

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
PROBATE DIVISION**

**CHECKLIST FOR PETITION FOR DISCHARGE**

This checklist shall be completed and e-filed with your Petition. **Please review and sign the applicable certification clause at the end of the checklist prior to submitting it with your Petition and Proposed Order(s). If any of the items below are not checked, please complete "Certification B."** Completing and e-filing this Checklist does not remove any additional obligations imposed by rule or statute.

CASE NUMBER: \_\_\_\_\_ in Re Estate of: \_\_\_\_\_

<input type="checkbox"/>	The inventory was filed.
<input type="checkbox"/>	Proof of publication of the notice to creditors was filed.
<input type="checkbox"/>	<b>OR</b> Decedent has been dead for more than 2 years.
<input type="checkbox"/>	A federal estate tax return (federal Form 706 or 706-NA) was required to be filed for the Estate and the Estate Tax Closing Letter was filed.
<input type="checkbox"/>	A statement regarding creditors was filed.
<input type="checkbox"/>	<b>OR</b> At the time of opening the estate, the Decedent had been dead for more than 2 years.
<input type="checkbox"/>	The notice to creditors was served on the Agency for Health Care Administration.
<input type="checkbox"/>	<b>OR</b> Decedent was under 55 years old at the time of death.
<input type="checkbox"/>	<b>OR</b> At the time of opening the estate, the Decedent had been dead for more than 2 years.
<input type="checkbox"/>	<b><u>No claims have been filed against the estate.</u></b>
<input type="checkbox"/>	<b>OR</b>
<input type="checkbox"/>	<b><u>If claims have been filed against the estate:</u></b>
	<input type="checkbox"/> All claims were withdrawn, paid, or settled, and a satisfaction and release for each claim was filed. Claims that were not satisfied were subject to timely objection; no independent action was filed by the claimant; and were stricken or an affidavit was filed by the personal representative attesting that objections were timely file and no independent actions were filed within time required by law.
	<b>OR</b>
	<input type="checkbox"/> There are insufficient assets to satisfy the outstanding claims and formal notice of the Petition for Discharge was served on all outstanding creditors. <sup>i</sup> Or a Petition and Order to Declare Estate Insolvent has been filed and served on all outstanding creditors.
<input type="checkbox"/>	The Petition for Discharge was signed by the personal representative.

<input type="checkbox"/>          <input type="checkbox"/>	<p>The residuary beneficiaries have consented to the petition for discharge and have waived the annual accounting and notarized receipts have been filed from the specific beneficiaries.</p> <p><b>OR</b></p> <p>Waivers and receipts were not filed for one or more beneficiaries. However, those beneficiaries were served a copy of the final accounting and the Petition for Discharge, and the objection period has expired.</p>
<input type="checkbox"/>          <input type="checkbox"/>	<p>The Petition for Discharge was served on unsatisfied creditors.</p> <p><b>OR</b></p> <p>There are no unsatisfied creditors.</p>
<input type="checkbox"/>	<p>The signature page of the proposed order contains at least four (4) lines of text and has the case number on it.</p>
<input type="checkbox"/>          <input type="checkbox"/>	<p><b><u>A trust is NOT a beneficiary of the decedent.</u></b></p> <p><b>OR</b></p> <p><b><u>A trust of the decedent IS a beneficiary of the will offered for probate:</u></b></p> <p><input type="checkbox"/> Notice of Trust has been filed</p> <p><input type="checkbox"/> Every trustee is also a personal representative of the estate, and a disclosure of trust beneficiaries was filed. Further, if every trustee is also a personal representative, all qualified trust beneficiaries have consented to the Petition for Discharge. F.S. 731.201(2)(11)</p> <p><b>OR</b></p> <p><input type="checkbox"/> At least one trustee of the decedent's trust is not a personal representative of the estate.</p>

**Please complete the Certification that applies to your filing (either Certification A or Certification B). If the Petitioner is represented by counsel, only counsel must complete the applicable Certification Clause. If the Petitioners is pro se then the applicable Certification must be completed by the Petitioner.**

**CERTIFICATION A:**

The undersigned Petitioner  (print name) \_\_\_\_\_ /Attorney  (print name) \_\_\_\_\_ certifies that he/she has reviewed the information necessary to support the Petition to for Discharge. The Petitioner  /Attorney  further certifies that all the required information was previously filed or filed concurrently with the Petition. The Petitioner  /Attorney  acknowledges that the Petition will not be reviewed by Court staff until the necessary information has been accepted into the OLS and/or e-filing system. The Petitioner  /Attorney  further acknowledges that a hearing may be required to process the Petition.

Petitioner's signature: \_\_\_\_\_

Signed on \_\_\_\_\_, 20\_\_\_\_

**OR**

Attorney's signature: \_\_\_\_\_

Signed on \_\_\_\_\_, 20\_\_\_\_

**CERTIFICATION B:**

The undersigned Petitioner  (print name) \_\_\_\_\_ /Attorney  (print name) \_\_\_\_\_ certifies that he/she has reviewed the information necessary to support the Petition for Discharge. The Petitioner  /Attorney  certifies that, after a diligent search and reasonable effort, the Petitioner  /Attorney  was unable to submit the following information for the following reasons:

The Petitioner  /Attorney  acknowledges that a hearing may be required concerning the deficiency.

Petitioner's signature: \_\_\_\_\_

Signed on \_\_\_\_\_, 20\_\_\_\_

**OR**

Attorney's signature: \_\_\_\_\_

Signed on \_\_\_\_\_, 20\_\_\_\_

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<sup>1</sup> If the estate is insolvent the claims should not be stricken.