Please read and follow the instructions for
DISPOSITION OF PERSONAL PROPERTY

PLEASE READ THESE INSTRUCTIONS CAREFULLY. - A FORM WITH INCOMPLETE OR MISSING INFORMATION WILL BE REJECTED BY THE COURT. DISPOSITION OF PERSONAL PROPERTY WITH ADMINISTRATION APPLIES ONLY TO THE FOLLOWING:

1. **Exempt Personal Property §732.402 Florida Statutes:**

□ Household furniture, furnishings and appliances in the decedent's usual place of abode with a net value of $20,000 as of date of death.
□ Two (2) motor vehicles with a gross vehicle weight GVW less that 15,000 lbs. held in the decedent's name and regularly used by the decedent.
□ Qualified tuition programs under Section 529 of the Internal Revenue Code (IRC) of 1986; and Florida pre-paid college trust funds.
□ Benefits paid via Section 112.1915 Florida Statutes. (Teachers and school administrators; death benefits).
□ Exempt property shall be exempt from all claims against the estate except perfected security interests.

2. **Non-Exempt Personal Property §735.301 Florida Statutes,** the value of which **DOES NOT EXCEED** the sum of the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the decedent's last illness.

□ Bank accounts and accounts holding the decedent's money are non-exempt personal property; the accounts are non-tangible personal property, and not exempt from creditors and subject to limitations on distribution as noted above.

NOTE: IF THERE ARE ESTATE CREDITORS, OR REAL PROPERTY THIS IS NOT THE PROPER FORM OF ADMINISTRATION.

The Deputy Clerks are here to provide you this form and accept it with your filing fee. The Clerk may, upon request, assist you in the preparation of the required writing. The Clerk CANNOT OFFER LEGAL ADVICE; if you are unsure whether Disposition of Personal Property is the proper filing, you must consult with an attorney.

REQUIREMENTS

- ❑ Disposition without Administration Petition - 4 pages, notarized.
- ❑ Certified Death Certificate
- ❑ Original Will - If the decedent had a will, the original MUST be filed with the verified statement, unless previously filed.
- ❑ Copy of PAID funeral bill.
- ❑ Copy of paperwork showing the asset - copy of stock, bank statement, etc.
- ❑ Copy of last 60 days medical expenses with receipts
- ❑ Consents of any additional heirs with address and notarized signature, or death certificate, if applicable.
- ❑ Filing fee of $231.00 payable to: DeSoto Clerk of Courts.

Disposition of Personal Property Without Administration does not apply when the asset consists of the decedent's Income Tax return. Refer the petitioner to Florida Statute 735.302.

The forms may be sworn to before the deputy clerk or a notary public. After completing the forms, file all documents with the clerk along with the filing fee. All documents will be forwarded to the judge. A plain copy and a certified copy of the Order to Disburse or Transfer Assets will be provided to you. The certified copy is to be presented by you to the financial institution.

ALL SPACES MUST BE COMPLETED

IN THE TWELFTH JUDCIAL CIRCUIT COURT IN AND FOR DESOTO COUNTY, FLORIDA

IN RE: ESTATE OF **PROBATE DIVISION**

File Number _____

_____
(Decedent's Name)

Disposition of Personal Property without Administration
(Verified Statement)

Petitioner alleges:

1. Petitioner, whose name and address are:
   _____
   _____
   _____

and whose Social Security number is ___-___-___ and whose relationship to decedent is: _____.
The decedent, who died at _____ _____
on the _____ of_____, 20____,
was a resident of _____County, and whose last known address was _____
_____. The decedent's age, if known, was _
_____ and whose Social Security number is:___-___-___.
[ ] The decedent left no will.
[ ] The decedent's will was deposited with the Clerk on _____, 20__.

