

II. HEARINGS

A. MOTION CALENDAR

Motion calendar is held on Mondays and Wednesdays from 9:00 a.m. - 9:45 a.m. For Judge Grossman and Judge Speiser. Judge Seidlin conducts motion calendar only on Mondays.

1. SETTING A MOTION

Contact the Judge's judicial assistant to schedule a motion calendar hearing.

JUDGE	JUDICIAL ASSISTANT	PHONE NUMBERS
*Judge Grossman	Millie Schwartz	(954) 831-7759
Judge Speiser	Lizette Lopez	(954) 831-7805
Judge Seidlin	Joanne Gallo	(954) 831-7815

Copies of the notice of hearing, the motion, and any document to which the motion is addressed shall be in the hands of the Judicial Assistant in advance of the hearing. The original notice shall be sent to the Clerk for filing.

*To be placed on Judge Grossman's motion calendar you must first obtain a date from the judicial assistant and then submit a notice of hearing. You will not be placed on the calendar until the judicial assistant receives your notice of hearing.

*If an attorney needs to cancel a hearing, the attorney who set the hearing must call the Judge's Judicial Assistant at least 24 hours prior to the hearing and must send a Notice of Cancellation.

2. DURATION OF HEARING

Motions may be heard on the motion calendar, provided such matters can be conducted in a total of ten (10) minutes, five (5) minutes equally allocated among the Parties.

3. APPEARANCE BEFORE THE COURT

At motion calendar hearings, the attorney's appearance before the Court will be directed by the bailiff. The attorney should introduce himself/herself to the bailiff and indicate whether the matter is uncontested or contested. If a matter is contested, the Court will hear the petition after all parties have arrived.

B. EX PARTE / VIDEO CONFERENCING

Ex parte is held on Tuesdays and Thursdays for all 3 Judges.* Judge Grossman and Judge Seidlin have expanded their ex parte calendar to include most uncontested matters (refer to Appendix's D - G). Judge Speiser's ex parte is for emergencies only. A court file will not be released for ex-parte until the original petition is filed. The Clerk will check through the papers to be submitted to make sure everything is in order. Any file that is not in proper order will not be given to the attorney.

No application for fees will be deemed an urgent matter. If you believe you have an emergency that is not one of the delineated ex-parte matters, you *must* obtain prior Court approval in *writing* from the respective judge's office.

Letters of administration will not be entered at an ex parte hearing when the Court determines that the posting of a bond is required by the personal representative. In addition, letters will not be entered when the court file reflects a caveat was filed by a beneficiary or other interested person (not a creditor) entitled to formal notice of the administration of decedent's estate.

Video Conferencing: Judge Grossman and Judge Seidlin have started video conferencing for their Tuesday ex parte calendars. To appear via video at the North Satellite use the ex parte request form (see Appendix E for Judge Grossman and Appendix G for Judge Seidlin) and be sure to mark your choice of Deerfield Beach. At this time, the North Satellite in Deerfield Beach is the only site participating in this program, although we hope to add new locations in the future.

1. JUDGE GROSSMAN'S EX PARTE

Tuesdays and Thursdays 9:00-10:00 a.m. Judge Grossman's ex parte calendar has been expanded to include most uncontested matters. For Judge Grossman's Tuesday calendar a party should file, either by hand delivery or fax, any pleadings, motions, or petitions by 11:00 a.m. on the Thursday immediately prior. For Thursday's calendar, a party should file, either by hand delivery or fax, any pleadings, motions, or petitions by 11:00 a.m. on the Tuesday immediately prior. The fax number for the Clerk is (954) 831-6457. If pleadings have been faxed to the Clerk, attorneys will need to bring the originals with them to the hearing. Please note, new files cannot be opened by fax. All filings **MUST** include a completed request form, see Appendix D and E for specifics regarding types of matters to be heard by Judge Grossman.

2. JUDGE SPEISER'S EX PARTE

Tuesdays and Thursdays 9:30-10:00 a.m. Judge Speiser's ex parte is for emergencies only. For Judge Speiser the Clerk's office begins accepting ex-parte matters for processing at 8:00 a.m. You may also fax your ex-parte matter up to 3:00 p.m. the previous day to 831-6457. A court file will not be released for ex-parte until the original petition is filed. The Clerk will check through the papers to be submitted to make sure everything is in order. Any file that is not in proper order will not be given to the attorney. See the Ex parte File Request Form, Appendix C for the list of matters Deemed urgent by the Court.

3. JUDGE SEIDLIN'S EX PARTE

Tuesdays and Thursdays 9:00-10:00 a.m. Judge Seidlin's ex parte calendar has been expanded to include most uncontested matters. For Judge Seidlin's Tuesday calendar a party should file, either by hand delivery or fax, any pleadings, motions, or petitions by 11:00 a.m. on the Thursday immediately prior. For Thursday's calendar, a

party should file, either by hand delivery or fax, any pleadings, motions, or petitions by 11:00 a.m. on the Tuesday immediately prior. The fax number for the Clerk is (954) 831-6457. If pleadings have been faxed to the Clerk, attorneys will need to bring the originals with them to the hearing. Please note, new files cannot be opened by fax. All filings MUST include a completed request form, see Appendix F and G for specifics regarding types of matters to be heard by Judge Seidlin.

C. SPECIAL SET HEARINGS

Specially set hearings are scheduled throughout the week at various times and days depending on the availability of time in a particular Judge's division. A specially set hearing must be scheduled with the Judicial Assistant. After a date has been assigned, the attorney must send a Notice of Hearing and a copy of the Motion to adversary counsel with courtesy copies of both to the Court. All original pleadings are to be forwarded to the Clerk.

III. MATTERS TAKEN UNDER ADVISEMENT

When a matter is taken under consideration by the Court, attorneys are directed not to call or disturb the Judge until a reasonable amount of time has passed from the time all pleadings have been submitted. Attorneys should call the Clerk's office to determine the status of the Order. When a matter has been submitted to the Court for at least 30 days and no response has been received (via an Order or otherwise), a reminder letter may be sent to the Judge.

