

# **Probate of Wills Without Administration: What You Need to Know**

The probate of wills without administration is also referred to as the “Disposition of Personal Property Without Administration” and, like any probate process, it can be difficult to understand without previous experience with probate courts. Today we’re going to explain the probate of wills without administration and cover what you need to know in terms that are easier to understand.

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### **What is Probate?**

Probate is the legal process by which a deceased person’s estate is distributed to beneficiaries and heirs and any creditors with whom the deceased was indebted are paid off. There are four different types of probate processes – formal administration, summary administration, ancillary administration, and disposition without administration. Today we are focusing on the process of disposition without administration and what it means.

### **Probate of Wills Without Administration**

The probate of wills without administration has a number of names including “disposition without administration” (as mentioned above) and “small estate disposition”. Although this process is referred to as a probate administration process, the fact is that it is actually not a probate administration process at all because there is no administration taking place.

If there is no probate administration, what does this process involve?

When an estate undergoes probate without administration, it means that the estate is going to be used to reimburse the final expenses of the deceased.

# **When is an Estate Eligible for Probate Without Administration?**

Only certain types of estates are eligible for probate without administration. These estates are ones that contain no real estate and in which the value of the estate assets is equal to or less than the cost of final expenses. These final expenses include funeral expenses and reasonable medical expenses that occurred within the last 60 days of the deceased person's final illness.

When it comes to calculating the value of an estate, there are some items that are exempt from the estate valuation, these include personal property noted under Florida statute 732.402; (Household furniture, furnishings, and appliances up to a net value of \$20,000 as of decedent's death and up to two motor vehicles).

# **How Does Probate Without Administration Work?**

The first step in probate without administration is for the personal representative of the estate to file an application with the court for probate without administration that includes an explanation of the value of the exempt property and non-exempt property, the funeral expenses incurred, and medical expenses paid. The application must also include an outline of the payments or distributions that are being requested.

Once the application is submitted to the probate court along with a copy of the death certificate of the deceased, expense receipts, the will of the deceased (if one exists), and the filing fee, the court will review the application and either grant probate without administration or deny it.

If the application for disposition without administration is approved by the judge, they will enter an "Order for Payment of Funds" which directs for the funds from the estate to be distributed as outlined in the submitted petition.

If the application for disposition without administration is denied by the judge, the estate must go through an alternate probate process. If this happens, it is best to consult a probate attorney who can help you to understand why your petition was denied and what your next step in the probate process should be.

# **Do You Need Help From an Attorney in**

# **Relation to the Probate of Wills Without Administration?**

If you need help in relation to the probate of wills without administration, it's best to consult a probate attorney. If you are in the St. Pete, Florida area, attorney Matthew Weidner is the probate attorney of choice. With years of experience with the probate process, attorney Weidner is admitted to practice in the Federal Court, Middle District of Florida, Northern District of Florida and the United States Court of Appeals for the Federal 11th Circuit in Atlanta, Georgia.