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7. What type of paperwork must accompany the form for filing a Disposition of Personal Property without Administration?

If the decedent has a will, it must be filed with the Clerk of the Circuit Court within 10 days of the notice of death.

- An itemized, paid funeral bill.
- Paid receipts for any medical expenses incurred 60 days prior to death.
- Death certificate.
- Statement regarding the type of asset to be released.
- Identification of the person filing.
- Filing fee as set by Florida Statutes.

Be aware: The value of the exempt assets must not exceed the amount of the funeral and medical expenses.

8. What happens after this information is filed with the Clerk's Office?

The court will enter an order either allowing or disallowing the release of the assets. A certified copy of the order is mailed to the petitioner.

GWEN MARSHALL CLERK & COMPTROLLER

General Information 606-4000

The Leon County Clerk & Comptroller's Office is open Monday through Friday. Click "Contact Us" at the top, right-hand corner of our website for current hours of operation.

Administration Office ¹	606-4005
Court-Related Information ¹	
Appeals	606-4190
Circuit Civil	606-4170
Circuit Criminal	606-4070
Court Services	606-4001
Family Law	606-4150
Juvenile	606-4120
Jury Administration	606-4007
Misdemeanor	606-4130
Probate	606-4180
Small Claims	606-4110
Traffic (see note below)	606-4100
Finance ²	606-4020
Human Resources ³	606-4010
Marriage ¹ (see note below)	606-4060
Passports (see note below)	606-4060
Official Records ¹	606-4050
(see note below)	or 606-4030
Tax Deeds ³	606-4020

¹ Located at 301 S. Monroe Street, Tallahassee, 32301 (1st floor of the Leon County Courthouse).

² Located at 315 S. Calhoun Street, Suite 750, in the Leon County Government Annex across from the back side of the courthouse.

³ Located at 315 S. Calhoun Street, Suite 780, in the Leon County Government Annex across from the back side of the courthouse.

NOTE: The Official Records Division, including marriage services, is also available at the Leon County Clerk & Comptroller's Northeast Branch at 1276 Metropolitan Boulevard, Suite 101. **Due to federal restrictions, passport services are only available at this location.**



Wills & Estates

Gwen Marshall
Clerk & Comptroller

Serving the Citizens of Leon County

Please visit our website at
<http://www.clerk.leon.fl.us>



01/03/2017

Wills & Estates

1. What is probate?

Probate is a legal process through which the assets of a deceased person, also known as a decedent, are distributed to the heirs or beneficiaries. The court oversees the estate to make sure debts are paid and proper distribution is made.

2. What is a will? When and where should it be filed?

A will is a document that disposes of a person's property after death. It generally names a personal representative to administer the estate. After the death of the person, the custodian of the will must deposit the will with the Clerk of the Circuit Court within 10 days after receiving information that the person is deceased. The custodian of the will should supply the person's date of death or the person's social security number to the clerk upon deposit of the will.

3. Is an attorney necessary?

An attorney is not necessary to file the will with the Clerk of the Circuit Court. However, Rule 5.030, Florida Probate Rules, requires every guardian and personal representative to be represented by an attorney admitted to practice in Florida, unless the guardian or personal representative is an attorney.

4. What happens if there is a will, but no personal representative has been named?

It will be necessary for an attorney to petition the court to appoint a personal representative to administer the estate.

5. How are probate proceedings initiated?

The person asking to be appointed personal representative initiates probate proceedings with the filing of a petition. An attorney normally prepares the petition. The appointed person will be responsible for the estate until all bills are paid and the balance of the estate is distributed to the rightful beneficiaries.

6. What are the different types of proceedings that can be filed, depending on the size of the estate?

a. Formal Administration: This type of proceeding is used when it is necessary to appoint a personal representative to act on behalf of the estate because there are considerable assets or other special circumstances. The court determines the capacity in which the representative will act at the time of the appointment and letters of administration will be issued to the representative so that the representative may complete the administration of the estate.

b. Summary Administration: This type of proceeding is used when the value of the entire estate does not exceed \$75,000. (This amount was changed by legislation on January 1, 2002.)

c. Disposition of Personal Property Without Administration: This type of proceeding is used to request release of the assets of the deceased to the person who paid the final expenses, such as funeral bills or medical bills for the last 60 days. This procedure may be accomplished with the filing of a petition. The form that is required to file the disposition is available from the Clerk of the Circuit Court at (850) 606-4180 or can be downloaded from our website.

If you are a person with a disability who needs any accommodation in order to participate in a court proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, 301 South Monroe Street, Room 225, Tallahassee, FL 32301, 850-606-4401 at least 7 days before your scheduled court appearance, or immediately upon receiving notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.