hearings:

Ex parte hearings are Tuesday and Thursday at 9:00 Ex parte is coordinated through the clerk, not this office; however Judge Greene now requires a courtesy copy of the motion or petition to be heard, as well as the Ex Parte Calendar Request Form reflecting the efilng reference number sent to the JA by email at awerking@17th.flcourts.org. with the subject line reflecting "ex parte request and *the specific date* of the hearing. Please see the 17th.flcourts.org website and open to probate judges and find Judge Greene's ex parte form with special instructions at the very bottom.

Motion calendar:

Motion calendar is Monday and Wednesday at 9:00. The JA updates her voicemail weekly to reflect current available dates and suspensions. You must provide her with a copy of your petition or motion and notice of hearing a minimum of 4 business days prior to the date you choose either by mail or hand delivery to the judge's office. Judge Greene does not have online motion calendar setting.

Special Sets:

Specially set hearings are scheduled by email. Send an email to the JA at awerking@17th.flcourts.org. In the subject line please give the name of the guardianship, trust or estate. In the body of the email state how much time is needed and as an attachment in either Word or pdf, please attach your previously efiled motion or petition. The JA will respond with a list of dates/times to use in coordinating the hearing. Dates for the hearing must be discussed and confirmed between counsel prior to setting on the Court's docket. Duplicates by mail are neither needed nor desired.

JUDGE GREENE (Division 61): EX PARTE CALENDAR REQUEST FORM

FILE NO.: _____

IN RE: _____

ePORTAL REFERENCE NO. OF THE EX PARTE CALENDAR REQUEST¹: _____

ATTORNEY'S NAME: _____

I hereby request to attend the uncontested/ex parte calendar to be held on **Tuesday**/**Thursday**, the _____ day of _____, 20____ at **9:00 a.m.**, in Chambers, Fort Lauderdale, Broward County, Florida, on the following matter(s)²:

1. _____
2. _____
3. _____

[PLEASE NOTE: THE COURT WILL NOT HEAR THE FOLLOWING MATTERS DURING THE UNCONTESTED/EX PARTE CALENDAR SCHEDULE: (1) Attorney's Fees & Costs; (2) Guardian's Fees & Costs; (3) Discharge of Personal Representatives and Guardians; (4) Approval of Minor Settlements; and (5) Appointment of Guardian(s) unless the Guardian(s) has/have already been investigated and approved by the Court Monitor's Office.]

I hereby certify that: the above-referenced matter(s) is/are uncontested, all interested parties have been served notice of the document(s) to be addressed during the ex parte calendar, and I have not received notification that any party objects to the bringing of the matter(s) before this Court.

Attorney's Signature

Florida Bar No.

Attorney's e-mail

Attorney's Phone No.

Specific Instructions:

- The Ex Parte Calendar Request Form and the relevant document(s) for the requested ex parte hearing shall be e-filed at: www.myflcourtagency.com. Each relevant document and any attachments thereto must be filed as a separate PDF.
- Immediately after e-filing the Ex Parte Calendar Request Form and the accompanying document(s), an e-mail shall be sent to the Broward County Clerk of Court, Probate Division at exparterequests@browardclerk.org, with the subject matter "Ex Parte Request." The e-mail shall include: the case number, the reference number of the Ex Parte Request Form, and the reference number of any relevant documents that have not yet been accepted through the ePortal.
- An Ex Parte Calendar Request Form must be e-filed even for those documents that were filed in paper format, prior to April 1, 2013.
- A separate Ex Parte Request Form must be e-filed for each individual case number.
- The Ex Parte Calendar Request Form for a Tuesday hearing shall be e-filed by 11:00 a.m. of the prior Thursday.
- The Ex Parte Calendar Request Form for a Thursday hearing shall be e-filed by 11:00 a.m. of the prior Tuesday.

Judge Greene requires that the following documents be e-mailed to his Judicial Assistant, Anita Werking, at awerking@17th.flcourts.org, with the subject matter "Ex Parte Request": a copy of the e-filed Ex Parte Calendar Request Form, a copy of the document(s) for which the hearing is sought, and a proposed order.

¹ Please add the ePortal reference number after e-filing, for reference at the hearing.

² Please specify the date when the document(s) was/were e-filed or paper filed, and include the ePortal reference number for the documents that were e-filed.



