

# FLORIDA SMALL ESTATE AFFIDAVIT

Governed by Fla. Stat. §§ 735.301, 735.302, 732.402

## DISPOSITION OF PERSONAL PROPERTY WITHOUT ADMINISTRATION

To obtain a Disposition of Personal Property Without Administration, file the completed forms with the Clerk of the Circuit Court in the county where the decedent resided, along with the applicable filing fee.

### Required Documents:

- Disposition without Administration Petition — 3 pages, notarized (required)
- Certified Death Certificate (required)
- Original Will — If the decedent had a will, the original must be filed with the verified statement unless previously filed
- Copy of paid funeral bill
- Copy of documentation showing the asset (bank statement, stock certificate, etc.) (required)
- Copy of last 60 days medical expenses with receipts
- Consents of any additional heirs with address and notarized signature, or death certificate, if applicable
- Statement Regarding Creditors (required). Note: Judges routinely require Summary Administration when known creditors exist.
- An Affidavit stating the decedent was never married and had no children may be required, if applicable.

**This process does NOT apply when the asset is the decedent's income tax refund. For income tax refunds of \$5,000 or less, refer to Fla. Stat. § 735.302.**

### Instructions for Completing the Petition:

- Print the decedent's name after "In Re:"
- Print your name, address, and all other required information
- Check the appropriate box indicating whether there is no will, or that you are filing the will with this petition
- List beneficiaries (heirs) in descending order at Item 2
- When listing estate property at Item 3, provide mailing address as part of the description. Consult Fla. Stat. § 732.402 for definitions of exempt property
- Attach a copy of the paid funeral bill and medical expense receipts for the last 60 days

These forms may be sworn before a Deputy Clerk of the Circuit Court or a notary public. After completion, file all documents with the Clerk. All documents will be forwarded to the judge. A plain copy and a certified copy of the Order to Disburse or Transfer Assets will be provided. Present the certified copy to the relevant financial institution.

**IN THE CIRCUIT COURT IN AND FOR**

[ ]

**COUNTY, FLORIDA**

**IN RE:** [ ]

**File No.:** [ ]

Deceased

Division: PROBATE

**DISPOSITION OF PERSONAL PROPERTY WITHOUT ADMINISTRATION**

**Verified Statement**

Petitioner, [ ], alleges:

1. Petitioner, whose name and address are:

[ ]  
[ ]

and whose social security number is [ ] and who is

[ ] of [ ]

who died at [ ]

on the [ ] day of [ ], 20[ ]

a resident of [ ], whose last known address was

[ ]

and, if known, whose age was [ ] and whose social security number is [ ].

The decedent left no will.

The decedent's will was deposited with the clerk on

Date deposited: [ ], 20[ ]

2. So far as is known, the names of the beneficiaries of the decedent's estate and of the decedent's surviving spouse, if any, their addresses and relationships to decedent, and the ages of any who are minors, are:

NAME	ADDRESS	RELATIONSHIP	AGE <small>(Birth date if minor)</small>
[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

3. The estate of decedent consists only of personal property exempt under the provisions of Section 732.402 of the Florida Probate Code; personal property exempt from the claims of creditors under the Constitution of Florida; and nonexempt personal property the value of which does not exceed the sum of the amount of preferred funeral expenses, and reasonable and necessary medical and hospital expenses of the last 60 days of the decedent's last illness, all being described as follows:

DESCRIPTION	VALUE
<b>EXEMPT — Automobiles (up to two) used by the decedent or immediate family members; household furniture, furnishings, and appliances up to \$20,000 in value; Florida prepaid college tuition plans; and other exempt personal property under Fla. Stat. § 732.402:</b>	
[ ]	[ ]
[ ]	[ ]
[ ]	[ ]

NON-EXEMPT: All other personal property owned by the decedent, with estimated values. Include balance of

stocks, bonds, and accounts with institution name, account number, and other details. Total non-exempt property must not exceed \$20,000 (Fla. Stat. ss 735.301(1)):


**Preferred funeral expenses (statement or receipt attached):**

Services by	Amount	Paid or Due

**Medical and hospital expenses for last 60 days of last illness: (statement or receipt attached):**

Services by	Type of Service	Paid or Due

**Other debts of decedent:**

Creditor	Goods or Services (How incurred)	Amount

**Requested payment or distribution to:**

Name	Property	Amount or Value

I know of no other assets or debts of the decedent except:


Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Sworn and subscribed to before me this  day of , 20.

who  is personally known or  produced identification.

Type of Identification produced:

Statement made before:

(Signature of Petitioner)

\_\_\_\_\_  
Deputy Clerk or Notary Public

(Print Name of Petitioner)

My commission expires:

(Street Address)

(City, State, Zip Code)

(Telephone)

IN THE CIRCUIT COURT IN AND FOR

[ ]

COUNTY, FLORIDA

IN RE: [ ]

File No.: [ ]

Deceased

Division: PROBATE

CONSENT TO DISPOSITION OF PERSONAL PROPERTY

The undersigned consents to [ ], the petitioner, receiving the following property:

Description of Asset	Account Number	Dollar Amount
[ ]	[ ]	[ ]
[ ]	[ ]	[ ]
[ ]	[ ]	[ ]

and waives all claims, rights, title, and interest in said property.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Sworn and subscribed to before me this [ ] day of [ ], 20[ ]

who  is personally known or  produced identification.

Type of Identification produced: [ ]

Statement made before:

[ ]

Deputy Clerk or Notary Public

[ ]

[ ]

My commission expires: [ ]

[ ]

(City, State, Zip Code)

[ ]

(Telephone)

**IN THE CIRCUIT COURT IN AND FOR**

**COUNTY, FLORIDA**

**IN RE:**

**File No.:**

Deceased

Division: PROBATE

**AFFIDAVIT**

Comes now, the Petitioner of the above-entitled estate, and shows the Court as follows:

1. That the petitioner is qualified and entitled to receive the asset requested in the petition, and that
2. At the time of death, the deceased was unmarried, and deceased had no living children, adopted or natural.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Sworn and subscribed to before me this  day of , 20.

who  is personally known or  produced identification.

Type of Identification produced:

Statement made before:

Deputy Clerk or Notary Public \_\_\_\_\_

My commission expires:

(City, State, Zip Code)

(Telephone)

**IN THE CIRCUIT COURT IN AND FOR**

[ ]

**COUNTY, FLORIDA**

**IN RE:** [ ]

**File No.:** [ ]

Deceased

Division: PROBATE

**STATEMENT REGARDING CREDITORS**

The undersigned, [ ]

as petitioner for the disposition of personal property without administration for the decedent

[ ]

alleges:

Diligent search has been made to ascertain the names and location or mailing addresses of any creditors of the decedent and of all other persons having claims or demands against the deceased.

The names and, if known, the addresses of any creditors or other persons ascertained to have claims or demands against the deceased are as set forth below (LIST CREDITORS BELOW OR INSERT 'NONE' AS APPROPRIATE):

[ ]

[ ]

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on [ ], 2 [ ]

Statement made before:

Deputy Clerk or Notary Public \_\_\_\_\_

Notary Seal:

My commission expires: [ ]

[ ]

[ ]

[ ]

[ ]

(City, State, Zip Code)

[ ]

(Telephone)

**IT IS A CRIMINAL OFFENSE TO GIVE FALSE INFORMATION IN THIS STATEMENT**