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## Probate Work with Hill & Kinsella – What to Expect

- 1. Initial Contact-** You and our staff will make an appointment with one of our attorneys for a consultation. The first 30 minutes will be free of charge. Once you have made an appointment, we will send you a short form to complete. The form will help you provide basic information so we can determine whether and what types of probate is needed.
- 2. Determine Need for Probate-** We believe the probate process should only be used when necessary and often people are able to avoid it. During our initial meeting, as long as sufficient information is available, we should be able to determine this. We will move to the next steps only when we have determined the probate is necessary. The two types of probate we use in Florida are the Summary Probate and the Formal Probate. Also, during this meeting, we need to review the Will, if it exists, review who beneficiaries will be and information about the personal representative or executor.
- 3. Draft, Execute & File Pleadings for the Probate-** Once we have been able to gather all necessary information and documentation, we should be able to draft your initial probate pleadings. Once drafted, we will send them to you for your signature. Certain documents may need notarization. After we file, so long as our pleadings meet court approval, the judge will sign Letters of Administration authorizing you, the personal representative, to act on behalf of the estate.
- 4. Authority for Personal Representative, File Inventory, Marshall Assets & Give Notice to Beneficiaries and Creditors-** With Letters of Administration in hand and under our direction, you will have the authority to take control of estate assets. Together, we will work to protect the estate, collect assets and develop an Inventory. The Inventory must be filed with the court within 60 days of the Letters of Administration. It is during Step 4 that you accomplish most of the work of the estate. The amount of time this step takes varies, and depends heavily on the complexity of each estate matter. Complexity is determined by things like assets, beneficiaries, creditors and more. For some the process can be very quick while for others not so. Here we say, "It all depends..." On average, a probate can take 6 months and up to a year, since many of the steps discussed require the court's involvement.
- 5. Make Distribution-** Regardless of the complexities of Step 4, the primary purpose of a probate is to finalize a person's life, and distribute his or her assets to the rightful beneficiaries after having dealt with creditors. Our goal is always to complete and distribute an estate as quickly and efficiently as possible while making sure to properly manage and correctly report to the courts.

6. **Finalize Estate-** Once all creditors have been properly addressed and distribution has been made to all beneficiaries, we will prepare to close the estate. We will need to finalize pleadings for filing with the court so that you, the personal representative, can be released of your duties. Once a judge signs an Order of Discharge, you are released. Our final act will be to report the discharge to the bonding company.

**Probate Fees:** Our Probate fees are usually set at a minimum fee or a percentage of the estate according to Florida statutes. Activities that would cause a fee increase include dealing with improperly prepared wills, the need to find witnesses or others to prove up wills, conflicts between beneficiaries, difficult to find and deal with beneficiaries and extensive work for improperly titled assets. The Florida statutory fee is 3% of the estate for a routine probate. After our minimum fee of \$5,000 it is highly unusual for our fees to exceed the 3%.

Most of the time, when we find ourselves dealing with difficult probate issues, it is because of poor estate planning prior to a person's passing. The best way to contain probate costs is for you to plan your estate properly while living and able. It is never too early to put your estate plan in place.

**A Final Note:** After your first meeting with us, and as long as you proceed, you become part of our "Family of Clients" and we would like to continue to contact you periodically by sending our monthly E-Newsletter, occasional cards or notices of events put on by our office. We want to keep up with you but if you do not wish to hear from us, please let us know and we will honor your wishes.