

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 7.14

**DETERMINATION OF HOMESTEAD PROPERTY
PRIOR TO DETERMINATION OF CREDITORS' CLAIMS**

WHEREAS, the personal representative is required to publish a notice to creditors unless claims are otherwise barred (§§ 733.710, 733.2121, Fla. Stat.); and

WHEREAS, creditors are not determined until the publication period and the period for known creditors to file a claim have expired (§§ 733.2121, 733.702, Fla. Stat.); and

WHEREAS, a petition to determine protected homestead real property may be filed in probate proceedings and should be served on all interested persons, including creditors (§ 731.201(23) Fla. Stat.; Fla. Prob. R. 5.015(a)); and

WHEREAS, creditors and other interested persons may challenge the exempt status and title of real property claimed to be homestead property; and

WHEREAS, in order to protect the integrity of title to real property, a homestead determination should not be made until creditors are ascertained, have received notice of the homestead petition, and have had, together with other interested persons, the opportunity to challenge the homestead petition;

IT IS ORDERED:

1. **Order Determining Homestead.** In general, the Court will not enter an order determining homestead prior to the expiration of the publication period and the period for known creditors to file a claim. See §§ 733.2121, 733.702, Fla. Stats.

2. **Determinations of Homestead Prior to Expiration of Publication Period.** If the petitioner seeks an order determining homestead prior to expiration of the

publication period and the period for known creditors to file a claim, the petitioner **must** file a motion showing good cause to do so and set a hearing before the presiding Judge.

ORDERED ON this 30th day of January, 2015.



Robert E. Roundtree, Jr., Chief Judge