

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
IN AND FOR HERNANDO COUNTY, FLORIDA

ADMINISTRATIVE ORDER H-2004-15

ADMINISTRATIVE ORDER REGARDING
SMALL ESTATE LETTER REQUIREMENTS

The undersigned, having considered that frequently upon the death of a person, the value of the decedent's assets are very limited, to the extent that regular probate proceedings may deplete the assets entirely; and that it would appear to be unfair and inequitable to the heirs of the decedent if the cost of obtaining such assets exceeded their value; and that it would be in the best interest of such heirs if there were a means of transferring such limited assets without the necessity of probate proceedings; and that such transfer may be authorized by the Court if certain requirements are met, and in consideration thereof

IT IS HEREBY ORDERED that a Small Estate Letter may be issued authorizing the payment, transfer or disposition of specific assets or personal property belonging to the decedent to those persons entitled to same without the necessity of formal proceedings, subject to the approval and satisfaction of the Court that disposition of assets in this manner is appropriate; and

IT IS FURTHER ORDERED that the following are the minimum requirements to be met to obtain a Small Estate Letter:

a) An affidavit must be completed in full and signed by the petitioner before a Notary Public or Deputy Clerk, asking that the Court issue a Small Estate Letter. The Clerk of the Court will provide the affidavit form upon request; and all blanks must be completed before the affidavit will be accepted for filing; and

b) The Petitioner must pay to the Clerk of the Court the appropriate filing fee at the time the affidavit is filed; and

c) The decedent must have been a resident of Hernando County at the time of his/her death; and the death certificate must state on its face that Hernando County was the county of residence of decedent; and

d) A copy of the decedent's death certificate must accompany the affidavit. If the asset is in the name of more than one person, a death certificate must be provided for each such person; and

e) If the decedent had a Last Will and Testament, a copy of same must accompany the affidavit; and

f) A copy of proof of the value of the asset(s) must be filed with the affidavit (i.e., last bank statement, copy of bonds, copy of check, etc.); and

g) A copy of the paid funeral bill must accompany the affidavit; and

h) The petitioner must provide the complete name and address of the intended recipient of the Small Estate Letter; and must include the amount involved and the account number(s), preferably on the letterhead of the recipient, if possible; and

i) The petitioner must present a valid driver's license or state ID card at the time of filing the affidavit; and

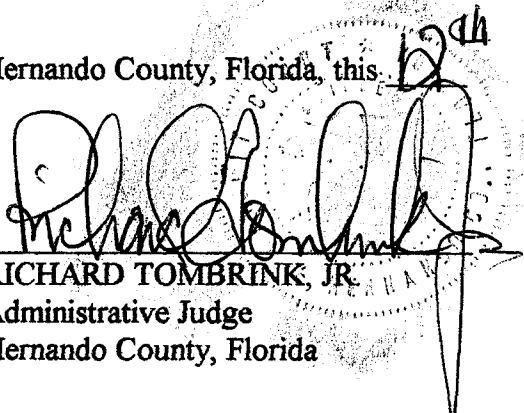
j) The total value of assets sought to be transferred cannot exceed \$5,000.00, and cannot be real property; and

k) If there is no nominated personal representative in decedent's will, the petitioner must present notarized authorization for requesting a Small Estate Letter from ALL heirs at law of the decedent; and

l) If the assets sought to be transferred with a Small Estate Letter are held by more than one agency or facility, only two (2) letters will be provided through this proceeding to transfer the assets.

IT IS FURTHER ORDERED that the Court must be satisfied that all of the requirements set out above have been met and that a Small Estate Letter is appropriate, considering each case separately on its own merits; and has the authority to refuse a request for a Small Estate Letter if it deems it is appropriate to do so.

DONE AND ORDERED in Chambers in Brooksville, Hernando County, Florida, this 12th day of May, 2004.


RICHARD TOMBRINK, JR.
Administrative Judge
Hernando County, Florida