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PROBATE DIVISION FORMS

BROWSER COMPATIBILITY NOTE: If you are using Google Chrome, you may need to follow these steps before accessing the forms:

1. In the Chrome address bar, type *chrome://plugins*.
2. Disable the Chrome PDF Viewer.
3. Enable the Adobe Acrobat or Adobe Reader plug-in.
4. Close the Plug-ins tab and restart Chrome.

VERSION COMPATIBILITY NOTE: In order to properly render these forms, please use one of the following:

1. Adobe Reader (version 10 or greater)
2. Adobe Acrobat (version 10 or greater)

Older versions of Adobe Reader/Acrobat are NOT supported and may lead to inaccurate display of the content.

Get the latest version of Adobe Reader here.

Acceptance Forms

- A1 - Depository Acceptance Asset Receipt
- A2 - Depository Acceptance Asset Receipt (with investment powers)
- A3 - Depository with Investment Powers Order
- A4 - Petition for Depository with Investment Powers
- A5 - Order Designating Depository (no investment powers)
- A6 - Petition for Depository Order (no investment powers)
- A7 - Brokerage Depository Acceptance Asset Receipt
- A8 - Depository Acceptance Certification (Receipt of Assets Forthcoming)
- A9 - Depository Receipt of Assets

Curator Forms

- C3 - Order Appointing Curator
- C4 - Letters of Curatorship

Cuban Heirs Forms

- CUB1 - Depository's Receipt of Assets Under Federal Regulations
- CUB2 - Order Appointing Guardian Ad Litem, Attorney Ad Litem and Administrator Ad Litem
- CUB3 - Affidavit of

Estate Forms

- E1 - Order Admitting Will to Probate and Appointing Personal Representatives (Self-proved - Multiple)
- E2 - Order Admitting Will to Probate and Appointing Personal Representatives (Self-proved)
- E3 - Order Appointing Personal Representative (Intestate - Single/Multiple Personal Representative(s))
- E4 - Letters of Administration (Single/Multiple Personal Representative(s))
- E5 - Order Designating Depository for Assets
- E6 - Order to Open Safe Deposit Box
- E7 - Affidavit of Heirs

Stay Connected



Emergency Preparedness

Hotline (305) 349-7777
TDD (305) 349-7174



Americans with Disabilities Act

Voice Mail (305) 349-7175
E-Mail ADA@jud11.flcourts.org

[Estate Inventory](#)

Guardianship Forms

[G1 - Order Appointing Plenary Guardian of Person and Property \(Incapacitated Person - No Known Advance Directive\)](#)

[G2 - Letters of Plenary Guardianship of the Person and Property](#)

[G3 - Letters of Guardianship of the Property of Minor](#)

[G4 - Letters of Guardianship of the Person of Minor](#)

[G5 - Order Designating Depository for Assets](#)

[G6 - Order Appointing Guardian \(or Co-Guardians\) of Property of Minor](#)

[G7 - Letters of Plenary Guardianship \(or Co-Guardianship\) of the Property](#)

[G9 - Petition for Emergency Temporary Guardian](#)

[G10 - Order Appointing Emergency Temporary Guardian](#)

[G11 - Letters of Emergency Temporary Guardianship](#)

[G12 - Letters of Limited Guardianship \(Person & Prop, no advanced directive\)](#)

[G13 - Order Appointing Limited Guardian of Person & Property](#)

[Initial Guardianship Inventory](#)

[Initial Guardianship Plan](#)

[Professional Guardianship Checklist - Additional Appointments](#)

[Simplified Annual Guardianship Accounting](#)

[Annual Guardianship Accounting \(revised 1-5-2015\)](#)

[Annual Guardianship Plan](#)

[Application for Appointment as Guardian](#)

Wrongful Death Forms

[WD1 - Order Appointing Personal Representative \(Wrongful Death with Surviving Minors\)](#)

[WD2 - Letters of Administration \(Wrongful Death with Surviving Minors\)](#)

Fees: Attorney/Guardian

[Z1 - Atty Fee Put Something Back Petition](#)

[Z2 - Put Something Back Order](#)

[Z3 - Petition to Pay Guardian](#)

[Z4 - Order Paying Guardian](#)

[Z5 - Petition to Pay Attorney Fee and Expenses](#)

[Z5a - Waiver of Notice and Consent to Petition for Order Authorizing Payment of Attorney's Fees and Expenses](#)

[Z6 - Order Paying Attorney Fees](#)

Other forms

[Notice of Related Probate Cases](#)

[O1 - Contempt and Sentencing Order](#)

[Certification of Review \(Re: Revised Administrative Memorandum Issued March 30, 2016\)](#)

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EX PARTE HEARING PROCEDURES

HEARING LOCATION

Lawson E. Thomas Courthouse Center
175 NW 1st Avenue, 11th Floor
Miami, Florida 33128

EX PARTE HEARING

An Ex Parte hearing is a legal proceeding where matters that do not require notice can be brought before the court for resolution.

