

CLERK OF THE CIRCUIT COURT SEVENTH JUDICIAL CIRCUIT,
VOLUSIA COUNTY, FLORIDA, PROBATE DIVISION

Instruction Sheet for Disposition of Personal Property Without Administration
Florida Statute 732.402, 735.301 and Florida Probate Rules 5.420 & 5.205(a)(4)

This proceeding is used to pay funeral expenses up to \$6,000 and reasonable medical bills made within the last 60 days of the decedent's last illness. Payment can be made direct to the funeral home, doctor, hospital or other medical facility; or, to reimburse out of pocket money paid by another party on behalf of the decedent for these debts.

NOTE: The court recognizes prepaid funeral arrangements and the existence of insurance programs for the purpose of paying final expenses, i.e. Colonial Penn. Given this situation without regard to the named beneficiary the policy is deemed to be an asset of the decedent and will not be considered when determining "out of pocket" money.

To Qualify:

1. Decedent must be a resident of Volusia County.
2. Decedent cannot own any real estate.
3. Qualified expenses must be equal to **or more** than the assets of the estate. For example, the funeral bill up to \$6,000 must be equal to or more than the bank account balance.
4. **First priority is payment of the decedent's last rights.** When there is an unpaid balance the court will authorize payment direct to the debtor before any other distribution is ordered.
5. Prepaid funeral plans or medical expenses paid by insurance cannot be used to qualify for this filing.
6. Cars and household furnishings can only be claimed as exempt property by a surviving spouse or children of the decedent.

Documents Needed:

1. Certified copy of the death certificate without the cause of death.
2. Copy of the funeral bill that shows the amount of the bill and, if paid, who paid it.
3. Proof of payment by anyone claiming to have paid the final expenses.
4. Copy of documentation that shows ownership of the asset(s) to be distributed or transferred, i.e. copy of bank statement, front page of insurance policy, copy of stock certificate, etc.
5. Notarized consent from surviving spouse and adult children.

Process:

1. Print the Disposition Affidavit from our website, www.clerk.org.
2. Fill out the Affidavit also known as the Disposition Verified Statement:
 - Do not leave any section blank. If a section does not apply indicate N/A or NONE.
 - In Sections 4 A and B be sure to include a complete description of the property. Bank accounts will need to have the name of the bank, type of account and as much of the account number as possible. Vehicles must provide the Make, Model, Model Year and Vin Number. Insurance policies must detail the name of the insurance company and complete policy number.
 - Section 4 C and D has to have specifics of the service provider such as the name, address and type of service provided.

- Requested Payment or Distribution To section must detail the recipients full name and address and proper description of the asset(s) they are to receive along with the value. **NOTE: The court's first priority to pay funeral debts or reimbursement to anyone who paid this debt up to \$6,000 on behalf of the decedent.**
3. Have the Affidavit notarized or bring it to the clerk's office for a deputy clerk to take your oath. A valid ID is required and there is a fee for the clerk to administer this oath.
 4. To avoid delay we encourage you to submit this paperwork in person to the DeLand Probate Office. Trained personnel will provide a preliminary review of the documents for content. When necessary they will ask questions for clarification and assist you with making corrections. **Staff cannot alter what you have provided.**
 5. All paperwork along with the current filing fee, oath fee, and certified copy fee (see our fee schedule for current costs) to:

Clerk of the Courts, Attn: Probate Dept.
101 N. Alabama Avenue
P O Box 6043
Deland, FL 32721-6043

Make checks payable to Clerk of the Courts.

For additional information contact the probate department, (386) 736-5914.