Checklist for:

Petition For Family Allowance

§732.403 Fla. Stat. Family Allowance Fla. Probate Rule 5.407

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

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| Docket# | Item# | Date |  |
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|  |  |  | Was the decedent domiciled in the State of Florida? [732.403]  |
|  |  |  | Was the decedent survived by a spouse or lineal heirs (heirs = ascendants and descendants) decedent was supporting or obligated to support? [732.403] |
|  |  |  | Does the Petition include name & address of surviving spouse, dependent minor lineal heirs and adult lineal heirs, and year of birth of minor lineal heirs? [5.407(b)(1)] |
|  |  |  | Does the Petition state for each the name, minor child’s initials, relationship to decedent, basis of support claim and amount sought? [5.407(b)(2)] |
|  |  |  | Have 3 months passed since publication? [733.2121, 5.241] |
|  |  |  | Statement Regarding Creditors filed? [5.241(d)] |
|  |  |  | Was the Petition served upon all interested persons (beneficiaries and creditors) or waiver obtained by all interested persons? [5.041] |
|  |  |  | Are the estate assets sufficient to satisfy expenses of administration and obligations of the decedent’s estate of higher priority? [733.707(1)] Family allowance = class 5  |
|  |  |  | Does will provide family allowance is chargeable against benefit or share otherwise passing to surviving spouse or depend lineal heirs? [732.403] |
|  |  |  | Is the Petition verified? [5.407(b)] |
|  |  |  | Does the Order identify the persons entitled to allowance, amount each is entitled, method of payment (lump sum or periodic not to exceed $18,000), and to whom payment should be made? [5.407(c)] |

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| Comments: |
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