IV. OPENING/REOPENING FILES

(A list of all filing fees is attached as appendix A)

To open a new file, the attorney can either mail his documents or bring them directly to the Clerk's office. The attorney should provide the Clerk with the following:

A. OPENING NEW FILES

1. FORMAL ADMINISTRATION

FLORIDA STATUTES CHAPTER 733

Filing Fee: \$200.00

WITH WILL (TESTATE)

PETITION

ORIGINAL WILL

ORDER ADMITTING WILL & APPOINTING PERSONAL REPRESENTATIVE

OATH OF PERSONAL REPRESENTATIVE

LETTERS OF ADMINISTRATION

FLORIDA STATUTES CHAPTER 733

Filing Fee: \$200.00

WITHOUT WILL (INTESTATE)

PETITION

ORDER APPOINTING PERSONAL REPRESENTATIVE

OATH OF PERSONAL REPRESENTATIVE
LETTERS OF ADMINISTRATION

**(a) NONRESIDENT PERSONAL REPRESENTATIVE & POSTING
BOND**

Presently a uniform policy among the Probate Judges of the 17th Judicial Circuit requires the posting of a bond for estates involving nonresident personal representatives. A bond to the extent of the value of the assets can be posted at the time of the initial filing. In the alternative, an attorney can wait until the Court enters the Order Admitting Will & Appointing Personal Representative setting the amount of the bond. According to Florida Statute, the decision to require bond is within the discretion of the Court regardless of the language in the will waiving such requirement.

2. SUMMARY ADMINISTRATION

FLORIDA STATUTES 735.201-735.202

Filing Fee: \$115.00

Probate Assets: (1) less than \$75,000 (excluding exempt property*)
or (2) decedent has been dead for more than 2 years.

PETITION FOR SUMMARY ADMINISTRATION

ORIGINAL WILL (IF APPLICABLE)

ORDER ADMITTING WILL (IF APPLICABLE)

PROOF OF PAID FUNERAL EXPENSES & LAST MEDICAL EXPENSES

PROOF OF PAYMENT FOR NURSING HOME EXPENSES INCURRED

DEATH CERTIFICATE

ORDER OF SUMMARY ADMINISTRATION.

*Effective January 1, 2000, for small estates only, the Department of Revenue will no longer require the filing of a tax return and the personal representative may execute an affidavit attesting that the estate is not taxable. The form of the affidavit will be prescribed by the department of revenue. In the case of a nontaxable estate, the court may consider the affidavit prepared pursuant Florida Statute 198.32(2), as evidence of the nonliability for tax. Contact the Department for further information.

3. DISPOSITION OF PERSONAL PROPERTY WITHOUT ADMINISTRATION

FLORIDA STATUTE 735.30

Filing Fee: \$80.00

1. Decedent must have been a Broward County resident
2. Procedure only available for personal property of decedent
3. Disposition forms are available at the Probate Clerk's Office
4. May file forms by mailing to Probate Clerk's Office
5. Reimbursement for funeral expenses (\$3,500 up to \$10,000)
6. Reimbursement for medical expenses incurred within the last 60 days of decedent's death to the extent not covered by insurance.

4. GUARDIANSHIPS

*FLORIDA STATUTES CHAPTER 744 Filing Fee: \$200.00 for Person & Property
\$200.00 for Person only*

PETITION

LETTERS OF GUARDIANSHIP

ORDER APPOINTING GUARDIAN

MANDATORY CHECKLIST FOR GUARDIANSHIP APPLICATIONS

(See appendix B)

APPLICATION FOR APPOINTMENT - **must be Broward county form/available on web site**

FINGERPRINT CARD (IF APPLICABLE) - **must be provided by the Probate Clerk's Office**

INVESTIGATORY FEE (IF APPLICABLE)

FDLE PROCESSING FEE- (IF APPLICABLE)

All investigation forms, including the fingerprint card, are available in the Background Investigation Package that may be obtained in the Probate Clerk's office or at:

www.17th.flcourts.org

B. REOPENING ESTATES

The following procedures must be complied with to reopen a closed estate. No filing fee is required to reopen a closed estate.

1. CLOSED BY ORDER OF DISCHARGE

(a) NO LETTERS NEEDED

File Petition for Subsequent Administration & Order for Subsequent Administration. The assets and beneficiaries should be described with specificity.

(b) LETTERS TO BE REINSTATED

Petition to Reopen & Order to Reopen for Further Administration. Pertinent language in the Petition to Reopen must include "revoke order of discharge and reinstate previous letters." Provided the personal representative remains the same, the clerk's office will use the old letters in the file with a new certification. If the personal representative is a different individual, then the successor personal representative will need to submit an amended petition, an oath of personal representative, and proposed letters of administration. To re-close the estate, a petition and order for discharge must be filed.

(c) NEWLY DISCOVERED ASSETS IN CONTEXT OF SUMMARY ADMINISTRATION

When a new asset is discovered and an order has already been entered by the court, the petitioner can file an amended petition for summary administration, provided the newly discovered asset when added to the existing probate estate does not exceed the statutory threshold for that type of estate administration. A proposed order of summary administration should be provided to the court for entry.

2. CLOSED BY COURT ORDER/LACK OF ACTIVITY (SUA SPONTE)

File Petition and Order To Reopen

File closing papers necessary to complete administration

V. EXEMPT PROPERTY DETERMINATIONS

A. HOMESTEAD

1. STAND-ALONE HOMESTEAD PETITION:

The Probate Judges will no longer entertain stand-alone homestead petitions.