In the Probate Division, Ex Parte hearings are for up to a total of three (3) cases and up to six (6) uncontested matters per case, which require no more than three (3) minutes of the Judge's time per case. A Probate Case Manager will review these matters at the Case Management Document Review and, if appropriate, the presiding judge will sign the orders.

The Probate Division will not review any formal or summary administrations, approval of wrongful death settlements, appointments of guardians of minors or open new estates on Ex Parte calendared time.

In the event of an emergency petition for administration, please contact the assigned Judge's Judicial Assistant for instructions on how to proceed with an emergency rather than scheduling an Ex Parte Hearing appointment for the emergency petition for administration.

PROCEDURES FOR SCHEDULING A CASE MANAGEMENT DOCUMENT REVIEW (REVIEW)

Prior to the hearing, a Case Management Document Review is required in order for Case Managers to review case documents. All petitions for Ex Parte hearing must be e-filed one (1) week in advance of the Case Management Document Review and Ex Parte hearing and viewable thru Odyssey Public Access. This electronic system contains all case records since April 28, 2014 therefore, absent a specific need, requests for paper files are only for Petition for Distribution.

The Case Management Document Review requires that information is submitted through the Ex Parte Hearing Scheduling System. The schedule has an established number of appointments; therefore, appointments are available on a First Come, First Served (FCFS) basis within the Scheduling System. The appointment will provide for an on-line review of the documents by the Case Managers and will provide a tentative appointment date for the Ex Parte Hearing before the division Judge. The Case Manager will provide the confirmation of the hearing date (all hearings will be scheduled for 9:30 a.m. and the attorneys should check in with the division bailiff upon arrival). Attorneys may schedule one (1) appointment where up to three (3) cases may be reviewed by a case manager. All proposed orders must be completed in

advance of the appointment utilizing the courts forms, if one is available. The Courts Forms and Checklists can be found on the Eleventh Circuit Judicial website (www.jud11.flcourts.org Probate Corner). The scheduled Case Management Document Review will be conducted without a face to face meeting with the attorney for the Tuesday and Thursday Ex Parte hearings.

Once the Review has been conducted, a memo will be submitted electronically to the attorney.

ATTORNEYS

The Ex Parte calendar is held on:

- Tuesdays and Thursdays from 9:00 to 11:00 a.m. except during court closures,
- Scheduling is available the week before (Mondays and Wednesdays) from 8:30 a.m. to 12:00 noon.

The schedule has an established number of case management review and Ex Parte hearing appointments; therefore, appointments are available on a FCFS basis within the Scheduling System.

In order to obtain the desired outcome, attorneys should complete the scheduling process as early as possible. Delay in completing the scheduling process may hinder the ability of obtaining a Review and Ex Parte Calendar appointment. The system only accepts submissions where all required information has been entered.

To schedule, please click on the "Submit Appointment" button located at the end of the form. The Ex Parte Calendared appointment may be forfeited if you arrive after your hearing time.

[CLICK HERE TO SCHEDULE AN APPOINTMENT](#)

A Case Management Document Review is not required for the following matters. For matters listed below, an attorney may proceed directly to the judge's chamber to sign-in. Hearings on these matters are heard by the judge on a FCFS basis.

- Extensions of time;
- Order on previously heard hearings;
- Motions and orders waiving annual accounting pursuant to statute (social security only benefit);
- Payment of real estate or income taxes;
- Accountant fees under \$3,500.00;
- Payment of insurance;
- Written petitions for instructions that can be handled in less than five minutes;
- Petitions:
 - to appear for hearing via telephone;
 - for pro bono fees;
 - to extend time to file independent action;

- o for pre-paid funeral;
- o for pre-paid college; and
- o to retain appraiser.

PRO SE LITIGANTS

Litigants or parties representing themselves in court without the assistance of an attorney are known as pro se litigants. "Pro se" is Latin for "in one's own behalf."

