
A CONSUMER EDUCATION GUIDE

Florida Probate + Real Estate Road Map

A practical starting point for families managing inherited property, estate decisions, and a possible home sale.

Educational resource — not legal, tax, title, or financial advice. I am a Realtor, not an attorney. This guide is educational only. Consult a qualified Florida probate attorney and other appropriate professionals for guidance specific to your situation.

Organizing questions, professionals, and next steps for families and real estate.

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What This Guide Is — And Is Not

Losing a family member can leave people balancing grief, deadlines, property expenses, family communication, and unfamiliar court procedures. This guide is designed to help you organize questions and understand the professionals who may be needed when Florida real estate is part of an estate.

Important Legal Disclaimer

Kinsey Haddock is a licensed real estate professional and is not an attorney. Nothing in this guide should be treated as legal, tax, accounting, title, insurance, investment, or financial advice. Probate outcomes depend on the facts, title, estate documents, family circumstances, court orders, and current law. Seek advice from a qualified Florida probate attorney before acting.

A Realtor Can Help With the Real Estate Lane

- Discuss property condition, occupancy, market value, likely buyer pool, and sale strategy.
- Coordinate access, vendors, photography, showings, offers, inspections, and the real estate closing process after lawful authority is confirmed.
- Prepare a comparative market analysis and help the authorized seller evaluate real estate choices.
- Communicate with the probate attorney and title/closing professional about real-estate milestones — with the client's permission.

A Realtor Does Not Decide the Legal Lane

- Whether probate is required or which type of administration applies.
- Who inherits, who may serve, whether a will is valid, or whether homestead restrictions apply.
- Whether a court order is required to list, contract, or close; what creditor, tax, or distribution rules control.
- Who has authority to sign. Authority must be established through the proper legal and title process.

Best First Step

If real estate is involved, contact a Florida probate attorney early. Then bring the attorney, title/closing professional, CPA or tax advisor, insurance professional, and experienced Realtor into the same information loop as appropriate.

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Probate in Plain Language

Probate is a court-supervised process used to identify and administer certain assets owned by a person at death, address valid debts and taxes, and transfer remaining property to the people legally entitled to receive it.

Stage	What Generally Happens
Open the estate	File appropriate documents, address the will if one exists, and ask the court for the relief required by law.
Establish authority	The court may appoint a personal representative in a formal administration. Other procedures may work differently.
Identify and protect assets	Locate, secure, insure, maintain, inventory, and value estate property, including real estate.
Address creditors and taxes	Provide legally required notices, evaluate claims, and handle allowed obligations under professional guidance.
Sell or distribute	Real estate may be retained, distributed, or sold depending on authority, title, the will, court requirements, estate needs, and beneficiary decisions.
Close the estate	Complete accounting, distribution, discharge, and other required closing steps.

A Will Does Not Automatically Avoid Probate

A will generally directs distribution and nominates a personal representative, but assets titled solely in the decedent's name may still require probate. Some assets may pass outside probate based on title, beneficiary designation, or trust ownership. Ask counsel and the title professional to review the actual documents.

Useful Terms

- **Decedent:** the person who died.
- **Estate:** the property, rights, and obligations being administered.
- **Personal representative:** the court-appointed fiduciary in a formal administration (sometimes informally called an executor).
- **Beneficiary or heir:** a person who may receive property under a will or applicable law; the terms are not interchangeable in every context.
- **Testate / intestate:** dying with a valid will / without a valid will.

Common Florida Administration Pathways

The names below are orientation points, not a self-selection tool. A probate attorney should determine the appropriate procedure based on the estate, timing, exempt property, creditors, title, and the relief needed.

Formal Administration

A court-supervised administration that commonly includes appointment of a personal representative. It may be appropriate when the estate does not qualify for a simplified procedure, when authority is needed to manage or sell assets, or when complexity requires it.

Summary Administration

Florida law provides a simplified procedure in qualifying circumstances. As of the 2026 statute reviewed for this guide, eligibility may include an estate subject to administration in Florida — less exempt property — not exceeding \$150,000, or a decedent who has been dead more than two years. Other statutory conditions and facts apply.

Disposition Without Administration

A limited procedure may be available for certain very small estates involving specified final expenses and exempt property. It is not a general substitute for probate and may not solve real-estate title issues.