2. SUMMARY ADMINISTRATION PROCEEDINGS:

Generally, when a petitioner files a homestead petition in a Summary Administration proceeding, the Court will not require notice to creditors prior to the issuance of the Homestead Order and Order of Summary Administration. The petitioner must make a diligent search and reasonable inquiry for any known or reasonably ascertainable creditors and serve a copy of the petition on those creditors, and make provision for payment for those creditors to the extent that assets are available. *See, F.S. 735.206*. The petitioner is required to sign the Petition for Summary Administration which must contain a penalty of perjury statement. However, in the event that a Petition for Summary Administration has listed known creditors of the decedent, the Court will require the attorney for the petitioner to schedule a hearing and provide the creditors with formal notice. At the hearing, the Court will either enter the Homestead Order, or deny the Homestead Petition.

3. FORMAL ADMINISTRATION PROCEEDINGS:

In a Formal Administration proceeding, the Court will not enter the Homestead Order until the expiration of the creditor period (three (3) months from the time of publication). Reasonably ascertainable creditors to the extent that their claims are not barred should be served with formal notice of the homestead proceeding. Prior publication is not necessary if two (2) years have passed since decedent's death. In the event, there is a pending sale prior to the creditor period having expired, the Court will state in the "order to sell" that the proceeds are to be placed in either the attorney's escrow account, or a designated depository until the expiration of the creditor period. After the expiration of the ninety (90) day creditor period, the Court will enter the Homestead Order.

B. OTHER EXEMPT PROPERTY DETERMINATIONS

Interested persons must receive formal notice of a Petition to Determine Exempt Property under F.S. 732.402. If an estate is insolvent or the effect of granting a Petition to Determine Exempt Property is that some creditors will not be paid in full, creditors may be interested persons entitled to notice. The total family allowance has been increased to \$18,000. *See, F.S. 732.403*

VI. CLOSING ESTATES

REQUIREMENTS/PLEADINGS TO CLOSE:

1. DEATH CERTIFICATE
2. INVENTORY
3. PROOF OF PUBLICATION
4. FLORIDA TAX RELEASE/OR AFFIDAVIT (IF FINAL CERTIFICATE, NEED ESTATE TAX CLOSING LETTER) *
5. RECEIPT OF BENEFICIARIES
6. VERIFIED STATEMENT REGARDING CREDITORS
- 7 RESOLUTION OR SATISFACTION OF ANY/ALL CLAIMS FILED AGAINST ESTATE**
8. FINAL ACCOUNTING OR WAIVERS OF SAME BY BENEFICIARIES
9. PETITION FOR DISCHARGE
10. SCHEDULE OF DISTRIBUTION (UNLESS WAIVED)
11. REPORT OF DISTRIBUTION (UNLESS WAIVED)
12. ORDER OF DISCHARGE

*Effective January 1, 2000, for small estates only, the Department of Revenue will no longer require the filing of a tax return and the personal representative may execute an affidavit attesting that the estate is not taxable. The form of the affidavit will be prescribed by the department of revenue. In the case of a nontaxable estate, the court may consider the affidavit prepared pursuant *F.S. 198.32(2)*, as evidence of the nonliability for tax. Contact the Department for further information.

** When a claim is filed against an estate in Judge Grossman's division, Judge Grossman requires the attorney for the personal representative to file an objection, and provide formal notice to the claimant. Provided no independent civil action has been filed, the claim can be stricken upon petition and proposed order to strike claim.

VII. DISCRETIONARY DETERMINATION OF SECURITY FOR ESTATES & GUARDIANSHIPS

A. TYPES and DETERMINATION OF SECURITIES

Security for estates and guardianships, as determined by the Court, shall be by bond or depository for probate estates and guardianships. Security is mandatory in all estates when a personal representative is not a resident of the State of Florida. Some factors in determining securities by the Court, but not all, are as follows:

1. Residence of the personal representative
2. The fiduciary qualifications of the personal representative
3. The size of the estate
4. The liquidity of the estate
5. Types of assets consisting of the estate
6. The number of beneficiaries
7. Whether the decedent has been dead for over two years

8. Types of beneficiaries (minors, incapacitated, etc.)
9. The interest the personal representative has in the estate
10. The role the attorney plays in the estate
11. Meeting time standards, promulgated by the Supreme Court

B. DEPOSITORIES IN GUARDIANSHIPS

All depositories must be a designated financial institution under the same conditions and limitations as contained in Florida Statute 69.031. A designated financial institution shall also include a dealer, as defined in Florida Statute 517.021(6), if the dealer is a member of the Security Investment Protection Corporation and is doing business in the state.

VIII. SALE OF REAL PROPERTY IN ESTATES AND GUARDIANSHIPS

The Probate Division requires the following terms included in a petition for an order to sell real property and the proposed order authorizing the sale:

- A. Contract price in the petition and order;
- B. Statement the contract price is the fair market price for the real property and how that conclusion was reached, i.e. an appraisal;
- C. Statement that the transaction is an arm's length transaction, and that the transaction is in the best interest of the estate or guardianship;
- D. The legal description and the street address of the property;
- E. The scheduled closing date (if known);
- F. The order stating that it applies only to the specific sale that is the subject of the petition; and
- G. If the sale transaction is for property sought to be identified as "homestead" property, and if the claims period has not expired, then the order needs to state that the sale proceeds will be held in either
 - (1) the attorney's trust account or the estate or guardianship restricted depository account until further order of this court, or
 - (2) until the creditor's filing period has expired and all claims are paid and/or resolved.

IX. GUARDIANSHIPS

A. EMERGENCY TEMPORARY GUARDIANSHIPS

Prior to the appointment of a guardian but after a petition for determination of incapacity has been filed, the Court may appoint an emergency temporary guardian (etg). The Court must specifically find that there appears to be imminent danger that the physical or mental health or safety of the person will be seriously impaired or that the person's property is in danger of being wasted, misappropriated, or lost unless immediate action is taken.

