

PETITION TO DETERMINE EXEMPT PROPERTY

Estate of	_____
Case No.:	_____
Date:	_____
Attorney:	_____

LEGAL STANDARD: §732.402, Fla. Stat., Exempt Property; 732.402 (2) (a) "household furniture, furnishings, and appliances in decedent's usual place of abode up to net of \$10,000 as of date of death. (b) "all automobiles held in decedent's name and regularly used by the decedent or members of the decedent's immediate family as their personal automobiles." Fla.Prob.R. 5.406: property must be described and the order must list each item of exempt property, its value, and order the surrender of the property to the person entitled to it.

- ___ Petition filed w/in 4 mos. of notice of admin or w/in 40 days of an estate proceeding that affects the exempt prop [732.402(6)]
- ___ Verified Petition [5.406]
- ___ Property owned by decedent (assumed unless there is evidence in the file to the contrary)
- ___ Property described and basis of exemption alleged [5.406(b)(1)]
- ___ Name and address of spouse, or if none, children [5.406(b)(2)]
- ___ Decedent domiciled in Florida [732.402(1)]
- ___ Property to surviving spouse, if none, to children [732.402(1)]
- ___ Property is automobile or furnishings or appliances [732.402(2)]
- ___ Notice to beneficiaries [5.041(a)]
- ___ Notice to creditors, if any [5.041(a)]
- ___ Not specifically devised in Will to other than spouse/children [732.402(5)]
- ___ Claims period expired, except in summary administration [732.402(3)]
- ___ Statement regarding creditors filed, except in summary admin. [732.402(3), 5.241(d)]
- ___ Order identifies each item of property and its value [5.406(c)]
- ___ Order directs PR to surrender prop to person entitled [5.406(c)]
(Not in summary administration bcuz no PR)

Beneficiaries	Creditors
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Comments: _____

RECOMMENDATION: _____