Ancillary Administration

A Florida proceeding may be required when a person domiciled elsewhere owned Florida real estate or other Florida assets.

Trust or Non-Probate Transfer

Some assets may pass by trust, survivorship title, enhanced life estate deed, or beneficiary designation. The deed and estate plan must be reviewed; do not assume an asset avoids probate.

Current-Law Caution

Dollar thresholds, procedural rules, court forms, and legal interpretations can change. The \$150,000 summary-administration threshold above reflects Florida Statute §735.201 as amended effective July 1, 2026 (CS/HB 1337, Chapter 2026-57, Laws of Florida), reviewed for this guide in September 2026, and it excludes homestead property, exempt personal property, and certain non-probate assets from the calculation. Confirm the current

A Practical 10-Step Probate Real Estate Sequence

Every estate is different, and several steps may overlap. Use this sequence to organize conversations — not to replace instructions from the attorney, court, or title professional.

1 Stabilize the property

Secure doors and keys, address urgent hazards, preserve utilities as appropriate, photograph condition, and confirm suitable insurance coverage. Do not remove or distribute property without guidance.

2 Locate core documents

Find the original will and codicils, death certificates, deeds, mortgage statements, tax bills, insurance policies, HOA/condo records, leases, trust papers, and recent financial statements.

3 Retain Florida probate counsel

Counsel evaluates venue, administration type, homestead, beneficiaries, creditors, authority, and whether court approval may be needed.

4 Confirm who may act

Do not sign a listing agreement or sale contract merely because someone is named in a will. Confirm current legal authority and signing format with counsel and title.

5 Complete title review

A title/closing professional examines the deed, ownership, liens, mortgages, judgments, probate filings, homestead questions, and requirements for insurable title.

6 Evaluate the real estate

The Realtor studies condition, occupancy, repairs, market value, carrying costs, sale timing, as-is positioning, and likely net proceeds.

7 Select and document a strategy

The authorized decision-maker, guided by counsel, chooses whether to hold, distribute, repair, or sell and determines any approvals or beneficiary communication needed.

8 Prepare, market, and contract

Once authorized, the Realtor coordinates preparation and marketing. Offers should account for probate/title requirements, realistic timing, disclosures, and property condition.

Who Can List and Sell the Property?

This is one of the most important questions in a probate transaction. The answer depends on title, the probate procedure, court orders, the will, homestead law, and other facts.

Do Not Assume Signing Authority

Being a child, beneficiary, nominated executor, trustee, power-of-attorney agent, or person paying the bills does not automatically establish authority to sell after death. A power of attorney generally ends at the principal's death. Obtain case-specific guidance.

Documents the Attorney or Title Professional May Request

- Certified death certificate and the original will/codicils, if any.
- Recorded deed and complete property address/legal description.
- Court docket, petition, orders, and Letters of Administration if issued.
- Trust and amendments if title or estate planning involves a trust.
- Marriage, divorce, adoption, or family information relevant to heirship or homestead.
- Mortgage, lien, judgment, HOA/condo, tax, lease, insurance, and code-enforcement information.
- Names and contact information for beneficiaries, heirs, occupants, tenants, and known creditors.

Questions To Resolve Before Accepting an Offer

- Who is the record owner today? Exactly who must sign the listing, contract, deed, and closing documents — and in what capacity?
- Are Letters of Administration current and unrestricted? Does the will grant a power of sale, and does it matter to this transaction?
- Is the property protected Florida homestead, and are a surviving spouse or minor children involved?
- Is court confirmation or a specific sale order needed? Can title insurance be issued, and what probate items remain open?

Real Estate Role

Your Realtor can help assemble the property file and coordinate the real-estate calendar, but the probate attorney and title/closing professional must determine legal authority and insurable title.

Property Care Before and During Probate

Vacant and inherited properties can lose value quickly through deferred maintenance, insurance gaps, moisture, storms, unauthorized entry, or unpaid carrying costs.