ETG hearings are conducted by the General Masters. The petitioning attorney must file the appropriate paperwork with the Clerk. The Clerk's office will then provide the attorney with the name and telephone number of the court appointee attorney (caa) assigned to the case. The petitioning attorney should immediately contact the caa. Although the General Masters have certain days and times set aside to conduct etg hearings, due to their inherent emergent nature, the General Masters will hear etg's most anytime. The Clerk's office will provide you with an earlier date and time upon request.

B. BACKGROUND INVESTIGATION

Guardians are required to submit to an initial as well as annual background investigations. Each application package, per administrative order, must be submitted with a mandatory checklist for guardianship applications.

The Mandatory Checklist accounts for the following items:

- (1) Application for Appointment
(Disclosure Stat. for Nonprofit Corp. Guardians; for both see Appendix I)
- (2) \$50.00 Investigatory Fee
- (3) Fingerprint Card
- (4) \$39.00 Fingerprint Card Processing Fee
- (5) Professional guardians must pay an additional \$5.00 to the Clerk for Processing.

1. Prospective Guardians

Prospective guardians must submit the mandatory checklist for guardianship applications along with an application for investigation, application for appointment and the \$50.00 investigatory fee directly to the Clerk's office. Prospective guardians may submit their fingerprint card and \$39.00 fingerprint card fee directly to FDLE although for expediting the appointment process, all guardians are encouraged to submit the cards and fees directly to the Clerk's office.

The fees are the same regardless of where the card is submitted. Guardian's submitting their fingerprint card and \$39.00 fee directly to the Clerk's office must send two separate checks, (1) \$50.00 made payable to the Clerk of Courts and (2) \$39.00 made payable to FDLE.

2. Appointed Guardians

Appointed (nonprofessional) guardians must submit the mandatory checklist for guardianship applications along with an application for investigation, application for appointment and the \$50.00 investigatory fee every year with the filing of their annual accounting. If an extension of time has been granted for the filing of the annual accounting only, the above referenced documents must be filed at the time the annual plan is due.

*The only exceptions to the investigatory process are those guardians that are exempt by court order or are the spouse or child of the ward. These individuals must complete the mandatory checklist indicating they are exempt.

3. Professional Guardians

Professional guardians and employees of professional guardians who owe a fiduciary responsibility to a ward must submit on or before January 15th of every year an application for investigation, application for appointment (disclosure statement for nonprofit corporate guardians), \$50.00 investigatory fee, fingerprint card, and the \$39.00 fingerprint card processing fee as well as the \$5.00 clerk's processing fee. Applications for appointment that fall within the year of a completed investigation must still be accompanied by a mandatory checklist as well as a copy of the Court Monitor's result sheet indicating approval from the January investigation.

Professional guardians may submit their fingerprint card and \$39.00 fingerprint card fee directly to FDLE although for expediting the appointment process, all guardians are encouraged to submit the cards and fees directly to the Clerk's office. The fees are the same regardless of where the card is submitted. Guardian's submitting their fingerprint card and \$39.00 fee directly to the Clerk's office must send two separate checks, (1) \$50.00 made payable to the Clerk of Courts and (2) \$39.00 made payable to FDLE.

C. SETTLEMENTS

It is the policy of the probate division that all settlements arising out of an action filed in civil court must be approved by the civil court judge.

D. GUARDIAN AD LITEMS

In accordance with Florida Statute 744.301, cases involving a minor in which the gross settlement is an amount that is equal to or exceeds \$15,000, the Court, may appoint a guardian ad litem to represent the minor's interests. In cases involving a minor in which the gross settlement is equal to exceeds \$25,000 the Court shall, prior to approval of the settlement, appoint a guardian ad litem. In cases requiring the appointment of a guardian ad litem be sure to submit a Petition and Order for Appointment of Guardian Ad Litem. Please do not place a name in the space provided for the appointment, the Court will appoint an individual they deem best suited to address the issue(s).

E. FEES

1. Attorneys and Guardians

Petitions for Guardians and Attorneys fees must be accompanied by a detailed itemization of the task and the amount of time spent on said task in addition to all other requirements of Florida Statute 744.108. All petitions for fees must include the total amount of prior fees awarded. In addition, all fee petitions must contain the following certification clause:

I hereby certify that any and all required filings, i.e. Annual Plan, Inventory, Annual Accounting, Final Accounting, Annual Application for Appointment, Annual Application for Investigation, as well as all fees, including the investigatory fee, examining committee

and court appointed attorney fees, if applicable, have been filed and paid and I have not received notification that any filing(s) are non-compliant.

Per probate administrative order dated March 4, 1999 all guardians are required to sign in and out of the visitor's log book at every facility for every visit for which they will be seeking compensation. Attorney's fee petitions must have consents from the ward or guardian and if a Veteran's Administration guardianship, from the Veteran's Administration.

2. Special Court Monitors

Special Court Monitors shall serve a copy of their fee petition on the guardian and guardian's attorney. There will be a 30 day period in which a party may file an objection. If, after the 30 days has passed, no objection has been filed, the petition and order will be sent to the Judge for consideration. If an objection is timely filed, the file will be referred to the respective General Master for a hearing.

F. INITIAL INVENTORIES, INITIAL PLAN, ANNUAL ACCOUNTINGS, ANNUAL PLANS, SIMPLIFIED ACCOUNTINGS

Pursuant to administrative order inventories, plans, and accountings must be filed on the appropriate Broward county form. These forms are available free of charge off the Internet at www.17th.flcourts.org and at www.browardbar.org. The forms may also be purchased at the Broward county law library located in room 1800 of the courthouse. The forms are available in hard copy (paper form) for \$20.00 or on a CD ROM for \$10.00.

When filing an accounting, plan or inventory, please remember the following:

- All audit fees are due at the time of filing.
- Statements from financial institutions verifying amounts for inventories as well as for the period ending for accountings must be attached to the report.
- Period ending dates on the annual accounting and annual plan should be the end of the anniversary month of the Guardian's appointment date.
- The inventory must be valued as of the Letters of Guardianship date.
- All reports that are submitted for filing must contain the original signatures of all guardians and attorneys.
- The physician's report for the annual plan must contain the date of the exam as well as the date the physician signed the report.

