

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR HERNANDO COUNTY, FLORIDA  
PROBATE DIVISION  
DON BARBEE JR., CIRCUIT JUDGE

**STANDING ORDER ON PROBATE PRACTICE**

Hernando County averages nearly 1500 probate cases each year. Absent a rare conflict, each of the cases are assigned to this Court. In an effort to maximize efficiency and provide clear direction/expectations, it is hereby

**ORDERED**

1. This standing order shall apply to all probate matters heard by Circuit Judge Don Barbee Jr.
2. **PAPERLESS:** The Probate Division in Hernando County strives to be 100% paperless. Please do not submit proposed orders or copies of pleadings in paper format or through the U.S. Mail.
3. **PROPOSED ORDERS:** Please do not submit proposed orders until all of the necessary predicate documents are visible in the online docket, i.e. do not file your motion/petition through the portal and send the proposed orders on the same day. Some of the most commonly “missing” items include the original will, death certificate, and spouse’s death certificate when he or she appears on the deed. Proposed orders are to be submitted electronically in Word or PDF format to [hernandoprobate@circuit5.org](mailto:hernandoprobate@circuit5.org)  
There is no need to send courtesy copies of standard motions.
4. **HEARINGS:** Hearing times for probate cases may be obtained by sending an email to [hernandoprobate@circuit5.org](mailto:hernandoprobate@circuit5.org). Please include the case number, motion to be heard, and an estimate on the time you need for the hearing.
5. **TIMELINESS FOR COMPLETING ADMINISTRATION:** Counsel is reminded that Florida Probate Rule 5.400(c) requires that probate matters be completed within twelve (12) months of being issued Letters of Administration. If you exceed the 12 months, you may

receive a “Notice of Expired Letters” or an order setting a Case Management Conference. To avoid the administrative closure of your case, and the possible revocation of letters of administration, please file a timely request for an extension. If your extension is based upon collateral litigation (wrongful death, etc), please include the case number and jurisdiction in your motion.

6. **EXTENSIONS BASED UPON COLLATERAL LITIGATION:** If your extension is based upon a wrongful death, asbestos, tobacco, or some other collateral litigation, the Court may administratively close the case allowing the personal representative to continue with his/her authority to prosecute/defend the civil action.
7. **LOST WILLS:** A Petition to Admit a Lost/Destroyed Will requires a hearing. *See Florida Probate Rule 5.510 and Brennan v. Brennan*, 30 So.3d 894 (Fla. 5<sup>th</sup> DCA 2010).
8. **HOMESTEAD:** This Court does not entertain stand alone petitions to determine homestead property. Counsel/parties must file a petition for summary administration if the sole asset is a piece of homestead property.
9. If you have any questions about this standing order, please contact Jamie Shreiber, Judicial Assistant, at [jshreiber@circuit5.org](mailto:jshreiber@circuit5.org) or (352)540-6655.

DONE AND ORDERED this 8<sup>TH</sup> day of January, 2021.



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Don Barbee Jr.  
Circuit Judge