

# BELLER SMITH QUICK GUIDE FOR PROBATE AND TRUSTS

## TO OBJECT TO VALIDITY OF WILL, QUALIFICATIONS OF P.R., VENUE OR JURISDICTION

IF SERVED WITH PETITION FOR ADMINISTRATION BY FORMAL NOTICE	20 DAYS FROM SERVICE (Exclusive of day of service)	Pr. R. 5.040(a); Pr. R. 5.201; F.S. 733.2123
AFTER SERVICE OF NOTICE OF ADMINISTRATION	3 MONTHS FROM SERVICE	F.S. 733.212(3); Pr. R. 5.240
NOTICE OF ADMINISTRATION OR OTHER NOTICE SERVED BY A P.R. IS DEEMED TO BE SERVED ON P.R. WHEN ACKNOWLEDGED, WHEN REQUIRED TO BE SERVED, OR WHEN SERVED ON ANYONE ELSE		Pr. R. 5.2405

## FORMAL NOTICE AND E-SERVICE

FORMAL NOTICE MUST BE MADE BY COMMERCIAL DELIVERY SERVICE OR MAIL WHICH REQUIRES A RECEIPT OR BY SERVICE OF PROCESS AS PROVIDED IN THE RULES OF CIVIL PROCEDURE		Pr. R. 5.040(a)(3)
SERVICE IS COMPLETE UPON RECEIPT; NO ADDITIONAL 5 DAYS RESPONSE - 20 DAYS FROM SERVICE (excl. day of service)		Pr. R. 5.040(a)(4), 5.042(d)
E-SERVICE IS REQUIRED; TRADITIONAL SERVICE MAY BE MADE IN ADDITION BUT NOT IN LIEU OF E-SERVICE		Pr. R. 5.040(a); F.S. 731.201(18)
ADVERSARY PROCEEDINGS MUST BE SERVED BY FORMAL NOTICE		Fl. R. Jud. Admin. 2.516
		Pr. R. 5.025(d)

## TO FILE PETITION FOR EXEMPT PROPERTY

IF NO WILL CONTEST	4 MONTHS FROM SERVICE OF NOTICE OF ADMINISTRATION	F.S. 732.402; Pr. R. 5.406
IF WILL CONTEST OR CONSTRUCTION PROCEEDING	40 DAYS AFTER TERMINATION OF PROCEEDING	F.S. 732.402

## HOMESTEAD

NOTICE OF ELECTION OF SURVIVING SPOUSE TO TAKE ONE-HALF UNDIVIDED INTEREST IN HOMESTEAD	6 MONTHS AFTER DATE OF DEATH; ONCE FILED IT IS IRREVOCABLE	F.S. 732.401
NOTICE OF LIEN ON PROTECTED HOMESTEAD	MUST BE SERVED IN MANNER OF FORMAL NOTICE	Pr. R. 5.402
NOTICE OF TAKING POSSESSION OF HOMESTEAD	MUST BE SERVED IN MANNER OF FORMAL NOTICE ON INTERESTED PERSONS AND THOSE IN ACTUAL POSSESSION OF PROPERTY	Pr. R. 5.404

## CREDITORS' CLAIMS

TO FILE CREDITOR'S CLAIM OR PR'S PROOF OF CLAIM	LATER OF 3 MONTHS AFTER DATE OF FIRST PUBLICATION OR, AS TO ANY KNOWN OR REASONABLY ASCERTAINABLE CREDITOR, 30 DAYS AFTER SERVICE OF NOTICE TO CREDITORS	F.S. 733.702 (extension for fraud, estoppel, insufficient notice only); 733.2121(3)(a); Pr. R. 5.490; Pr. R. 5.498
	NONCLAIM STATUTE: ALL CLAIMS BARRED 2 YEARS AFTER DEATH	F.S. 733.710
TO OBJECT TO CREDITOR'S CLAIM OR PR'S PROOF OF CLAIM	LATER OF 4 MONTHS AFTER PUBLICATION OF NOTICE TO CREDITORS OR 30 DAYS FROM TIMELY FILING OF CLAIM	F.S. 733.705(2) (extension for good cause shown); Pr. R. 5.496; Pr. R. 5.499 (service of objection within 10 days of filing)
TO BRING INDEPENDENT ACTION ON CLAIM OR DECLARATORY ACTION	30 DAYS FROM DATE OF SERVICE OF OBJECTION	F.S. 733.705(5) (PR must agree in writing to an extension)

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