(See Appendix J - Checklist for Use by Guardian Attorneys and Guardians of Property which helps to ensure that the above requirements are met.)

A copy of any Inventory filed by a fiduciary must also be sent to the Department of Revenue at:
Florida Department of Revenue
General Tax Administration Center
Tallahassee Central Service Center
PO Box 6417
Tallahassee, Florida 32314-6417

G. SHOW CAUSE PROCEDURES

1. Failure to File

Failure to file an inventory, plan, accounting, or any other pleading or fee will result in the issuance of an Order to Show Cause. The Show Cause hearing will be held before a General Master and appearance is mandatory even if you should file prior to the hearing date as you will be required to show good cause for the delay in filing. Fees will not be granted for time attending a show cause hearing unless exceptional circumstances are presented to the General Master.

2. Non Compliant Filing

If the Guardianship Audit division of the Clerk's Office finds any inventory, plan or accounting to be non compliant they will provide the attorney and guardian with the information and request compliance within approximately 15-30 days. If, after that time the file is still non compliant, an Order to Show Cause will issue. The Show Cause hearing will be held before a General Master and appearance is mandatory even if you should file prior to the hearing date as you will be required to show good cause for the delay in filing. Fees will not be granted for time attending a show cause hearing unless exceptional circumstances are presented to the General Master.

H. CLOSING GUARDIANSHIPS

A Judge will not consider a Petition for Discharge if the file is non compliant. Please be sure to have all requirements met, i.e. filing fees, accountings, and plans, prior to the filing of a Petition for Discharge.

X. MENTAL HEALTH

A. INCAPACITY

FLORIDA STATUTES 744.3201, 744.3215, 744.331 Filing Fee: \$87.50

Petitions for Incapacity must be completely and accurately filled out before filed. The alleged incapacitated person's address must be his/her "present" address., not providing the most current address delays the examining committee. If an A.I.P. is moved from the address provided in the petition, please notify the Clerk's office, examining committee, and the court appointed attorney immediately. In addition, All next of kin should be listed in the petition and must be provided with notice and copies of the petition.

B. BAKER ACT

FLORIDA STATUTE 394.463 INVOLUNTARY EXAMINATION Filing Fee: None

A Petition for Involuntary Examination for mental illness may be obtained in the Mental Health division of the Probate Clerk's office. The petition shall be filed in accordance with Florida Statute 394.463, Involuntary Examination. The Petition must contain sworn testimony. If a Judge grants the petition and enters an ex parte order for involuntary examination, Henderson Mental Health Mobile Unit will go to the individual and assess the situation. If the mobile unit finds that further treatment is needed, the individual will be brought to a receiving facility.

C. MARCHMAN ACT

FLORIDA STATUTES CHAPTER 397

Filing Fee: None

A Marchman Act petition is for involuntary assessment and/or treatment for substance abuse. A Petition to Marchman Act may be obtained in the Mental Health division of the Probate Clerk's Office. A hearing will be set before a General Master and the petitioner must be present at that hearing. In addition, the alleged substance abuser must be served the Notice of Hearing or there must be proof that service was Attempted.

XI. COMMON PROBATE MISTAKES

- Omitting the attorney's bar #.
- Omitting the date of death on Petition's for Administration
- Omitting consents from both parents if they are not petitioning to be appointed guardian(s) in minor guardianships
- Improper venue
- Requesting to waive the investigatory fee in cases where the ward is indigent (the investigatory fee is to be borne by the guardian).
- Sending original pleadings to the Judge's office. All original pleadings must be sent to the Clerk.
- Incorrect filing fees
- Omission of attorney or personal representative's signature on pleadings
- Filing the incorrect proposed orders for entry by the Court
- Submitting paperwork with the incorrect case numbers

Failing to file Inventories with the Department of Revenue. Any inventory filed by a fiduciary with the Court, must all be sent to the Department of Revenue at:

Florida Department of Revenue
General Tax Administration Center
Tallahassee Central Service Center
PO Box 6417
Tallahassee, Florida 32314-6417

XII. FREQUENTLY ASKED QUESTIONS

A. ESTATES & TRUSTS

Why is the Judge requiring the personal representative to post bond?

According to *F.S. 733.403*, the Court has the discretion to waive the requirement of filing a bond, require a personal representative to give bond, increase or decrease the bond, or require additional surety. The Court may determine to require bond based on the residency of the personal representative, size, nature and liquidity of estate assets.

Even when the personal representative is the only beneficiary, the Court may still require the posting of bond because it views creditors as other interested persons. The Court has the discretion to require bond even when the will waives the requirement of bond, or the other beneficiaries have signed waivers and consents.

What are the filing fees for the various estate administration proceedings ?

- (a) Disposition of Personal Property Without Administration: \$80.00
- (b) Summary Administration: \$ 115.00
- (c) Formal Administration, Ancillary or Conservatorship: \$ 200.00.

What is required to be filed when all the assets are in a Trust ?

F.S. 737.308, requires the trustee to file with the Probate Court a Notice of Trust for a trust described in *Section 733.707(3)*. The filing fee is \$200.00

My client is pursuing a lawsuit against the decedent for personal injuries, do I need to open an estate? Who can be appointed the personal representative ?

You will need to open a Formal Administration proceeding and have a personal representative appointed by the Court. The personal representative will stand in the decedent's shoes for purposes of the civil lawsuit including serving the complaint on the personal representative. Normally, the Court prefers to appoint an independent personal representative to represent the decedent's estate if the decedent's relatives are unwilling. Generally, the Court would prefer not to appoint the person recommended by the Plaintiff's attorney due to the potential for a conflict of interest.

B. GUARDIANSHIPS

Why do I need an attorney?

