



ELDER LAW AND ESTATE PLANNING

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Questions about Florida probate from out-of-state personal representative

Question: My mother lives in South Florida. I agreed to act as her personal representative (executor) but she can't really explain just what I'll have to do. I live in Ohio and run a retail store, so I'm trying to get an idea of the demands on my time. Will I have to keep flying to Florida to handle things personally? If I hire a lawyer to handle her estate, will I still need to be in Florida in person? How long will probate take to wrap up?

Answer: Probate rules are complex, and numerous specific forms must be submitted and deadlines met. Florida Probate Court generally requires that a lawyer represent you. An experienced probate attorney will know his/her way through the system. The attorney need not be the same one who drafted your mother's will. (There is an exception to the lawyer requirement: summary administration, which is available for probatable estates under \$75,000, when there are no creditors of the decedent.)

You probably won't have to physically appear in court, or even meet in person with the attorney. Emails and phone calls usually suffice. We do this all the time for clients.

As a personal representative, you must handle many tasks. A sampling: Your mother's

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assets will have to be marshaled, various records located, a final tax return filed, beneficiaries contacted. Assets may have to be liquidated. You can handle the tasks yourself or delegate some or all of them to the attorney.

You ask how long probate takes. In our experience, with formal probate administration, it usually takes between six months to a year to close an estate. It can take longer if problems pop up, which is common. Examples of problems include having to locate a missing heir, finding that the title to a property is defective, dealing with a large number of creditor claims, etc.

Joseph Karp and Jonathan Karp are Florida Elder Law and Estate Planning Attorneys. The Karp Law Firm is located in Palm Beach and St. Lucie counties. It assists clients with wills, trusts, Medicaid and VA benefits planning, special needs planning, asset preservation, probate/trust administration, estate litigation, and probate and elder law mediation.