IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT

IN AND FOR ORANGE COUNTY, FLORIDA

IN RE: THE ESTATE OF **CASE #:_____**

Probate Division

_____,

Deceased.

_____/

PETITION TO DETERMINE HOMESTEAD STATUS OF REAL PROPERTY
(A Proposed Order must accompany this *Petition*)

Petitioner(s), _____, allege(s):

1. Petitioner(s), _____, has/have the following interest in the determination of the homestead status for the real property:

   _____

   _____

2. The Decedent, _____, died on _____, domiciled in _____ County, Florida, and was survived by: (*check the box next to each statement that applies*)

   a. ☐ A spouse who has not waived their homestead rights.
   b. ☐ A spouse who has waived their homestead rights. (*attach a copy of waiver*)
   c. ☐ One or more descendants
   d. ☐ One or more heirs at law who are neither a spouse nor a lineal descendant of the decedent.

3. The Decedent (check one)

   a. ☐ Had a will which has been filed in this probate
   b. ☐ Did not have a will and an *Affidavit of Heirs* has been filed with this *Petition*

4. At the time of the Decedent's death, the Decedent owned and resided on the real property located at (*list address of property below*)

_____

Please attach a deed or other complete legal description of the property
Please note that the property appraiser's records generally will not include a full legal description.

5. The decedent owned, as shown on the Property Appraiser's Website (https://ocpaweb.ocpafl.org/dashboard), ____% of the property listed in Paragraph 4 above. (*If the Decedent is the record owner of less than 100% of the property, list the name and address of any others who owned an interest in the real property below*):

   a. _____
   b. _____
   c. _____

6. At the time of the Decedent's death the property was (*check all that apply*)

☐ The Deceased's primary residence

☐ Located inside the city of _____ and

- ☐ consisted or more than ½ acre or
- ☐ consisted of ½ acre or less

☐ Outside the city limits and consisted of _____ acres.

7. The name of the Decedent's surviving spouse, if any, and the names and dates of birth of heirs of the decedent having an interest in the Decedent's estate, if any, and their respective relationships to the decedent are:

NAME	RELATIONSHIP	DATE OF BIRTH

(*attach additional pages as needed*)

8. With respect to the claims of creditors: (*check each statement that is applicable*)

NOTE: All creditors ascertained to have claims must be properly served with a copy of this Petition and the proof of formal service must be filed with the court prior to the entry of the *Order Determining Homestead.* Petitioner acknowledges that any known or reasonably ascertainable creditor who did not receive notice of this petition and for whom provision for payment was not made may enforce the claim and, if the creditor prevails, shall be awarded reasonable attorney fees as an element of cost against those who joined in the petition.

a. ☐ All creditor claims are barred as Decedent is deceased for more than 2 years.

b. ☐ The Petitioner has made a diligent search and reasonable inquiry for any known or reasonably ascertainable creditors and:

i. ☐ The estate is not indebted.

ii. ☐ The estate is indebted and the names, addresses, and amount of each claim is set forth below:

Creditor Name	Nature of Claim	Amount

(Attach additional pages as needed)

9. YES or NO: **CIRCLE ONE** (*or it will be treated as NO*) The only asset in this estate is the referenced real property that the Petitioner seeks to have determined as Homestead Property. There are no other assets available to this estate, other than the decedent's Homestead real property and exempt personal property to satisfy any debts, taxes, claims, or expenses of the administration of this estate. The Petitioner does not anticipate receiving any other assets in the future.

10. The Property constituted the homestead of the decedent within the meaning of Section 4 of Article X of the Constitution of the State of Florida, and Petitioner believes that upon Decedent's death, title to the Property descended to and the constitutional exemption from claims of decedent's creditors inured to (*list the beneficiaries of the property*):

Name of Beneficiary	**Age and DOB if Minor**	**Address**	**Relationship of Beneficiary to Decedent**	**Share**

Note that each beneficiary must either 1) join in this petition 2) file a consent to the petition and waive formal notice or 3) must be sent formal notice of the petition by certified mail and proof of service filed with the court.

11. The only persons having an interest in this proceeding other than the beneficiaries and creditors listed above, are:

Name	Address	Nature of Interest

Attach additional pages as needed. Each interested party must either 1) join in this petition, 2) file a consent to the petition and waive formal notice or 3) must be sent formal notice of the petition by certified mail and proof of service filed with the court.

WHEREFORE, Petitioner requests that an Order be entered determining that the Property constituted the exempt homestead of the Decedent, title to which, upon Decedent's death, descended, and the Constitutional exemption from claims inured as set forth in Paragraph 5 above.

Before the relief can be granted all interested parties must either: 1) sign this petition, 2) sign a joinder, waiver and consent that is filed with the court, or 3) be served by formal notice with a copy of the return of service filed with the Court. Add additional pages as needed.

Under penalties of perjury, I declare that I have read the *Petition to Determine Homestead of Real Property*, and the facts alleged are true, to the best of my knowledge and belief. I join in this *Petition* and waive further notice.

Signature _____ Print Name _____

Phone Number _____ Email address: _____

Mailing Address _____

Under penalties of perjury, I declare that I have read the *Petition to Determine Homestead of Real Property*, and the facts alleged are true, to the best of my knowledge and belief. I join in this petition and waive further notice.

Signature _____ Print Name _____

Phone Number _____ Email address: _____

Mailing Address _____

Under penalties of perjury, I declare that I have read the *Petition to Determine Homestead of Real Property*, and the facts alleged are true, to the best of my knowledge and belief. I join in this petition and waive further notice.

Signature _____ Print Name _____

Phone Number _____ Email address: _____

Mailing Address _____

Additional Petitioners should sign this *Petition*.

Attach additional pages as needed.