2. So far as is known, the names of the beneficiaries of decedent's estate and of the decedent's surviving spouse, if any, their addresses and relationship to decedent, and the ages of any who are minors are:

NAME	ADDRESS	RELATIONSHIP	AGE (Birth Date if Minor)

3. The estate of decedent consists **only** of personal property exempt from the claims of creditors under the Constitution of Florida, and non-exempt personal property the value of which does not exceed the sum of the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the decedent's last illness, all being described as follows:

EXEMPT:	Description (Describe in detail the nature of the exempt property, including VIN numbers for motor vehicles. Section 732.402 Fla. Stat.	Value

NON-EXEMPT:	Description (Statement(s) required) Banking institution Account Number	Value

Preferred funeral expenses **(statement or receipts must be attached):**

Services by	Amount	Paid or Due

Medical and hospital expenses for last 60 days of last illness **(statement or receipts must be attached):**

Services by	Type of Service	Amount	Paid or Due

Other debts of decedent:

Creditor	Goods or Services (How incurred)	Amount

Requested payment of distribution to:

Name	Property	Amount or Value

I know of no other assets or debts of the decedent except:_____

_____

_____

_____

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true, to the best of my knowledge and belief.

_____
(Signature of Petitioner)

_____
(Address of Petitioner)

_____
Circuit Court, DeSoto County

_____

_____
(Telephone)

Hon. Nadia Daughtrey, Clerk of

By: _____
Deputy Clerk

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this____day of _____, 2024, by_____ (name of person making statement).

_____
(Signature of Notary Public - State of Florida)

_____
(Print, Type, or Stamp Commissioned Name of Notary Public)

□Personally Known OR □Produced Identification

OR: Nadia Daughtrey, Clerk of the Circuit Court

By:_____
Deputy Clerk

IN THE TWELFTH JUDCIAL CIRCUIT COURT IN AND FOR DESOTO COUNTY, FLORIDA

IN RE: _____ File Number _____
Deceased Probate: Division

CONSENT TO DISPOSITION OF PERSONAL PROPERTY

The undersigned consents to _____, the petitioner, receiving the following property:

Description of Asset	**Account Number**	**Dollar Amount**
_____	_____	_____
_____	_____	_____
_____	_____	_____

and waives all claims, rights, title, and interest in said property.

STATE OF FLORIDA
COUNTY OF _____
Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this____day of _____, 2024, by_____ (name of person making statement).
□Personally Known OR □Produced Identification

_____
(Signature of Notary Public - State of Florida)

_____
(Print, Type, or Stamp Commissioned Name of Notary Public)

Statement made before:

_____
(Deputy Clerk or Notary)

My commission expires:

_____
(Signature)

_____
(Print Name)

_____
(Street Address)

_____
(City, State, Zip Code)

_____
(Telephone)

IN THE TWELFTH JUDCIAL CIRCUIT COURT IN AND FOR DESOTO COUNTY, FLORIDA

IN RE: _____ File Number _____
Deceased Probate: Division

AFFIDAVIT

Comes now, the Petitioner of the above-entitled estate, and shows the Court as follows:

1. That the petitioner is qualified and entitled to receive the asset requested in the petition, and that

2. At the time of death, the deceased was unmarried, and deceased had no living children, adopted or natural.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

STATE OF FLORIDA
COUNTY OF _____
Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this____day of _____, 2024, by_____ (name of person making statement).
□Personally Known OR □Produced Identification

_____
(Signature of Notary Public - State of Florida)

_____
(Print, Type, or Stamp Commissioned Name of Notary Public)

Statement made before: _____
(Signature)

_____ _____
(Deputy Clerk or Notary) (Print Name)

_____
My commission expires: (Street Address)

_____
(City, State, Zip Code)

_____
(Telephone)

IN THE CIRCUIT COURT IN AND FOR DeSOTO COUNTY, FLORIDA

IN RE: _____ File Number _____
Deceased Probate: Division

STATEMENT REGARDING CREDITORS

The undersigned, _____, as
PRINT NAME OF PETITIONER

petitioner for the disposition of personal property without administration for the

decedent _____, alleges:

PRINT NAME OF DECEDENT

Diligent search has been made to ascertain the names and location or mailing addresses of any creditors of the decedent and of all other persons having claims or demands against the deceased.

