

PUBLICATION UPDATE

Route to: _____ _____ _____ _____
 _____ _____ _____ _____

Florida Estates Practice Guide

Publication 737 Release 105 September 2015

HIGHLIGHTS

Federal Tax Update

- This release has been updated with the most recent Probate and Guardianship Forms
- This release has been updated with the recent amendments to sections of the Probate Rules and Amended Florida Statutes
- Attorney fees and estate assessment

“The net tax attributable to nonresiduary devisees is charged and paid from the residuary estate . . .” {See Ch. 4, § 4.50[4][b]}

“All or any part of the costs and attorney fees to be paid from the estate may be assessed against one or more persons’ part of the estate in such proportions as the

court finds to be just and proper [§ 733.106(4)(b), Fla. Stat.]. The court may assess a person’s part of the estate without finding that the person engaged in bad faith, wrongdoing, or frivolousness [§ 733.106(4)(d), Fla. Stat.]” {See Ch. 8, § 8.06}

Some of the forms that were added or revised in this release:

- [P-3.0500] Petition to Waive Bond of Personal Representative
- [P-4.0430] Election of Surviving Spouse to Take a One-half Interest of Decedent’s Interest in Homestead Property
- [G2-065] Order Dismissing Petition to Determine Incapacity
- [G2-075] Notice of Discharge of Guardian of the Person Upon Death of the Ward

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Publication 737, Release 105, September 2015

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Publication 737 Release 105

September 2015

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- 2. This Release Number 105 contains only White Revision pages.
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VOLUME 1

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	2-5 thru 2-11	2-5 thru 2-11
<input type="checkbox"/>	2-73	2-73
<input type="checkbox"/>	4-3 thru 4-7.	4-3 thru 4-7
<input type="checkbox"/>	4-31 thru 4-43	4-31 thru 4-41
<input type="checkbox"/>	4-55 thru 4-63	4-55 thru 4-61
<input type="checkbox"/>	4-87 thru 4-95	4-87 thru 4-93
<input type="checkbox"/>	5-5 thru 5-25	5-5 thru 5-21
<input type="checkbox"/>	5A-3 thru 5A-4.1	5A-3
<input type="checkbox"/>	5A-15 thru 5A-27	5A-15 thru 5A-27
<input type="checkbox"/>	5A-41 thru 5A-53	5A-41 thru 5A-47
<input type="checkbox"/>	6-5 thru 6-6.1	6-5 thru 6-6.1
<input type="checkbox"/>	6-31 thru 6-34.1.	6-31 thru 6-34.1
<input type="checkbox"/>	7-7 thru 7-15	7-7 thru 7-15
<input type="checkbox"/>	7-27 thru 7-29	7-27 thru 7-30.1
<input type="checkbox"/>	7-39 thru 7-51	7-39 thru 7-52.1
<input type="checkbox"/>	7-111 thru 7-112.1.	7-111 thru 7-112.1
<input type="checkbox"/>	8-9 thru 8-25	8-9 thru 8-23
<input type="checkbox"/>	8-109.	8-109
<input type="checkbox"/>	8-123.	8-123
<input type="checkbox"/>	9-3	9-3
<input type="checkbox"/>	9-31 thru 9-35	9-31 thru 9-35
<input type="checkbox"/>	11-9 thru 11-13	11-9 thru 11-13
<input type="checkbox"/>	11-39 thru 11-41	11-39 thru 11-41

VOLUME 2

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	14-3	14-3
<input type="checkbox"/>	14-29 thru 14-33	14-29 thru 14-33
<input type="checkbox"/>	26-11.	26-11 thru 26-12.1
<input type="checkbox"/>	26-27 thru 26-31	26-27 thru 26-29
<input type="checkbox"/>	26-105 thru 26-115	26-105 thru 26-113
<input type="checkbox"/>	26-131 thru 26-139	26-131 thru 26-139
<input type="checkbox"/>	30-1 thru 30-25	30-1 thru 30-19
<input type="checkbox"/>	30-33 thru 30-34.1	30-33 thru 30-34.1
<input type="checkbox"/>	36-3	36-3
<input type="checkbox"/>	36-35.	36-35

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VOLUME 4

Revision

<input type="checkbox"/>	Title page thru App PRG-2.1	Title page thru App PRG-2.1
<input type="checkbox"/>	App PRG-33 thru App PRG-47	App PRG-33 thru App PRG-48.1
<input type="checkbox"/>	App PRG-91 thru App PRG-103	App PRG-91 thru App PRG-104.1
<input type="checkbox"/>	App PRG-119 thru App PRG-143	App PRG-119 thru App PRG-144.1
<input type="checkbox"/>	APP-220.1 thru APP-237	APP-221 thru App-238.3
<input type="checkbox"/>	APP-279	App-279 thru App-280.11
<input type="checkbox"/>	APP-343 thru APP-347	App-343 thru App-348.1
<input type="checkbox"/>	App II-1 thru App III-259	App II-1 thru App III-261
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