

## Interested Parties, Formal Notice, & Waivers

In addition to completing the appropriate forms, you must provide all interested parties with formal notice of the documents you have filed. Determining who is an interested party varies by the facts of each case, however, the definition is:

“Interested person” means any person who may reasonably be expected to be affected by the outcome of the particular proceeding involved. In any proceeding affecting the estate or the rights of a beneficiary in the estate, the personal representative of the estate shall be deemed to be an interested person. In any proceeding affecting the expenses of the administration and obligations of a decedent’s estate, or any claims described in s. [733.702](#)(1), the trustee of a trust described in s. [733.707](#)(3) is an interested person in the administration of the grantor’s estate. The term does not include a beneficiary who has received complete distribution. The meaning, as it relates to particular persons, may vary from time to time and must be determined according to the particular purpose of, and matter involved in, any proceedings.

Generally speaking, this includes all lineal descendants/heirs where there is no will (an intestate estate), all named beneficiaries in a will (a testate estate), and creditors of the estate. Because the people who fall into these categories “may reasonably be expected to be affected by the outcome” of the probate proceeding, they are entitled to formal notice of the filings in the proceeding.

Formal notice is the manner in which you verify to the Court that the documents were not only provided to those interested parties but were *actually received*. This is crucial to ensure all parties are aware of the court proceedings. The most common method of providing formal notice is through USPS Certified Mail or by using a commercial delivery service that requires a signed receipt or any other form of confirmation of receipt. Once formal notice has been provided, it is your responsibility to file proof of service of formal notice with the court. You may do this by filing the “green card” confirming certified mail service, tracking information from commercial delivery services confirming receipt, or other similar proof. *Note:* documents that do not clearly demonstrate formal notice and receipt by the intended recipient (i.e., mail returned undeliverable, mail left at door/with another person) will not be sufficient.

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.

Sample formal notice, proof of service of formal notice, and joinder, waiver, and consent forms are provided in the subsequent links on this webpage.