The names and, if known, the addresses of any creditors or other persons ascertained to have claims or demands against the deceased are as set forth below:
(LIST CREDITORS BELOW OR INSERT "NONE" AS APPROPRIATE):

_____

_____

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this____day of _____, 2024, by_____ (name of person making statement).
□Personally Known OR □Produced Identification

_____
(Signature of Notary Public - State of Florida)

_____
(Print, Type, or Stamp Commissioned Name of Notary Public)

Statement made before:

_____
(Signature)

_____ _____

(Deputy Clerk or Notary) (Print Name)

_____

My commission expires: (Street Address)

_____

(City, State, Zip Code)

_____

(Telephone)

IT IS A CRIMINAL OFFENSE TO GIVE FALSE INFORMATION IN THIS STATEMENT

Florida Statutes --
735.301 Disposition of Personal Property without Administration -

(1) No administration shall be required or formal proceedings instituted upon the estate of a decedent leaving only personal property exempt under the provisions of s. 732.402, personal property exempt from the claims of creditors under the Constitution of Florida, and nonexempt personal property the value of which does not exceed the sum of the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses of the last 60 days of the last illness.

(2) Upon informal application by affidavit, letter, or otherwise by any interested party, and if the court is satisfied that subsection (1) is applicable, the court, by letter or other writing under the seal of the court, may authorize the payment, transfer or disposition of the personal property, tangible or intangible, belonging to the decedent to those persons entitled.

(3) Any person, firm or corporation paying, delivering, or transferring property under the authorization shall be forever discharged from any liability thereon.

732.402 Exempt Property

(1) If a decedent was domiciled in Florida at the time of death, the surviving spouse, or, if there is no surviving spouse, the children of the decedent shall have the right to a share of the estate of the decedent as provided in this section, to be designated exempt property.

(2) Exempt Property shall consist of:

(a) Household furniture, furnishings, and appliances in the decedent's usual place of abode up to a net value of $10,000 as of the date of death; and

(b) All automobiles held in the decedent's name and regularly used by the decedent or members of the decedent's immediate family as their personal automobiles.

(3) Exempt property shall be exempt from all claims against the estate except perfected security interests thereon.

(4) Exempt property shall be in addition to any property passing to the surviving spouse or heirs of the decedent under s. 4, Art. X of the Florida Constitution or the decedent's will or by intestate succession, electives share, or family allowance.

(5) Property specifically or demonstratively devised by the decedent's will to any devisee shall not be included in exempt property. However, persons to whom property has been specifically or demonstratively devised and who would otherwise be entitled to it as exempt property under this section may have the court determine the property to be exempt from claims, except for perfected security interests thereon, after complying with the provisions of subsection (6).

(6) Persons entitled to exempt property shall be deemed to have waived their rights under this section unless a petition for determination of exempt property is filed by or on behalf of the persons entitled to the exempt property within 4 months after the date of the first publication of the notice of administration or within 40 days from the date of termination of any proceeding involving the construction, admission to probate, or validity of the will or involving any other matter affecting any part of the estate subject to this section.

Florida Rules of Civil Procedure
Rule 5.420 Disposition of Personal Property without Administration.

(a) **Application.** An interested person may request a disposition of the decedent's personal property without administration. An application signed by the applicant shall set forth the following information:

(1) the description and value of the exempt property;

(2) the description and value of the other assets of the decedent;

(3) the amount of preferred funeral expenses and reasonable and necessary medical and hospital expenses for the last 60 days of the last illness together with accompanying statements or payment receipts; and

(4) each requested payment or distribution or personal property.

(b) **Exempt property.** If the decedent's personal property includes exempt property, or property that can be determined to be exempt property, the application must also be signed by all persons entitled to the exempt property of their representative.

(c) **Preparation.** On request, the clerk shall assist the applicant in the preparation of the required writing.

(d) **Disposition.** If the court is satisfied that disposition without administration is appropriate, the court may, without hearing, by letter or other writing authorize the payment, transfer, or disposition of the decedent's personal property to those persons entitled to it.