

**IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY COUNTY, FLORIDA
PROBATE DIVISION**

CHECKLIST FOR PETITION TO DETERMINE HOMESTEAD

This checklist shall be completed and e-filed with your Petition. **Please review and sign the applicable certification clause at the end of the checklist prior to submitting it with your Petition. If any of the items below are not checked, please complete “Certification B.”**

Completing and e-filing this Checklist does not remove any additional obligations imposed by rule or statute.

CASE NUMBER: _____ in Re Estate of: _____

	The Petition is verified and signed by the Petitioner.
	The Petition includes decedent’s date of death.
	The Petition contains a legal description of the property (a street address is insufficient).
	The Petition lists the surviving spouse (if any) and the surviving lineal descendants, with the date of birth of any minor heirs.
	The homestead property is solely owned by the decedent. OR The homestead property is jointly owned.
	The homestead property was not validly devised by will, or the decedent died intestate, and the following has occurred: <ul style="list-style-type: none"> <input type="checkbox"/> There are descendants of the decedent and the surviving spouse is electing a life estate. <input type="checkbox"/> There are descendants of the decedent and the surviving spouse is electing to take the homestead interest as a tenant in common within 6 months of the decedent’s death, or within 30-day extension period, and during the surviving spouse’s lifetime. <input type="checkbox"/> There are descendants of the decedent, but no surviving spouse. <input type="checkbox"/> There is a surviving spouse, but no descendants of the decedent. OR The homestead property is validly devised to the proposed recipient(s).
	The Petitioner served formal notice of the Petition to Determine Homestead on all outstanding creditors, if any.

	<p>The publication period for the notice to creditors has expired and proof of notice to AHCA has been filed¹</p> <p>OR</p> <p>A notice to creditors is not required for this estate.</p>
	<p>The proposed order reflects title passing to the correct beneficiaries.</p>
	<p>The proposed order describes the real property and determines whether any of the real property constitutes the protected homestead of the decedent and directs the personal representative/debtors of the decedent to surrender the homestead property.</p>
	<p>Consents to the Petition have been filed from each homestead beneficiary, or the Petitioner has served formal notice of the Petition on each homestead beneficiary and filed a certificate that shows proper service.</p>
	<p>The signature page of the proposed order contains at least four (4) lines of text and has the case number on it.</p>

Please complete the Certification that applies to your filing (either Certification A or Certification B). If the Petitioner is represented by counsel, only counsel must complete the applicable Certification Clause. If the Petitioner is pro se then the applicable Certification must be completed by the Petitioner.

CERTIFICATION A:

The undersigned Petitioner (print name) _____ /Attorney (print name) _____ certifies that he/she has reviewed the information necessary to support the Petition to Determine Homestead. The Petitioner /Attorney further certifies that all the required information was previously filed or filed concurrently with the Petition. The Petitioner /Attorney acknowledges that the Petition will not be reviewed by Court staff until the necessary information has been accepted into the OLS and/or e-filing system. The Petitioner /Attorney further acknowledges that a hearing may be required to process the Petition.

Petitioner's signature: _____

Signed on _____, 20____

OR

Attorney's signature: _____

Signed on _____, 20____

CERTIFICATION B:

The undersigned Petitioner (print name) _____ /Attorney (print name) _____ certifies that he/she has reviewed the information necessary to support the Petition to Determine Homestead. The Petitioner /Attorney certifies that, after a diligent search and reasonable effort, the Petitioner /Attorney was unable to submit the following information for the following reasons:

The Petitioner /Attorney acknowledges that a hearing may be required concerning the deficiency.

Petitioner's signature: _____

Signed on _____, 20____

OR

Attorney's signature: _____ Signed

on _____, 20____

¹ No orders will be issued prior to the expiration of the creditors' claim period.