Checklist for:

Guardianship – Petition to Sell Real Property

Statutory Requirements: §744.441(12), FS, sale of property requires court approval; §744.447, FS, petition for authorization to act; §744.451, FS, - order requirements for sale or mortgage of property; FPR 5.630 petition for approval of acts. Veterans guardianships have different requirements.

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

| Docket# | Item# | Date |  |
| --- | --- | --- | --- |
|  |  |  | Petition verified by guardian [5.020(e), 5.630(a)] |
|  |  |  | States whether the ward has been adjudicated incapacitated to act with respect to the rights to be exercised [744.447(1), 5.630(a)(4)] |
|  |  |  | States whether the action requested conforms to the guardianship plan [744.447(1), 5.630(a)(5)] |
|  |  |  | Facts showing necessity for sale: [744.447(1), 5.630(a)(1)] |
|  |  |  | Legal description of the property [744.447(1), 5.630(a)(2)] |
|  |  |  | Price and terms of sale [744.447(1), 5.630(a)(3)] |
|  |  |  | Copy of proposed contract |
|  |  |  | Appraisal; Value $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |  | Notice to Ward unless ward is under 14 or totally incapacity [744.447(2), 5.630(b)] |
|  |  |  | Notice to Next of Kin & interested parties who requested notice of proceedings [744.447(2), 5.630(b)] as follows: |
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|  |  |  | Order describes the permitted act |
|  |  |  | and authorizes the guardian to perform the act [744.451(2), 5.630(c)(1)] |
|  |  |  | Order describes property |
|  |  |  | and specifies the price and terms of sale. |
|  |  |  | If sale is public, order shall state that the sale shall be made to highest bidder |
|  |  |  | and that court reserves right to reject all bids. [744.451(1), 5.630(c)(2)] |
|  |  |  | Order addresses protection of the sale proceeds, i.e., attorney's trust account until further order |
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| Comments: |
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