

## Disposition of Personal Property without Administration

### ***What is Disposition of Personal Property without Administration?***

This type of proceeding allows reimbursement to a person who paid for the decedent's final expenses. Any expenses paid must be out-of-pocket funds, prepaid funeral plans and bills paid by insurance do not qualify. Final expenses include funeral costs up to \$6,000 or medical bills that incurred in the last 60 days of the decedent's life. If you are a surviving spouse or child of the decedent, you may make a claim for Exempt Property (see § 732.402), which may include two cars and certain household items valued up to \$20,000.

### ***Who may file a Petition for Disposition of Personal Property without Administration?***

This type of proceeding may only be filed by a person seeking **reimbursement** for final expenses paid on behalf of a decedent, or by a surviving spouse, or if no surviving spouse, children of the decedent.

### ***What Can Be Included?***

The Court can only distribute certain items in this proceeding:

1. Specific exempt personal as defined in § 732.402
2. Reimbursement not to exceed \$6,000 in funeral expenses
3. Reimbursement for medical/hospital expenses incurred in the last 60 days of the decedent's life

**This proceeding is limited in scope:** If you are attempting to distribute a home, real estate, or non-exempt property that exceeds the amount of the final expenses, or if you are attempting to distribute financial accounts without seeking reimbursement for authorized funeral, medical, or hospital expenses, your petition will be denied, and you will be directed to file a different type of petition and pay all associated filing fees.

***What must be included in the Petition for Disposition of Personal Property without Administration?***

The petition must include the following:

- Description and value of the exempt property
- Description and value of other assets of the decedent
- The most recent documentation showing ownership of the property to be distributed or transferred (bank statement, insurance policy, retirement accounts, etc.); documents must show the correct name and account numbers
- The amount of preferred funeral costs up to \$6,000 or medical bills that incurred in the last 60 days of the decedent's life actually paid by petitioner
- Receipts and invoices for all expenses for which petitioner is requesting reimbursement showing the amount actually paid and who made the payment
- Proposed distribution of exempt property

***What other documents must I provide?***

- Certified copy of death certificate
- Affidavit of Heirs
- Receipts and invoices for all expenses for which you are requesting reimbursement showing the amount paid and who made the payment
- The most recent documentation showing ownership of the asset(s) to be distributed or transferred (bank statement, insurance policy, retirement accounts, etc.); documents must show the correct name and account numbers

***Who do I need to provide notice to?***

As outlined above, you must provide *formal notice* of the petition to all interested parties, including all heirs, beneficiaries, and/or creditors. Once you have provided each party with formal notice, you must file a proof of service of formal notice and attach any receipts or other confirmation to that document. Alternatively, if the interested parties are in agreement with the filings in the probate proceeding, they may file a joinder, waiver, and consent to the petition(s). The filing of these documents alleviates the obligation to serve a party with formal notice.

***What happens after I file my Petition for Disposition of Personal Property without Administration?***

Once the Petition for Disposition of Personal Property is filed and appropriate fees paid, the Clerk will assign a case number and forward the filing to a case manager for review. Please allow no less than 14 days for review of your documents. The case manager will notify the Petitioner if any additional information is need or you may receive notice to appear at a hearing.

Upon verification of all the information in the filing, a Probate Judge will sign an order granting or denying the Petitioner's request, and a copy of the order will be mailed to you. The Petitioner must then provide a copy of the order to the appropriate bank, insurance companies, or any individuals in possession of decedent's assets for disbursement. You may request certified copies of the order by contacting the Clerk of Court.

A sample Petition for Disposition of Personal Property without Administration is provided in the subsequent link on this webpage.