THE FLORIDA PROBATE STARTER GUIDE

What Families Need to Know After a Loved One Passes Away

A simple, plain-English guide to understanding the Florida probate process, your responsibilities, and what happens when real estate is involved.

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First, Take It One Step at a Time

If you're reading this guide because you've recently lost someone close to you, I'm sorry for your loss.

Probate can feel overwhelming - especially when you're trying to grieve while suddenly being asked to make financial, legal, and property-related decisions.

Most people have never dealt with probate before. They don't know what they're supposed to do first, how long the process might take, what happens to the house, or even which questions they should be asking.

That's why I created this guide.

After watching my own family navigate probate, I saw firsthand how difficult it can be to manage grief while also dealing with new responsibilities and decisions.

That experience ultimately led me to focus my real estate career on helping Jacksonville families navigate the property side of probate.

My goal with this guide isn't to tell you what decision to make. It's to help you better understand the process, know what questions to ask, and feel more prepared for the conversations ahead.

> **You don't have to figure everything out today.**
>
> **Start with understanding what comes next.**

- Dorian Clark

1. What Is Probate?

Probate is the legal process used to administer someone's estate after they die.

In simple terms, the process helps determine:

- What assets the person owned
- What debts and obligations need to be addressed
- Who is responsible for administering the estate
- Who is legally entitled to receive the remaining assets
- How those assets are ultimately transferred

In Florida, probate is generally handled through the circuit court.

The person who passed away is referred to as the decedent. The assets, property, debts, and other financial interests left behind make up the decedent's estate.

In a formal probate administration, the person appointed by the court to administer the estate is called the Personal Representative.

You may hear people use terms such as "executor" or "administrator." In Florida probate, however, Personal Representative, often shortened to PR, is the term you'll commonly encounter.

The exact probate process depends on the circumstances of the estate, which is why working with a qualified Florida probate attorney is important.

2. Does Every Estate Have to Go Through Probate?

No.

Whether probate is necessary depends largely on how the deceased person's assets were owned and how those assets are designed to transfer after death.

Certain assets may transfer directly to another person because of how an account or property was titled or because a beneficiary was designated. Other assets may become part of the probate estate.

Examples can include:

- A bank or investment account owned solely by the decedent
- Certain assets payable to the decedent's estate
- Certain real estate owned solely by the decedent
- Certain ownership interests that do not automatically transfer at death

This is why it's important not to assume that everything someone owned automatically becomes part of probate.

Determining exactly what is - and isn't - a probate asset is an important conversation to have with a qualified Florida probate attorney.

3. The Two Main Types of Probate Administration in Florida

Florida generally has two primary forms of probate administration.

Formal Administration

Formal administration is the traditional probate process. It is commonly used when an estate doesn't qualify for a simpler form of administration or when the circumstances of the estate require it.

A Personal Representative is appointed by the court and is responsible for administering the estate according to Florida law and the court's requirements.

Summary Administration

Summary administration is a simplified form of probate that may be available for certain estates.

Under current Florida law, an estate may potentially qualify when the value of the estate subject to administration in Florida, less certain exempt property, does not exceed $75,000, or when the decedent has been deceased for more than two years, assuming the other legal requirements are satisfied.

Florida also has a limited procedure known as Disposition of Personal Property Without Administration that may apply in certain circumstances involving very small amounts of personal property.

Every estate is different. A probate attorney can help determine which form of administration, if any, applies to your situation.

4. What Does a Personal Representative Do?

Being appointed Personal Representative can feel like being handed a job you never applied for.

Suddenly, attorneys, creditors, banks, insurance companies, family members, contractors, and sometimes real estate professionals may all be looking to you for answers.

But you don't have to know everything on day one.

A Personal Representative is a fiduciary responsible for administering the estate in accordance with Florida law, the decedent's will when applicable, and orders of the court.

Depending on the estate, responsibilities may include:

- Identifying and gathering estate assets
- Protecting estate property
- Working with the estate's attorney
- Identifying potential creditors
- Handling certain estate expenses
- Maintaining appropriate records
- Addressing property-related issues
- Distributing assets when legally appropriate
- Completing the administration of the estate

If the estate includes a house, there may also be practical responsibilities that need attention long before a decision is made to sell.