Florida Probate Rule 5.030 requires that every guardian must be represented by an attorney admitted to practice in Florida unless the guardian is an attorney admitted to practice in Florida.

Who may be appointed Guardian?

Any Florida resident who is 18 years of age or older or any nonresident of Florida that is (a) related by lineal consanguinity to the ward (b) a legally adopted child of the ward or adoptive parent of the ward © A spouse, brother, sister, uncle, aunt, niece, or nephew of the ward, or someone related by lineal consanguinity to any such person or (d) the spouse of a person other wise qualified.

Who may not be appointed Guardian?

No person who has been convicted of a felony or has a confirmed report of abuse, neglect, abandonment, or exploitation. In addition, no person who may be incapable to perform the duties of guardian due to incapacity or illness or is other wise unsuitable.

What needs to be filed to open a guardianship?

The following forms are required to open a guardianship file:

Petition for Appointment

Order on Petition for Appointment

Letters of Guardianship

Oath of Guardian Investigatory Package (see section IX. Guardianships)

*If the guardianship being opened is for an incapacitated individual, an incapacity file must first be opened.

*Minor guardianships where the parents are petitioning for guardianship are to be filed for the property only.

Why must I be investigated every year?

Broward County investigates guardians at least once a year as part of the Court's responsibility in ensuring that the best interests of the wards are being met.

What is required to be filed for my background investigation?

Nonprofessional Guardians being investigated for the first time must file the following:

Mandatory Checklist (Appendix B)

Fingerprint card

\$39.00 fingerprint card processing fee made payable to FDLE

\$50.00 Court Monitor investigatory fee made payable to the Clerk of Courts

Application for Appointment (Appendix I)

Nonprofessional Guardians filing for their annual reinvestigation must file the following:

Mandatory Checklist

\$50.00 Court Monitor investigatory fee made payable to the Clerk of Courts

Application for Appointment (Appendix I)

Professional Guardians filing for their annual investigation must file the following:

Mandatory Checklist

Fingerprint card

\$39.00 fingerprint card processing fee made payable to FDLE

\$50.00 Court Monitor investigatory fee made payable to the Clerk of Courts

\$5.00 Clerk's Office Processing Fee

Application for Appointment (Disclosure Statement if nonprofit corporate guardian, for both see Appendix I)

Professional Guardians filing for a new case within the year of their annual investigation must file:

Mandatory Checklist

\$5.00 Clerk's Office Processing Fee.

Application for Appointment

(Disclosure Statement if nonprofit corporate guardian, for both see Appendix I)

A copy of the Court Monitor's result sheet indicating approval within the past year.

Where can I get an Application for Appointment?

The Application for Appointment may be obtained from the Clerk's office or on the Circuit's website - www.17th.flcourts.org. You will find the form under administrative orders (probate) IV-01-A-26. This form can also be found in the Background Investigation package available in the Probate Clerk's office or at: www.17th.flcourts.org.

Where can I get fingerprinted?

As a courtesy, guardians may be fingerprinted in the main courthouse by Judge Grossman's court deputy, Terry Moore. Deputy Moore fingerprints in room 826 Mondays -Thursdays from 2:00 p.m. to 4:00 p.m. and on Fridays from 9:00 am to 4:00 p.m.

When must I be reinvestigated?

For nonprofessional guardians, reinvestigations are due at the time of the filing of your annual accounting. If you do not file an annual accounting or if the time to file the annual accounting has been extended then you must file with your annual plan.

For professional guardians, annual investigations are due on or before every January 15th.

I have received Letters of Guardianship, now what are my responsibilities?

As not all guardianships have the same requirements, your attorney should provide you with all of your specific duties. In general you may have to file an initial inventory and initial plan. Annually you may be required to file annual accountings and annual plans as well as submit to annual reinvestigations. If you are a nonprofessional guardian, you may also be required to attend the 8 hour guardianship course that will provide you with much of the information necessary to fulfill your fiduciary obligation.

Where and when can I take the nonprofessional guardianship course?

The nonprofessional guardianship course has been designed to provide nonprofessional guardians with the information necessary to ensure their ward's best interest are being met. Currently, this course is offered through Broward Community College. You can contact BCC at 954-201-2204. Please note, this is not the 40 hour class required to be a professional guardian.

Where can I take the 40 hour class required to be a professional guardian?

Currently, the 40 hour course is available through Broward Community College and the Center for Gerontology. Broward Community College can be contacted at 954-201-2204 and the Center for Gerontology at 954-565-4858.

Where can I get the Broward County accounting forms?

These forms are available online at www.17th.flcourts.org and www.browardbar.org. CD ROM (\$10.00) and hard copy format (\$20.00) of these forms are available in the law library located in the courthouse. The phone number for the law library is 954-831-6226.

Do all guardian's have to send a copy of the ward's inventory to the Department of Revenue?

Yes, prior to the Court approving any inventory filed by a fiduciary, a copy must be sent to the Department of Revenue. Please be sure to forward your inventory to:

Florida Department of Revenue
General Tax Administration Center
Tallahassee Central Service Center
PO Box 6417
Tallahassee, Florida 32314-6417

Can I close out a guardianship if my ward has died or turned 18 even though I am non compliant in some old filing?

No. A case must be in compliant status for an Order of Discharge to be considered by the Judge.

1. AUDITING

Where can I get the Broward County accounting forms?

These forms are available online at www.17th.flcourts.org and www.browardbar.org. CD ROM (\$10.00) and hard copy format (\$20.00) of these forms are available in the law library located in the courthouse. The phone number for the law library is 954-831-6226.

Which forms must I file?

Please consult your attorney regarding your duty as a guardian and the forms you are required to file.

The guardianship software won't download from the Internet site to my computer or I can't get the link to the Broward County web site. What do I do?

