

PETITION TO SELL REAL PROPERTY

ESTATE OF _____
CASE NO.: _____
DATE: _____
ATTORNEY: _____

LEGAL STANDARD: F.S. 733.613(1), Probate Rule 5.370, see also, 732.101(2) decedent's death is event that vests the heirs right to intestate property and 732.514 death of testator is event that vest right to devisees, unless will provides that some other event must happen before a devise shall vest.

___ PR given authority to sell property in Will [733.613(2)]
 If so, then no reason for sale need be given.
___ Petition verified by P.R. [5.020(e), 5.370(a)]

Petition:

___ Reason for the sale: [5.370(a)]
 ___ For Fed/Fla estate taxes [733.608(1)(a)]
 ___ payment of devises, debts, claims, admin exp [733.608(1)(a)]
 ___ enforce contribution & equalize advancement [733.608(1)(b)]
 ___ for distribution [733.608(1)(c)]
 ___ Or PR has specific authority to sell in will [733.613(2)]
___ Legal description of the property [5.370(a)]
___ Price and terms of the sale [5.370(a)]
 ___ Copy of proposed contract [5.370(a) *for price and terms of sale*]

___ All interested persons not joining in the petition must be noticed of the petition. [*See* 733.613(1)]
___ Appraisal; Value \$_____ [*if interested persons cannot be noticed*]
___ Time has run on publication [733.2121(1), 733.702(1); *See* 733.613(3) (to determine interested persons)]
___ Statement Regarding Creditors has been filed [733.613(3), 5.241(d)]
___ Notice to Creditors [733.613(3), 5.041]
___ Order has legal description & price and terms of sale [5.370(b)]
___ Order includes reason for sale [*See* 733.613(1)]
___ Property is not homestead [733.607(1), 733.608(2), (11), (12), homestead is not in hands of PR]

Beneficiaries	Unsatisfied Creditors
_____	_____
_____	_____
_____	_____
_____	_____

COMMENTS: _____

RECOMMENDATION: _____