

First 10 Steps After a Death in Florida

A family guide focused on probate vs. trust administration

This checklist is designed for adult children and family members handling a loved one's estate in Florida. It highlights what to do first, and where the probate process differs from trust administration. It is general information, not legal advice.

1) Secure the home, valuables, and important papers

Lock the residence, safeguard vehicles and valuables, and gather key documents (will, trust, deeds, account statements). You cannot know whether probate or trust administration applies until you understand what was owned and how it was titled.

2) Order multiple certified death certificates

Most families need 8-12 certified copies to deal with banks, insurance, Social Security, and the court.

3) Identify whether a trust exists (and get the full document)

Look for a revocable living trust, estate planning binder, or a pour-over will. A trust may allow private trust administration for trust-titled assets.

4) Make a quick asset map: what avoids probate vs. what doesn't

Beneficiary and jointly owned assets often bypass probate. Assets in the decedent's name alone usually require probate. Assets titled in the trust are handled by trust administration.

5) Choose who will act: Personal Representative vs. Successor Trustee

If probate is needed, the Personal Representative (executor) is appointed by the court. If a trust exists, the Successor Trustee administers trust assets privately.

6) Don't distribute or sell anything yet

Even if everyone agrees, wait. Creditors, taxes, and statutory notices must be handled first. Early distributions can create personal liability.

7) Get legal guidance early to confirm which process applies

Formal probate in Florida generally requires an attorney by law. Trustees are recommended to obtain representation in trust administration because the process encompasses strict notice and accounting rules. Early advice prevents missteps and delays.

8) If probate is needed, determine which type

Summary Administration may be available for smaller estates. Formal Administration is used for most larger or more complex estates.

9) If a trust is being administered, send required notices

Florida law requires trustees to notify qualified beneficiaries and provide trust information and accountings. This protects the trustee and reduces conflict.

10) Start a running ledger of debts, expenses, and asset values

Track bills, property costs, account balances, and receipts. Good records are essential for probate inventories and trust accountings.

Quick “Which Path Are We On?” Checklist

- Likely probate: no trust, and assets in the decedent’s name alone (especially Florida real estate or accounts without beneficiaries).
- Likely trust administration: a trust exists and major assets were properly titled in the trust.
- Often both: a trust exists but wasn’t fully funded, leaving assets outside the trust that require probate first.

Need clarity? Beacon Legacy Law™ helps families navigate Florida probate and trust administration with confidence. If you are unsure which process applies, we can review the estate, explain your responsibilities, and guide you from start to finish.

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