Category	What To Check
Access and security	Who has keys? Are locks, alarm codes, garage remotes, and gate access controlled? Is anyone occupying the property?
Insurance	Has the insurer been notified appropriately? Is vacancy covered? Are wind, flood, liability, and landlord risks addressed where applicable?
Utilities and systems	Should power, water, HVAC, dehumidification, pool service, septic, lawn, pest, or storm preparation remain active?
Money and records	Who is authorized to pay taxes, mortgage, HOA/condo dues, repairs, and insurance? Keep receipts and avoid mixing estate and personal funds.
Personal property	Has the attorney approved any removal, storage, sale, donation, or distribution? Photograph and inventory contents before changes.
Occupancy or tenants	Is there a lease? Who receives rent? What notices or protections apply? Refer landlord-tenant questions to counsel.
Condo / HOA	Obtain estoppel information, assessments, violations, litigation information, rules, approvals, and building records as applicable.

Avoid Preventable Problems

Do not let insurance lapse, allow an unauthorized person to move in, promise personal property to family members, make major repairs, discard records, or sign a contract until the authorized decision-maker and professional team have reviewed the situation.

Hold, Distribute, Repair, or Sell?

There is no universal best answer. The right path depends on legal authority, the estate's liquidity, property condition, carrying costs, beneficiary goals, market conditions, tax considerations, and risk.

Sell As-Is

May reduce upfront cash needs and time, but buyers usually price for condition, uncertainty, and repair risk.

Complete Targeted Preparation

Cleaning, contents removal, yard care, safety fixes, and selective improvements may improve marketability without a major renovation.

Renovate Before Sale

May increase price but adds cost, delay, contractor risk, insurance concerns, and decision complexity. Analyze the probable return before committing.

Distribute the Property

Beneficiaries may wish to keep or later sell it, but title, equalization, financing, expenses, homestead, and tax effects require professional review.

Hold as a Rental or Family Asset

Consider management, reserves, insurance, taxes, licensing, HOA/condo restrictions, income expectations, and agreement among the lawful owners.

A Useful Realtor Analysis

- Probable as-is value and prepared-market value as ranges — not guarantees.
- Estimated time, cost, and market reaction for reasonable preparation options.
- Current competition, recent comparable sales, days on market, buyer financing issues, and property-specific barriers.
- Estimated seller net sheet with mortgage, liens, taxes, association amounts, repairs, commissions/compensation, closing costs, and probate/title reserves supplied by the proper professionals.

Tax Basis Reminder

The Probate Property Listing Checklist

Legal and Title Readiness

- Attorney confirms the administration pathway and current authority.
- Title/closing professional opens a preliminary title review early.
- Required court orders, signatures, notices, and expected timing are identified.
- Seller name and capacity are stated correctly in listing and contract documents.

Property Readiness

- Secure and inventory the property; establish approved access procedures.
- Confirm appropriate insurance and document occupancy/vacancy.
- Collect surveys, permits, warranties, repair records, utility information, leases, rental history, and association documents.
- Address safety, moisture, storm, pool, code, septic, well, and deferred-maintenance issues as appropriate.
- Determine what personal property is included, excluded, removed, stored, or sold separately with authorization.

Market Readiness

- Complete a comparative market analysis and discuss an evidence-based pricing range.
- Choose as-is, clean-out, light-preparation, or improvement strategy.
- Approve photography, showing instructions, offer-review process, and communication protocol for interested parties.
- Disclose known material facts as required and avoid representations about matters outside the seller's knowledge.
- Build probate/title flexibility into the timeline without making unnecessary promises.

Coastal Florida Properties

For Florida Panhandle real estate, also gather flood-zone information, elevation documents if available, wind-mitigation and roof records, insurance claim history where appropriate, permits, rental and licensing information, HOA/condo financial and assessment information, and storm-related repair documentation.

How a Probate Sale Can Differ From an Ordinary Sale

Once the property is market-ready, the transaction still benefits from additional coordination among the authorized seller, probate counsel, title/closing professional, Realtor, and buyer's team.

Stage	What's Different
Offer review	Price, financing, deposits, inspections, as-is terms, personal property, cash needs, contingencies, court/title timing, and realistic closing date.
Contract signature	Correct legal seller, fiduciary capacity, number of signers, and any attorney-approved language or addenda.
Inspections	Property access, utilities, condition, repair requests, contents, environmental or septic concerns, and authority to negotiate credits or repairs.
Title work	Probate pleadings/orders, deed chain, mortgages, liens, judgments, taxes, association estoppel, open permits, and title-insurance requirements.
Court involvement	Whether approval or notice is required, when it can be obtained, and what happens if the court timing changes.
Closing	Authorized execution, remote or in-person signing, original documents, payoff and estate proceeds, keys, occupancy, and post-closing property transfer.