> **The important thing to remember is that you don't have to become an expert in every part of probate. You need the right professionals around you.**

5. Who Should Be on Your Probate Team?

One of the biggest mistakes families can make is trying to handle every issue themselves. Probate often involves several different areas of expertise.

Depending on your situation, your team might include:

Probate Attorney

Your attorney handles the legal side of probate and can advise you about your responsibilities, deadlines, creditor issues, court requirements, homestead questions, and other legal matters.

CPA or Tax Professional

Estates can create tax and accounting questions. A qualified tax professional can help you understand which issues may apply to the estate and the beneficiaries.

Real Estate Professional

When real estate is involved, a professional familiar with probate properties can help you understand the home's condition, estimated market value, potential preparation costs, and selling options.

Property and Estate Service Professionals

Depending on the property, you might also need:

- Clean-out companies
- Estate sale professionals
- Contractors
- Handymen
- Landscapers

- Property maintenance services
- Movers
- Appraisers
- Inspectors

> **Your situation may not require all of these people. The point is simply to know that you don't have to handle everything yourself.**

6. How Long Does Probate Take in Florida?

There isn't one timeline that applies to every probate.

The length of the process can depend on factors such as:

- The type of probate administration
- The complexity of the estate
- Whether creditors are involved
- Whether beneficiaries agree
- Whether there are disputes
- The number and type of assets
- Real estate issues
- Tax matters
- Court requirements

A relatively straightforward estate can look very different from an estate involving multiple properties, creditor claims, family disagreements, title issues, or litigation.

> **That's why it's better to think of probate as a process rather than a fixed countdown.**

Your probate attorney is the best person to give you an estimate based on the circumstances of your particular estate.

7. What Happens When a House Is Part of the Estate?

For many families, the house is the largest asset - and the source of the most questions.

You may be wondering:

- Can we sell it?
- Should we fix it first?
- Who keeps paying the mortgage?
- What happens to everything inside?
- What if several heirs disagree?
- What if I live outside Jacksonville?
- What if the property needs a lot of work?

These are normal questions.

Before making major decisions about estate real estate, the first step is understanding the property's legal status.

Florida has special rules concerning real estate, including protected homestead property, and those rules can affect how a property is handled.

Your probate attorney should help determine the estate's legal authority regarding the property.

Once the legal picture is clear, you can begin evaluating the practical real estate options.

8. Your Options for an Inherited Property

There isn't one "right" answer for every inherited home. The best option depends on the estate, the property, the beneficiaries, finances, timing, and your family's goals.

Keep the Property

Sometimes a beneficiary wants to keep the home. If that's the goal, you'll want to understand the property's value, ongoing expenses, condition, title considerations, and any financial obligations attached to it.

Rent the Property

In some situations, keeping the property as a rental may make sense. Before making that decision, consider:

- Expected monthly rent
- Property taxes
- Insurance
- Repairs and maintenance
- Property management
- Vacancy
- Condition of the home
- Whether the numbers actually make sense as an investment

A property can have sentimental value and still not make financial sense as a rental.

Sell the Property As-Is

If the property needs substantial repairs, clean-out work, or updating, selling it in its current condition may be worth considering. You may accept a lower sale price in exchange for avoiding some of the time, expense, uncertainty, and work involved in preparing the property.

Prepare the Property for the Market

Sometimes modest improvements can significantly improve how buyers respond to a property. That doesn't necessarily mean completing a major renovation.

Depending on the home, preparation might include:

- Removing unwanted belongings
- Deep cleaning
- Landscaping
- Minor repairs
- Fresh paint
- Addressing obvious maintenance issues
- Staging or improving presentation

The important question isn't: "How much can we spend fixing the house?" It's: "Which improvements, if any, are likely to produce a worthwhile return?"

9. Before You Spend Money on the House

This is an area where families can easily spend thousands of dollars unnecessarily.

It's tempting to walk through an inherited property and immediately think: "We need new floors." "We need to redo the kitchen." "We need to replace everything before anyone will buy it."

Maybe. Maybe not.

