Formal and Summary Probate Administration Processes As Recognized by Florida Law by Atwood Miller

Article published on November 25th 2011 | Law

When a senior citizen passes away without legally transferring his assets and money to rightful heirs then the estate is managed as per the probate laws pertaining to that particular state. This is a necessary process recognized by every state and the rules are very strict, especially if youâ€™re residing in Florida. According to Florida probate law, if the deceased hasnâ€™t placed his will then the process of estate administration would be carried out under the supervision of court.

The process begins with issuing a notice in public newspapers that invites all the heirs (to file their claims) and the lenders (to clear debts).

The Florida court recognizes two Probate administration processes: Formal administration (where the assets are above $75,000 and the deceased has passed away in last two years) and Summary administration (where the assets are less than $75,000 and the deceased have died a long time ago). You donâ€™t require a lawyer for summary administration however itâ€™s recommended that you appoint a legal representative for both the cases because it shall increase the chances of your success.

The process of Probate administration has been mentioned below:

First of all, the court identifies the rightful heir to a particular property as per the decedentâ€™s will and checks its validity. If the will has been sketched as per Florida probate laws then it is declared valid. On the contrary, if there are family disputes due to lack of will then the property is fairly distributed to the heirs.

If a personal representative has been mentioned in the Will, his qualifications are verified. The representative has to meet certain conditions. Thereafter, the judge issues a â€œLetter of Administrationâ€ to the personal representative, thereby declaring his authority over the estate.

In such situations, if a dispute arises and the representative fails to perform his duty then itâ€™s the duty of the supervising judge to interfere in the issue and to fix it. His hearing shall be preferred in this case. The last decision (or the Order) is passed by the Judge which shall close the case.

If you are a personal representative of your deceased relatives or, you are an heir who needs to prove his claim over the assets, it is recommended that you hire a seasoned Florida probate lawyer because a legal attorney specializes in the process of probate administration. He shall help you in understanding the complexities of the process.

Article Source:
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Atwood Miller - About Author:
Welcome to a Florida Probate Lawyer Firm - The Law Office Of Adrian Philip Thomas, offers a wide range of quality legal services, a Probate Administration involving the post death administration and

transfer of assets according to a person's Last Will.
You can also read my blog at a Atwood Miller's blog.

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