Build in Time

A strong contract uses a closing date the professional team believes is feasible. If authority or title is not ready, counsel and the closing professional should help determine whether the property should be marketed now, marketed with special terms, or held until a milestone is complete.

Where Delays Commonly Arise

- Original will or certified documents are missing.
- Heirs, beneficiaries, creditors, or occupants are difficult to identify or contact.
- The person expected to sign has not been appointed or lacks sufficient authority.
- Homestead, family status, title defects, liens, open permits, or association amounts require resolution.
- Multiple decision makers disagree about price, repairs, personal property, or timing.

Who Answers Which Questions?

Professional	Scope
Florida probate attorney	Administration type, filings, will, beneficiaries/heirs, authority, homestead, creditor procedure, court orders, fiduciary duties, and legal strategy.
Title / closing professional	Ownership and deed review, liens and requirements, insurable title, signing documents, settlement, payoff, and recording.
CPA / tax attorney	Basis, capital gains, estate or fiduciary returns, income, deductions, reserves, and tax consequences of sale or distribution.
Probate-experienced Realtor	Market value analysis, property strategy, preparation, marketing, buyer screening, offers, transaction coordination, and communication within the real-estate scope.
Insurance professional	Vacancy, occupancy, wind, flood, liability, landlord, property condition, and continuity of coverage.
Appraiser	Date-of-death or current valuation when a formal appraisal is needed for tax, court, estate, financing, or decision purposes.
Property / vendor team	Management, clean-out, inspection, repairs, lawn/pool, security, storage, environmental, survey, septic/well, and other property needs.

Attorney Source Consulted

This guide used general educational information from Loughlin Law, P.A.'s Florida probate overview, including the broad sequence of opening an estate, identifying and valuing assets, addressing debts and taxes, distributing assets, and closing the administration. The firm is an independent legal source and is not represented here as affiliated with Kinsey Haddock or Coldwell Banker Realty.

Questions To Ask a Florida Probate Attorney

1	Does probate appear necessary for this property, and in which Florida county?
2	Which administration pathway may apply, and why?
3	Who has authority now, and what must happen before anyone can list, contract, or sell?
4	Is the property Florida homestead? How could a surviving spouse, minor child, devise, or heir affect the sale?
5	Does the will grant a power of sale? Is a court order, notice, consent, or confirmation needed?
6	What documents should the Realtor and title company receive?
7	Should title review begin now? Which closing or title professional should be involved?
8	How should property expenses, rent, repairs, insurance, and personal property be handled?
9	What creditor steps or timing could affect a sale or distribution?
10	What happens if beneficiaries disagree?
11	Could ancillary administration be required because the decedent lived outside Florida?
12	What should be completed before the property is marketed, before accepting an offer, and before closing?
13	Which tax questions should be referred to a CPA or tax attorney?
14	What timeline is realistic, and which events could extend it?
15	How will attorney fees, court costs, publication, appraisal, bond, and other expenses be handled?

Probate Property Information Organizer

A working worksheet — fill in what you know, and bring the rest to your first attorney conversation.

Decedent's legal name and date of death

Property address and county

Recorded owner(s) shown on deed

Original will located? Where?

Trust documents or other estate plan located?

Probate attorney / firm / contact

Case number and court county

Person nominated or appointed to act

Letters or relevant order issued? Date?

Beneficiaries / heirs and contact status

Current occupant, tenant, or property manager

Mortgage, liens, judgments, or reverse mortgage

Property tax status and exemptions

HOA / condo association and assessments

Insurance carrier, policy status, vacancy discussed

Utilities and property services

Known repairs, permits, claims, or code issues

Personal property plan

Red Flags That Call for Immediate Professional Guidance

- Foreclosure, tax sale, insurance cancellation, code enforcement, storm damage, active leak, unsafe condition, or unlawful entry.
- A contract, deed, lease, clean-out, distribution, or major repair is being proposed before authority is confirmed.
- The original will cannot be found, multiple wills exist, or someone questions capacity, execution, undue influence, or authenticity.
- A surviving spouse, minor child, blended family, adopted child, estranged heir, unknown heir, or contested relationship may be involved.
- The property may be Florida homestead, jointly owned, trust-owned, subject to a life estate, or titled through a business entity.
- The decedent lived outside Florida but owned Florida property.
- Beneficiaries disagree, someone occupies the home, rent is being collected, or personal property is being removed.
- There are substantial debts, Medicaid/AHCA concerns, IRS issues, judgments, litigation, bankruptcy, or creditor pressure.
- The property includes a business, farm, environmental concern, vacation rental, condo assessment, or complex ownership.
- A buyer or investor is pressuring the family for a quick off-market signature or assignment.

