Checklist for:

Petition to Determine Exempt Property

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

Fla. Stat. §732.402 Exempt Property, Fla. Probate Rule 5.406

| Docket# | Item# | Date |  |
| --- | --- | --- | --- |
|  |  |  | Was the decedent domiciled in the State of Florida? [732.402(1)] |
|  |  |  | Decedent survived by surviving spouse or if NO surviving spouse, then children? [732.402(1)] |
|  |  |  | Petition state name and address of surviving spouse or if NO surviving spouse, decedent’s children and year of birth for minors? [732.402(1), 5.406(b)(2)] |
|  |  |  | Petition describes the property and basis on which it is claimed as exempt? [5.406(b)(1)] |
|  |  |  | Property limited to household furniture, furnishings, and appliances in decedent’s usual place of abode up to net value of $20,000 as of date of death, two motor vehicles held in decedent’s name and regularly used by decedent of immediate family as their personal motor vehicle, all 529 qualified tuition programs, and/or all death benefits for teachers and school administrators under s. 112.1915? [732.403(2)(a)-(d)] |
|  |  |  | Was the property specifically devised in Will to anyone other than spouse/children? [732.403(5)] |
|  |  |  | Petition verified? [5.406(b)] |
|  |  |  | Petition filed on or before the later of 4 months after date of service of NOA or date waiver of NOA filed – or-- 40 days after termination of any proceeding affecting any part of the exempt property? [732.403(6)] |
|  |  |  | Was the Petition served upon all interested persons (beneficiaries and creditors) or waiver obtained by all interested persons? [5.041] |
|  |  |  | Statement Regarding Creditors filed? [5.241(d)] |
|  |  |  | Does the Order identify each item of exempt property and its value AND direct the PR to surrender exempt property to person(s) entitled to it? [5.406(c)] |

|  |
| --- |
| Comments: |
|  |
|  |