You must have the second edition (SE) of Windows 98 or higher. To check which Windows version you have installed on your computer, click on My Computer, click on Help in the tool bar and click on About Windows. You must have Windows 98 SE or second edition. If you are still experiencing problems, Florida Atlantic University has a Guardianship Software help desk available Monday through Friday, 9:00 AM until 4:00 PM to answer technical questions regarding the software. The telephone number is 561-297-3805 or you may e-mail your question to eGov@fau.edu.

I cannot see the entire form on my monitor when I start the Guardianship Reports program.

You must set your monitor to the industry standard of 800 x 600 pixels. To do this, right click on your desk top screen, then go to properties, then settings. Change your settings by moving the arrow to 800 x 600.

Where can I get answers to questions about preparing the annual accounting, initial inventory, annual plan or initial inventory?

In Broward County you may call the guardianship audit division at 954-831-5512.

How do I save my work?

To save your work, you must go into the report that you want to prepare and then you will see a save button on the top of the screen. There is no save button in the information worksheet.

When I save the file, a screen appears (Validation Screen), that says “THE FOLLOWING DATA FIELDS ARE MISSING OR ARE INCORRECT”, what does this mean?

That is a validation screen to remind you that you have not filled out those fields. The program is saving your work.

Where do I get information for the Uniform Case Number?.

Contact your Clerk of the Court Probate division.

County Designator:	Select the county where you file.
Year Designator:	The year the case was opened
Sequential Number:	This number is the case number.
Party/Defendant Identifier:	If not assigned by the Clerk, leave blank.
Branch Location:	If not assigned by the Clerk, leave blank.

How much is the audit fee?

It is based on the estate value as outlined in Florida Statutes Chapter 744, please refer to Appendix A, Probate Mental Health Filing Fees.

When are my reports due?

The reporting due dates are based on the day Guardianship Letters were issued. More specifically, the Initial Inventory & Plan are due 60 days following the issuance of the Guardianship Letters. The Annual Accounting & Plan are due on the 1st day of the 4th month following the anniversary month (which is the month Guardianship Letters were issued).

What is the Guardianship Inception Date?

The Guardianship Inception Date, is the day Letters are signed by a Judge appointing an individual guardian over a minor child or someone declared incapacitated.

I attached a copy of the renewal notice for the CD – Is that sufficient?

It is not. We need a statement or letter (on bank letterhead) that states what the balance was in the accounting as of the period ending date, so we can verify the amount stated on your Accounting or Inventory.

When is my next report due and what period should it cover?.

That depends on your Letters of Guardianship date. All reports are due the 1st day of the 4th month after your anniversary month. For example, if your Letters were issued June 15th, 1999, your first Annual Accounting would be due October 1st, 2000 for the period of June 15, 1999 through June 30th, 2000, due by 10/1/00. The first Annual Plan will be due the same time, October 1st but it covers 7/1/00 through 6/30/01

since the plan covers the coming year and your Initial Plan covered June 15, 1999 through June 30, 2000.

Can I file a simplified accounting?

You must meet the following criteria:

- 1) Guardian of the property
- 2) All assets in the estate are in restricted or frozen accounts
- 3) The only transactions that occur are interest accrual, deposits pursuant to settlement or financial institution service charges.

The ward has individual stocks that I will place into an investment account. Do I record each individual stock or the total of the investment account on the annual accounting?

If you have a consolidated statement from the broker for one investment account and the statement shows each individual stock by number of shares and value, you may use the total of the investment account on the annual accounting. The transfer of the stock to the investment account is recorded on Schedule E (bank transfer schedule). The stock and the investment account are intangible assets.

How do I record the transfer of cash assets in an investment account and stock is subsequently purchased?

If an investment account is opened with cash assets and stocks are purchased through the account, this would be recorded as a decrease in cash assets (schedule D-1) and increase in intangible assets (schedule D-2). Again, if you have a consolidated statement from the broker for one investment account and the statement shows each individual stock by number of shares and value, you may use the total of the investment account on the annual accounting

How do I report the sale of real estate or personal property?

First, determine the gain or loss by subtracting the sale price from the value listed on the prior accounting or inventory, i.e. if the personal residence was valued at \$50,000 on the initial inventory or prior accounting and the residence was sold for \$40,000, there is a \$10,000 loss which is listed on the capital transaction page, schedule C. You do not list the \$40,000 received from the sale as income on schedule A. You do not list the costs associated with the sale as a disbursement on Schedule B this is taken into consideration when determining the loss.

How do I report the purchase of personal property, such as a computer?

On schedule C, write a full description of the personal property, the date the item was purchased and in the gain column list the purchase price. List the purchase price as a disbursement on schedule B-3 or B-4. List the computer as a remaining personal asset on schedule D-2 (c).

On the annual accounting form there is only one Schedule A page for income. Do I report each separate receipt?

Report income that is received on a regular basis and in the same amount such as social security income as “12 X \$400” in the description column. The total “\$4,800.00” is listed in the total column. To report income that changes with each receipt, such as interest and dividends, provide the yearly amount and indicate in the description the number of times the interest or dividend was received during that year. For example, interest from a savings account received 12 times for a total of \$200.00.

Can I attach a form that lists income and disbursements and place the total in the schedules?

No. Each receipt of income and disbursement must be input in the guardianship software program. The form automatically calculates each page and places the total in the summary page.

Why can't I type any information in the summary page?

The summary page is completed from the information you input in the forms. Please make sure that line 9 equals line 13. This shows that the account is balanced.

Is a money market investment account a cash asset or an intangible asset?

If the account is an investment consider it as an intangible asset. Certificates of Deposit are intangible assets, too.

Where do I report the type of account on the report?

Until the forms are revised, please report the type of account on the same line as the bank name. On the annual accounting report, Schedule F-1, do I report the actual sale price of real property or the amount received after closing costs? On Schedule F-1 lists the sale price of the real property. The amount of proceeds received after closing costs is listed as a capital gain on Schedule C. You also list the loss of the property and an increase in the bank account in which the proceeds were deposited.

