



# Keep Your Family Together During Probate

HELPING FAMILIES GET THROUGH THE  
PROBATE PROCESS

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# DID YOU KNOW?

You can do this (in part) by making the probate process go by relatively quickly and smoothly. “Quickly and smoothly” are terms not normally used to describe probate because it is often dragged out unnecessarily, typically by

(1) delays in filing the right documents or

(2) disputes that arise between family members often because of delays in getting their inheritance.

But it doesn't have to be that way. You can avoid many of the delays in probate by being prepared at the beginning of the process, which makes it easier to file the appropriate documents quickly and get your family their inheritance faster.

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# What to expect?

The primary goal of probate is to distribute a person's assets to beneficiaries and creditors after they have passed away. It is a Court process where the Judge appoints a personal representative (usually a family member of the decedent) who will gather the person's property, notify & pay creditors, and distribute the rest to the beneficiaries according to the person's will (or according to law if there is no will).

How long does it take? Most probate cases can be done in about 5 – 6 months if the family is prepared and there are no fights. The main reason it takes this long is because of the 3-month creditor claims period. Being unprepared can delay the process because court filings might have to be changed, new creditors being notified, or a dispute arises because the other beneficiaries are frustrated. Arguments can arise for other reasons too, such as disagreements about who will be personal representative or what to do with things that have sentimental value.

How much does it cost? While the amount can swing dramatically depending on the circumstances, most probate cases will cost between 4,000 and 7,000. There are some cases where it can be less because the estate qualifies for "Summary Administration" which is a simplified process. A probate can get expensive if there are complicated issues (such as dealing with an operating business) or hard-fought disputes.

When will you get your inheritance? Typically, beneficiaries receive their inheritance after the creditor claim period and the filing of the appropriate paperwork with the Court.

Do I have to go to Court? Probably not. Typically, only the lawyer for the personal representative has to go to Court (or the beneficiaries' lawyer if they hire one). The personal representative and beneficiaries usually do not have to go to Court. If they do, it is usually because (1) there is a need for testimony about the signing of the Will or (2) there is a dispute between the parties and the Court will be taking testimony.



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# Documents needed to start Probate in Florida

1. *Certified Copy of Death Certificate (Short form – without cause of death)*

2. *Decedent's Will (if any) – must be the original*

3. *Decedent's Trust (if any)*

## Information needed to start probate

1. *Was the decedent a US citizen?*

2. *List of Creditors (check the Decedent's mail for about a month or two)*

3. *List of Property & Accounts Owned by Decedent*

4. *Information about heirs or beneficiaries of the estate – list of family members including address, contact information, and date of birth (if a minor)*



## Other helpful documents and information

1. Documents related to the decedent's business(es) (if any)

2. Information about any safety deposit boxes held by the decedent

3. Information about property or accounts that will be distributed outside of probate. For example, any accounts that have beneficiary designations.

4. Documents related to (or a list of) firearms owned by the decedent, especially if there are firearms for which the decedent obtained ATF approval

## Information needed to start probate

*Remembering what documents to bring to a Florida probate consultation is probably the last thing that you want to think about when you are going through the difficult time after losing a loved one.*



## Need Help?

Have any questions about this checklist?

Hiring a probate lawyer can make the handling of a loved one's estate a less stressful experience for the whole family.

**Call us at: 305) 359-3888**

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