Before investing estate money into renovations, get a realistic understanding of:

1. The property's current as-is value

2. Its likely value after improvements based on comparable sales and market evidence

3. The estimated cost of those improvements

4. How much time the work could add

5. Who will manage the contractors

6. Whether the estate has the authority and available funds to do the work

7. Whether the additional sale proceeds are likely to justify the investment

Sometimes repairs make sense. Sometimes selling as-is makes more sense.

> **The goal is to make that decision based on numbers rather than assumptions.**

10. Don't Forget the Cost of Holding the Property

A vacant inherited home can continue costing the estate money every month.

Depending on the property, expenses may include:

- Mortgage payments
- Property taxes
- Insurance
- Utilities
- Lawn care
- HOA or condominium fees
- Pool maintenance
- Repairs
- Pest control
- Security
- General upkeep

There can also be practical risks associated with leaving a home vacant.

That doesn't mean you should rush to sell. It simply means the cost of waiting should be part of the decision.

For example, a property that appears likely to gain $10,000 in value from additional preparation may not actually put the estate $10,000 ahead if accomplishing that requires months of carrying costs and thousands of dollars in repairs.

> **Look at the entire picture - not just the eventual sale price.**

11. What If You're Handling the Estate From Outside Jacksonville?

Managing a Jacksonville property while living somewhere else creates an entirely different challenge.

You may need someone locally to:

- Check on the property
- Help determine its current condition
- Meet vendors
- Obtain repair estimates
- Coordinate clean-outs
- Provide information about the local market
- Help determine an estimated property value
- Recommend reputable local professionals
- Help prepare the property for sale when appropriate

This is one of the reasons I focus on being more than simply the person who shows up when a family is ready to list a house.

> **Sometimes what a Personal Representative needs first is simply a trustworthy person on the ground.**

12. Questions to Ask Before Making a Decision About the Property

Before deciding what to do with an inherited home, work through these questions with the appropriate professionals:

- Has the probate attorney confirmed who has authority regarding the property?
- Has the property's homestead status been addressed?
- Who currently holds legal title?
- Is there a mortgage or other debt attached to the property?
- Is the property currently insured?
- Is anyone living in the home?
- Are utilities still active?
- What is the home's approximate as-is market value?
- What repairs does the property actually need?
- What would those repairs likely cost?
- Would making repairs meaningfully increase the estate's net proceeds?
- What does it cost the estate each month to hold the property?
- Do the beneficiaries generally agree about what should happen to the home?
- Does anyone in the family want to keep the property?
- Would renting the property make financial sense?
- Would selling as-is be preferable?
- Would preparing the property for the traditional market produce a better outcome?
- Who will coordinate the property if the Personal Representative lives outside the area?

You don't need to answer every question today.

> **The purpose of this checklist is to help you know what information you need before making a major decision.**

13. A Simple Place to Start

If you've recently become responsible for an estate, you may have a long list of things that need your attention. Start with the basics.

1. Make sure you have appropriate legal guidance regarding the probate estate.

2. Identify and understand the assets involved.

3. If there's real estate, make sure the property is secure, insured, and appropriately maintained.

4. Get accurate information about the property's condition and potential value before spending money or making major decisions.

5. Compare your options before deciding what to do with the property.

You don't need to solve the entire probate process at once.

You just need to determine the next right step.

Need Help With a Jacksonville Property?

If you're handling an estate that includes a home in Jacksonville or Northeast Florida, I'm happy to be a local resource.

That doesn't mean you have to be ready to sell.

You may simply need:

- An honest opinion of the property's value
- A second opinion about whether repairs make sense
- A local connection to a clean-out company or contractor
- Someone local who can help you understand the property and your options
- A conversation about selling as-is versus preparing the home for the market
- Someone to be your eyes and ears on the ground if you live outside the area

My role begins with listening.

I'll learn what's happening with the property, what matters to you and your family, and where you are in the process.

From there, we can determine what information you need and whether there's a way I can help.

There's no pressure to make a decision before you're ready.

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Probate Conversations with Dorian Clark

Clear information. Local resources. Help when you're ready.

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Before making decisions concerning probate administration, estate assets, homestead property, creditor claims, taxes, title, or the authority to sell or transfer estate property, consult the appropriate qualified professional.

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