

Disposition without Administration of Intestate Property in Small Estates

What is Disposition without Administration of Intestate Property in Small Estates?

The circumstances for this type of proceeding are extremely limited. This provision applies only to a person who died without a will (intestate). If the decedent has been deceased for more than one year and no administration of the decedent's estate is pending, intestate heirs may use this proceeding to request the court distribute:

1. Non-exempt personal property up to \$10,000
2. Funeral costs up to \$6,000 or medical bills that incurred in the last 60 days of the decedent's life

Additionally, if you are a surviving spouse or child of the decedent, you may make a claim for Exempt Property which may include:

1. Up to \$20,000.00 of household furniture, furnishings, and appliances
2. Two motor vehicles used as the decedent's personal motor vehicles
3. Any qualifying tuition programs under Section 529 of the Internal Revenue Code

This proceeding is limited in scope: If the decedent has not been deceased for at least one year, if you are attempting to distribute a home, real estate, or non-exempt property that exceeds \$10,000, 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.

Who may file a Petition for Disposition without Administration of Intestate Property in Small Estates?

Any heir at law of the decedent entitled to a share of the intestate estate as defined in §§ 732.102 or 732.103 may file an affidavit requesting distribution in this manner.

What must be included in the Petition for Disposition without Administration of Intestate Property in Small Estates?

The petition must include the following:

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 without Administration of Intestate Property in Small Estates?

Once the Petition for Disposition without Administration of Intestate Property in Small Estates 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 needed 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 without Administration of Intestate Property in Small Estates is provided on the following page.