Settling an Estate in Florida: A Personal Representative's Checklist

PropExit.com

If you have been named the personal representative of a loved one's estate (the role many people call the executor), this checklist walks you through the main steps in order. It was written for families in Clay, Putnam, Nassau, and Duval counties. You do not have to do it all at once. Take it one step at a time.

First steps

☐ Order several certified copies of the death certificate. Banks, insurers, and the court will each ask for one, and ordering extras now saves time later.

☐ Find the original will. Florida law asks whoever holds the will to deposit it with the clerk of court in the county where your loved one lived, within 10 days of learning of the death. Depositing the will does not open the case by itself, and there is no fee to deposit it.

☐ Gather the basic papers in one folder: the will, the deed to the house, bank and insurance paperwork, and recent tax returns if you can find them.

Open the probate case

☐ Decide which kind of administration fits. Summary administration is a shorter process. It generally applies when the estate's value, not counting exempt property, is $150,000 or less, or when the person has been gone more than two years. Larger or more involved estates use formal administration.

☐ File the petition to open the case with the county clerk. Most personal representatives work with a Florida probate attorney, and in a formal administration an attorney is usually required.

☐ Get appointed by the court. In formal administration, the court issues Letters of Administration. That document proves you have the legal authority to act for the estate, so keep copies handy.

Secure and inventory the property

☐ Secure the house. Rekey the locks if keys are widely shared, and tell the insurance company about the death so the homeowner's policy stays in force.

☐ Look after the basics. Keep the yard up, forward or collect the mail, and check on the house regularly if it sits empty.

☐ Make an inventory. List the house and land, bank accounts, vehicles, and personal property, along with any debts, loans, and taxes owed. The court asks for this list in formal administration.

Creditors, bills, and taxes

☐ Notify creditors. In formal administration, a notice to creditors is published in a local newspaper, and claims are generally due within three months of the first publication. Claims are barred altogether two years after the date of death.

☐ Keep the estate's bills current while the case runs. Property taxes, insurance, and utilities on the house should not lapse. Pay valid claims from estate funds, and keep a receipt for everything.

☐ File the final tax returns for your loved one, and an estate income tax return if the estate earns income while it is open.

Decide on the house, then close the estate

☐ Decide what happens to the house. A family member may keep it, it may be rented for a time, or it may be sold. If the house is sold during probate, the estate usually needs to be open first, and the sale may need court confirmation, depending on the will and the type of administration.

☐ When debts and taxes are settled, distribute what remains to the people named in the will, or to the heirs if there is no will.

☐ File the final accounting and ask the court to close the estate. Keep your own copies of everything. You may need them years later.

If the house is more than your family can take on, you have options that do not involve repairs, cleaning, or showings. Lina at PropExit buys inherited houses as-is for cash in Clay, Putnam, Nassau, and Duval counties. Call or text her at (904) 600-3207, or visit propexit.com, whenever you are ready to talk it over. There is no pressure and no obligation.

This checklist is general information about Florida probate, not legal advice. Every estate is different, and a Florida probate attorney can advise you on yours.