

Instruction Sheet for Disposition of Personal Property without Administration
Florida Statutes 732.402, 735.301 and Florida Probate Rules 5.420 & 5.205(a)(4)

Disposition of Personal Property without Administration may be filed without the assistance of an attorney and are handled by the Clerks in the Probate Office. These are sometimes called a "small estate affidavit" and are filed when the amount of the estate does not exceed the amount of the preferred funeral expenses and the expenses of the last sixty days of the last illness. The Clerk assists the public and the court by processing the forms, verifying the assets of the decedent and preparing the order allowing for distribution.

Qualifications:

1. Decedent must be a resident of Lee County, at the time of death.
2. Decedent's Estate cannot consist of any real estate.
3. Qualified expenses must be equal to or more than the non-exempt assets. For example, the funeral bill up to \$6,000.00 must be equal to or more the estate assets. i.e. bank account.
4. Any expenses paid must be out-of-pocket funds. This means that pre-paid funeral plans and medical bills paid by insurance do not qualify.
5. Expenses must be paid by the person seeking to acquire the assets, unless the person who paid the expenses assigns the right to reimburse to the person filing the verified statement.
6. If the funeral bill or other qualifying expense is unpaid, the asset will need to be distributed to the funeral service provider, or medical provider.
7. Cars and household furnishing can only be claimed as exempt property by a surviving spouse or children of the decedent.

Documents Needed:

1. Certified copy of the death certificate. We will accept a certified copy of the death certificate with the cause of death, however, a death certificate **without cause of death is preferred.**
2. Copy of the funeral bill that shows the amount of the bill, and, if paid, who paid it.
3. Copy of documentation that shows ownership of the asset(s) to be distributed or transferred.
4. Notarized consent from surviving spouse and adult children, or other person who may have paid expenses.
5. If the decedent had a will, the original has to be filed with the verified statement, unless previously filed.

Process:

1. Fill out the Verified Statement. Do not leave any section blank, as it will appear you forgot to complete the section or are refusing to answer the question. If a section does not apply indicate N/A or None. You may be required to provide additional information later about that section.
2. Have the Statement notarized or bring it to the Clerk's Office for a deputy clerk to take your oath. A valid ID is required and there is a 3.50 charge for the Clerk to administer this oath.
3. Return the Statement along with the supporting documents, filing fee of **\$231.00**, plus **3.50 oath fee if necessary** and **3.00 for each certified copy** of the order that is required. **(A self-addressed, stamped envelope is required for the return of the certified copy of the Order.)**

Make Checks payable to Clerk of Courts.