



Instruction Sheet for Disposition of Personal Property Without Administration  
Florida Statute 732.402, 735.301 and Florida Probate Rules 5.420 & 5.205(a)(4)

Probate is the legal process of the Administration of a deceased person's estate. Administration can include validating a Will if any, providing notice to claimants and interested parties, paying debts of the decedent and distributing assets to rightful heirs or beneficiaries. The Disposition without Administration is the court being asked to enter an order to authorize the release of specific assets to the person that paid expenses or to those entitled to exempt personal property. The Disposition does not appoint a Personal Representative or Executor, the court will not place anyone in charge of the estate.

Testate- The decedent has executed a Last Will and Testament.

Intestate- The decedent has not executed a Last Will and Testament.

1. You may select to use this proceeding to secure a court order for the payment of or reimbursement from the decedent's assets to pay funeral expenses up to \$6,000 and reasonable medical bills paid within the last 60 days of the decedent's last illness. Payment can be ordered to be made direct to the funeral home, doctor, hospital or other medical facility; or, to reimburse out of pocket money paid by another party on behalf of the decedent for these debts.
2. This action is also used to distribute the exempt personal property to the spouse or children under Florida Statute 732.402.

**The Clerk's Disposition form is not intended to provide legal advice or serve as an alternative to consulting with an attorney to protect your interest.** This may not be appropriate to be used to secure an (Intestate Small Estate Affidavit) for the Distribution of the Exempt Personal Property under *Florida Statute 735.304* or any other probate causes of action other than those stated above. **The Clerk is not a legal resource or legal form repository. No other forms are available on the Clerk's website [www.clerk.org](http://www.clerk.org) to initiate probate.**

**Filing of original Will-** Florida Statute 732.901 requires a custodian of an original will to file any original Will in their possession with the Clerk of Court in the county of domicile within 10 days. **The Last Will and Testament is not admitted to probate in a Disposition. If you are seeking distribution per a Will this action will not meet your needs.**

**To Qualify:**

1. Decedent must be a resident of Volusia County.
2. Decedent's estate cannot include real estate. Real estate will not be distributed in this proceeding.
3. Qualified expenses must be equal to **or more** than the assets of the estate. For example, the funeral bill up to \$6,000 must be equal to or more than the bank account balance. (unless the filer qualifies for portions of the assets are determined to be exempt)
4. **First priority is payment of the decedent's last rights.** When there is an unpaid balance the court may first authorize payment directly to the debtor before any other distribution is ordered as requested.
5. Prepaid funeral plans or medical expenses paid by insurance may prohibit you from qualifying for this proceeding.

6. Exemption from the claims of creditors of certain assets can only be claimed as exempt property by a surviving spouse, if there is no spouse then the right is passed to the children of the decedent.

### **Documents Needed:**

1. Certified copy of the death certificate.
2. Copy of the funeral bill that shows the amount of the bill and, if paid, who paid it.
3. Proof of payment by anyone claiming to have paid the final medical or funeral expenses.
4. Proof the asset is owned in the decedents name alone. Submitting a copy of financial statements or title is the best proof of ownership.
5. If the spouse is not the petitioner then a notarized consent from surviving spouse and adult children could be required by the court.
6. If the person that paid the funeral or medical expenses for the last 60 days is not the petitioner then consent to the proposed distribution if seeking distribution other then repaying the debts may be required.

### **Process:**

1. The Disposition Affidavit is located on our website, [www.clerk.org](http://www.clerk.org) or can be secured from the Probate Department.
2. Fill out the Affidavit also known as the Disposition Verified Statement:
  - Do not leave any section blank. If a section does not apply indicate N/A or NONE.
  - In Sections 4 A and B be sure to include a complete description of the property. Bank accounts will need to have the name of the bank, type of account and as much of the account number as possible. Vehicles must provide the Make, Model, Model Year and Vin Number. Insurance policies must detail the name of the insurance company and complete policy number.
  - Section 4 C and D has to have specifics of the service provider such as the name, address and type of service provided.
  - Requested Payment or Distribution To section must detail the recipients full name and address and proper description of the asset(s) they are to receive along with the value. **NOTE: The court's first priority to pay funeral debts or reimbursement to anyone who paid this debt up to \$6,000 on behalf of the decedent or the medical expenses for the last 60 days.**
  - Once the Disposition is filed any Statements of Claim filed by any other creditors of the decedent will be forwarded to the Petitioner to resolve.
3. Have the Affidavit notarized or bring it to the clerk's office for a deputy clerk to take your oath. A valid ID is required and there is a \$3.50 oath fee for the clerk to administer this oath. Oath fee is not required when notarized by a Notary Public.
4. To avoid delay we encourage you to submit this paperwork in person to the DeLand Probate Office. ***Trained personnel will provide a preliminary review of the documents for content. When necessary they will ask questions for clarification and assist you with making corrections. Staff cannot alter what you have provided.***
5. All paperwork along with the \$231.00 filing fee, \$3.50 oath fee, and \$3.00 for each certified copy fee to:

Clerk of the Courts, Attn: Probate Dept.  
101 N. Alabama Avenue  
P O Box 6043  
Deland, FL 32721-6043

**Make checks payable to Clerk of the Courts.**

***For additional information contact the Probate department, (386) 736-5914.***