

Rule 5.405. Proceedings to Determine Protected Homestead Real Property

(a) Petition. An interested person may file a petition to determine protected homestead real property owned by the decedent.

(b) Contents. The petition shall be verified by the petitioner and shall state:

(1) The date of the decedent's death;

(2) The county of the decedent's domicile at the time of death;

(3) The name of the decedent's surviving spouse and the names of surviving descendants, and a statement as to whether the decedent had any minor children as of the date of death. If so, they should be identified with name and year of birth;

(4) A legal description of the property owned by the decedent on which the decedent resided; and

(5) Any other facts in support of the petition.

(c) Order. The court's order on the petition shall describe the real property and determine whether any of the real property constituted the protected homestead of the decedent. If the court determines that any of the real property was the protected homestead of the decedent, the order shall identify by name the person or persons entitled to the protected homestead real property and define the interest of each.