Checklist for:

Election to Take Elective Share By Attorney-In-Fact or Guardian

§732.201 Fla. Stat. Right to elective share; §732.2125 Right of election; by whom exercisable, §732.2135 Time of election; extensions; withdrawal; §732.702(1) Waiver of spousal rights; Fla. Probate Rule 5.360 Elective Share

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

| Docket# | Item# | Date |  |
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|  |  |  | Was the decedent domiciled in the State of Florida? [732.201] |
|  |  |  | There was NO valid waiver of spousal rights? [732.702(1)] |
|  |  |  | Did attorney-in-fact or guardian file a Petition for Approval? [732.2125, 5.360(a)(2)(A)]? |
|  |  |  | Does the Petition for Approval allege authority to act on behalf surviving spouse? [5.360(a)(2)(A)] |
|  |  |  | Does the Petition for Approval allege that the Election is in the best interests of the surviving spouse during his or her probable lifetime? [732.2125(2), 5.360(a)(2)(A)] |
|  |  |  | Was a copy of the Petition for Approval formally served upon the Personal Representative? [5.360(a)(2)(B)] |
|  |  |  | Did the Personal Representative formally serve a copy of the Petition for Approval upon all interested parties? [5.360(a)(2)(B)] |
|  |  |  | Does the Order for Approval include a finding that the election is in the best interests of the surviving spouse during the spouse’s probable lifetime? [5.360(a)(2)(C)] |
|  |  |  | Did the attorney-in-fact or guardian file the Election within the 30 days from service of the Order or the earlier of date that is 6 months after date of service of copy of NOA on surviving spouse OR date that is 2 years after date of death of decedent? [732.2135(1), 5.360(a)(2)(D) |
|  |  |  | Was the Election verified? |
|  |  |  | Did the attorney-in-fact or guardian promptly service a copy of the Election upon the Personal Representative via formal notice? [5.360(a)(2)(D)] |
|  |  |  | Did Personal Representative formally serve notice of Election within 20 days of receipt of Notice upon all interested persons? [5.360(b)(3), 5.360(a)(2)(B)] |
|  |  |  | Any Objections filed? If so, notice and hearing required. If not, Order may be entered. [5.360(c)] |

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| Comments: |
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