If you are a Pro Se litigant, you do not have the attorney bar number required to utilize this system. Therefore, contact the Judicial Assistant of the division in which your case is assigned who will assist in scheduling you for the next available appointment.

ATTORNEYS AND PRO SE LITIGANTS

If you do not wish to utilize the Ex Parte Hearing Scheduling System to schedule a Case Management Conference, but wish to request a hearing you may do so by contacting the Judicial Assistant of the division.

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PROBATE ECOURTESY

eCourtesy Submission Service is an online delivery method (web application) for sending extra copies of filed and served documents to the Judge. You must file original documents with the Clerk of Court for docketing and placement in the court file. The eCourtesy application does not schedule. It is simply a delivery to the Judge by email instead of by hand-delivery or U.S. mail.

Effective October 20, 2014, the Probate Division will begin the use of eCourtesy, only for **Proposed Orders**.

Probate Division proposed orders, except the below, must be sent to the judge electronically through eCourtesy:

- Proposed Orders brought in person to Ex Parte Calendar or brought personally to case manager during Case Manager hours or placed in Overtown Drop Box on 8th floor
- Appointing a Commissioner (because the original is needed). Continue to deliver to the clerk at DCC
- Proposed Orders for the Opening of Testate Estates (because the original will is needed). Continue to deliver to the clerk at DCC
- Bond (because the original bond is needed) Continue to deliver to the clerk at DCC.

Remember, use only one delivery method for any one proposed order, do NOT send duplicate proposed orders. i.e. do not use the Probate Overtown Village Drop Box on the 8th floor and eCourtesy for the same proposed order.

- eCourtesy Submission Service (Click here to log in or create an account)
- eCourtesy FAQs
- eCourtesy Quick Reference
- eCourtesy Quick Submission Service Demo Video

For eCourtesy technical assistance with Probate cases, please contact our eCourtesy Submission Service support staff

- by email eCourtesyProbateHelp@jud11.flcourts.org

You will be contacted by our eCourtesy Submission Service support staff within 24 to 36 hours

eCourtesy Probate Division Templates

- There are many approved Estate and Guardianship forms at the following link. These forms are fillable and should be used whenever possible, when submitting proposed orders. Probate approved forms (click on this link).

Minimum System Requirements

- Windows XP, 7 32/64 bit
- Internet Explorer 7 or greater
- JavaScript and cookies enabled
- Intel or AMD Processor (1Ghz or faster)

Stay Connected

- Press Feeds
- AO Feeds
- Twitter



Emergency Preparedness

- Hotline (305) 349-7777
- TDD (305) 349-7174



Americans with Disabilities Act

- Voice Mail (305) 349-7175
- E-Mail ADA@jud11.flcourts.org

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CERTIFICATION OF REVIEW

I certify that I have reviewed: [Check all applicable]

- 1. All applicable checklists before submitting this filing to the Court.
- 2. The Court's Smart Forms, but no Smart Form exists for this filing.

Attorney's Signature:

Attorney's Printed Name:

Florida Bar Number:

Mailing Address (Street):

City: State: FL Zip:

Telephone:

Email:

"The following is a very general checklist. This checklist may be helpful in preparing for a scheduled hearing before the court. Since each case is different, other documents may be required."

SALE OF REAL PROPERTY For ESTATES (CP)

Step A: Insure that file is CURRENT (all files must be current)

1. Order appointing Personal Representative and Letters of Administration filed. Notice to creditors pursuant to F.S. 733.2121, unless F.S. 733.710 is applicable. *If* Restricted Depository not yet opened in the estate, need Petition and Order Designating Restricted Depository. F.S. 69.031
2. Inventory – Filed within 60 Days after Letters of Administration are Issued. F.S. 733.604, F.P.R. 5.340
3. Acceptance and Receipt of Depository – (If you have liquid assets – Due within 30 days after Letters of Administration are Issued.) Pursuant to F.S. 69.031
4. Verified Statement/Statement Regarding Creditors – filed within 4 months after publication (i.e. the creditor/publication period has run). F.P.R. 5.241(d). Creditor claims must also be resolved.