Pause Before Signing

If there is doubt about authority, ownership, homestead, creditor exposure, or title, pause and have a Florida probate attorney and title professional review the facts. Speed is valuable only when the legal and property foundation is sound.

Consumer Protection Reminder

Verify professional licenses, understand who each professional represents, obtain written fee agreements, protect personal and financial information, and be cautious of unsolicited buyers or vendors seeking immediate signatures. Independent valuation and market exposure can help an authorized seller evaluate whether an offer reflects the property's market position.

Personal Representative's Duties — A 7-Step Framework

A visual overview based on the general framework in Kinsey Haddock's original probate real estate consumer flyer. The familiar term *executor* is sometimes used informally; Florida formal administration uses *personal representative*.

1 Review the Will + Stabilize Property

Locate the original will, codicils, trust papers, and burial instructions.

Consult Florida probate counsel and identify interested family members.

Secure, insure, photograph, and protect real and personal property.

2 Open the Estate + Confirm Authority

Counsel determines the proper proceeding and prepares required filings.

The court may appoint a personal representative and issue Letters.

Confirm legal signing authority before listing, contracting, or selling.

3 Identify, Inventory + Value Assets

Locate real estate, accounts, securities, business interests, and valuables.

Collect deeds, statements, leases, tax records, insurance, and debts.

Obtain date-of-death or current appraisals when professionals advise.

4 Manage + Preserve the Estate

Maintain appropriate insurance, utilities, security, and property services.

Track income, expenses, rents, repairs, taxes, and association obligations.

Keep records and estate funds separate; follow fiduciary guidance.

5 Address Creditors + Tax Matters

Provide required creditor notices and respond within legal timeframes.

Evaluate, object to, settle, or pay valid claims with attorney guidance.

Work with a CPA or tax attorney on required returns and tax decisions.

6 Evaluate or Sell Real Estate

Open title review and resolve ownership, homestead, liens, and court needs.

Compare hold, distribute, prepare, repair, and sale alternatives.

If authorized, market, contract, and close with the professional team.

7 Account, Distribute + Close

Prepare required accountings and a lawful plan for remaining assets.

Obtain consents or court approval when required before distribution.

Complete final distributions and seek discharge under counsel's direction.

Educational overview only — not legal, tax, title, accounting, or financial advice. The order and applicability of these activities vary by estate, court procedure, governing documents, title, creditor issues, and current law. Kinsey Haddock is a Realtor, not an attorney. Follow the current, case-specific advice of a qualified Florida probate attorney, title/closing professional, CPA or tax attorney, and other appropriate advisors.

Where To Verify and Learn More

Primary and Professional Sources

Florida Legislature — 2026 Florida Statutes, Chapter 735

Summary administration and related procedures.

leg.state.fl.us/Statutes/

Florida Legislature — 2026 Florida Statutes, Chapter 733

Probate Code: administration of estates.

leg.state.fl.us/Statutes/

The Florida Bar

Consumer information and lawyer referral resources.

floridabar.org/public/

Florida Courts

Court information and links.

flcourts.gov

Loughlin Law, P.A.

General Florida probate attorney overview consulted for this guide.

loughlinlawpa.com/probate-attorney-florida/

No Endorsement or Affiliation

References to outside legal or government sources are for educational verification. Loughlin Law, P.A., the Florida Legislature, The Florida Bar, and Florida Courts have not prepared, approved, sponsored, or endorsed this guide.

Final Disclaimer — Please Read

This guide provides broad educational information as of September 2026. It is not a complete statement of Florida law and may become outdated. It does not determine whether probate is required, establish authority, interpret a will or deed, identify heirs, resolve homestead, calculate taxes, clear title, or recommend a legal outcome. Kinsey Haddock is a Realtor, not an attorney, and does not provide legal advice. Consult a qualified Florida probate attorney, title/closing professional, CPA or tax attorney, insurance professional, and other appropriate advisors before making decisions.

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