Step B: eFile:

1. Petition for Order Authorizing the Sale of Real Property, signed by Personal Representative and Attorney, including statement that the contract is fair market price, sale is arm's length transaction, include property legal description and street address. (F.P.R. 5.370)
2. If Petition is unsigned by Personal Representative, include separate consent by P.R. (F.P.R. 5.330)
3. Copy of Sales Contract attached
4. Copy of Appraisal or Broker's Letter (signed by broker) with comparable market analysis (CMA) (appraisal only if over \$600K)
5. Consents of ALL residuary beneficiaries in the estate, or proof of formal notice (F.P.R. 5.040) without objection or set a hearing with notice.

Step C: Submit Proposed Order on Sale of Real Property via eCourtesy or bring said order to an ex-parte or scheduled court hearing. Order must match petition and include language that proceeds shall be deposited into Restricted Depository until further order of this Court.

Note- Please see the forms section of the Probate Attorney's Corner as it contains numerous standardized petitions and orders that must be used where available.

PALM BEACH COUNTY

Judge Howard K. Coates, Jr.
Courtroom 2711
North County Courthouse
3188 PGA Blvd.
Palm Beach Gardens, FL 33410

Division IJ
Judicial Assistant: Kim Phillips
(561) 624-6670

Judge David E. French
Courtroom 2
South County Courthouse
200 W. Atlantic Avenue
Delray Beach, FL 33444

Division IX
Judicial Assistant: Kelli-Renee Williams
(561) 330-1705

Judge Jaimie Goodman
Courtroom 8
South County Courthouse
200 W. Atlantic Avenue
Delray Beach, FL 33444

Division IY
Judicial Assistant: Maria Vasil
(561) 330-1785

Judge Janis Brustares Keyser
Courtroom 4B
Main Judicial Complex
205 N. Dixie Highway
West Palm Beach, FL 33401

Division IB/IC
Judicial Assistant: Katherine Matthews
(561) 355-2097

Judge Karen M. Miller
Courtroom 4
North County Courthouse
3188 PGA Blvd.
Palm Beach Gardens, FL 33410

Division II
Judicial Assistant: Celanne Connor Ziegler
(561) 624-6687

Judge John L. Phillips
Courtroom 3
North County Courthouse
3188 PGA Blvd.
Palm Beach Gardens, FL 33410

Division IH
Judicial Assistant: Alejandra Stelicha
(561) 624-6593

Judge Jessica Ticktin
Courtroom 3
South County Courthouse
200 W. Atlantic Avenue
Delray Beach, FL 33444

Division IZ
Judicial Assistant: Manuela Morales
(561) 274-1420

SARASOTA COUNTY

Judge Lynn N. Silvertooth Judicial Center
2002 Ringling Blvd.
Sarasota, FL 34237

Probate proceedings held in **Courtroom 8B**

Circuit Judge: Charles E. Williams Judicial Assistant: Lisa M. Fudge

Mailing address: P.O. Box 48927, Sarasota, FL 34230

Office hours: 8:30am-5:00pm - closed for lunch daily from 12:00pm-1:00pm

Telephone: (941) 861-7942

Fax (for emergency use only): (941) 861-7913

email: ProbateSAR@jud12.flcourts.org - to be used exclusively to transmit documents for hearings to the probate coordinator

- The email subject line should include the case style, motion and date of hearing

Ex Parte hearings: Wed & Thurs from 9:30am-10:00am - these hearings are **not** scheduled through the JA or JACS (online scheduling system).

- the attorney desiring an Ex Parte hearing must transmit the Petition, Notice of Hearing and relevant documents, preferably in one PDF attachment, to the Probate Coordinator at the designated email (ProbateSAR@jud12.flcourts.org) **no later than 3:00pm on the preceding business day of the hearing.**
- Attorneys will sign up as they arrive for the hearing and hearings are usually done in the order of sign up.
- No telephonic appearances are permitted and no court files are available
- Counsel must fill out the form "UMC/Ex Parte Recording Sheet" located in the courtroom prior to the motion being heard.

Hearings 1 hour or less: scheduled through Judicial Automated Calendaring System (JACS), accessed via www.jud12.flcourts.org

- submit pleadings for hearings scheduled on the JACS to the Probate Coordinator.

Emergency Hearings: after the emergency motion has been e-filed, a copy of the motion must be faxed or delivered directly to the assigned judge along with a cover letter. Motion should include amount of hearing time required.

E-filing of proposed orders is prohibited, except for Order Admitting Will and Order of Discharge.

See Division Information & Requirements for additional information.



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