In the annual plan, does the guardian list all medications taken by the ward during the year or the only the medications the ward is currently taking?

The guardian must list all types of medications taken by the ward in the preceding year.

XIII. APENDIX

A. Filing Fees

B. Mandatory Checklist for Guardianship Applications

C. Ex-parte File Request Form - Judge Speiser Only

D. Memorandum on Uncontested/Ex parte Calendar for Judge Grossman (Including Videoconferencing)

E. Uncontested/Ex-parte Calendar Request Form (Judge Grossman's Division Only) (Including Videoconferencing)

F. Memorandum on Uncontested/Ex parte Calendar for Judge Seidlin (Including Videoconferencing)

G. Uncontested/Ex parte Calendar Request Form (Judge Seidlin's Division Only) (Including Videoconferencing)

H. Guardianship Inventory Accounting and Plan Forms MUST BE DOWNLOADED SEPERATELY FROM WEBSITE

I. Application for Appointment (All Guardians Except NonProfit Corporate Guardians) And Disclosure Statement (Nonprofit Corporate Guardians)

J. Guardianship Audit Checklist

BROWARD COUNTY
PROBATE FILING FEES NOTICE

Effective July 1, 2002

Probate filing fees shall be increased as follows:

Administrator Ad-Litem with Letters	\$200.00
Administrator Ad-Litem	\$ 80.00
Admit Trans to Record	\$105.00
Adversary	\$200.00
Ancillary Administration	\$200.00
Appoint Commissioner	\$ 80.00
Appoint Conservator	\$200.00
Caveat	\$ 80.00
Declaration Death of Missing Person	\$ 80.00
Declaration Preneed Guardian	\$ 80.00
Determination of Beneficiaries	\$ 80.00
Determination of Heirs	\$ 80.00
Determine Homestead	\$ 80.00
Disposition of Personal Property without Administration	\$ 80.00
Family Administration	\$135.00
Foreign Guardian Sell Property Non-Resident	\$ 80.00
Foreign Will to Record	\$105.00
Guardian Ad-Litem	\$ 80.00
Guardianship of Minor - Person Only	\$200.00
Guardianship of Minor	\$200.00
Guardianship of Person	\$200.00
Guardianship of Property	\$200.00
Guardianship of Person and Property	\$200.00
Miscellaneous Probate	\$ 80.00
Notice of Trust	\$ 80.00
Open Safe Deposit Box	\$ 80.00
Petition for Administration	\$200.00
Petition for Cremation	\$ 80.00
Petition to Determine Incapacity	\$87.50
Petition to Appoint Curator	\$200.00
Petition to Compel Production of Will	\$ 80.00
Settlement of Minor's Claim	\$ 80.00

Successor Custodian	\$200.00
Successor Trustee	\$200.00
Summary Administration	\$115.00
Transfer Will to Another State	\$ 80.00
Trusts	\$200.00

MANDATORY CHECKLIST FOR GUARDIANSHIP APPLICATIONS

This form must be submitted with every application package for ALL guardians. Please be sure to "X" every line in your section.

CASE NAME (If Applicable): _____ CASE # (If Applicable) _____ JUDGE (If Applicable): _____
 (Please Print)

GUARDIAN APPLICANT: _____ FORMER NAME: _____
 (Please Print) (Please Print)

GUARDIAN APPLICANT'S ADDRESS: _____
 (Street Address) (City) (State) (zip)

APPLICANT'S SOCIAL SECURITY #: _____ DATE OF BIRTH: _____ SEX: _____ RACE: _____

SPOUSE'S NAME: _____ CHILDREN'S NAMES: _____

EMPLOYER: _____ EMPLOYER CONTACT NAME: _____ EMPLOYER CONTACT PHONE: _____

NONPROFESSIONAL GUARDIANS			
Please "X"			
1. Application Package	<input type="checkbox"/> Initial	<input type="checkbox"/> Annual	
2. Fingerprint Card	<input type="checkbox"/> Attached	<input type="checkbox"/> Annual	<input type="checkbox"/> Sent Directly to FDLE <input type="checkbox"/> Exempt
3. \$39.00 Fingerprint Card Processing Fee	<input type="checkbox"/> Attached	<input type="checkbox"/> Annual	<input type="checkbox"/> Sent Directly to FDLE <input type="checkbox"/> Exempt
4. \$50.00 Court Monitor Investigatory Fee	<input type="checkbox"/> Attached	<input type="checkbox"/> Exempt	
5. Application for Appointment	<input type="checkbox"/> Attached		
<p>Items 2 - 3 are not required for annual reinvestigation, please "X" annual. Items 2 - 4 are not required if exempt by law or court order, please "X" exempt.</p> <p>I hereby give my consent for a background check in accordance with Florida Statutes chapter s.744 to include, but may not be limited to, a check of credit, FDLE, FBI, employment, and Department of Children & Families background.</p> <p>Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true.</p>			
_____ Guardian Signature		_____ Date	

PROFESSIONAL GUARDIANS & EMPLOYEES PER 744.3135			
Please "X"			
1. Application Package	<input type="checkbox"/> Initial	<input type="checkbox"/> Within the past year	<input type="checkbox"/> Annual
2. Fingerprint Card	<input type="checkbox"/> Attached	<input type="checkbox"/> Within the past year	<input type="checkbox"/> Sent directly to FDLE
3. \$39.00 Fingerprint Card Processing Fee	<input type="checkbox"/> Attached	<input type="checkbox"/> Within the past year	<input type="checkbox"/> Sent directly to FDLE
4. \$50.00 Court Monitor Investigatory Fee	<input type="checkbox"/> Attached	<input type="checkbox"/> Within the past year	
5. \$5.00 Clerk's Office Processing Fee	<input type="checkbox"/> Attached		
6. App. for Appointment/Disclosure State.*	<input type="checkbox"/> Attached	<input type="checkbox"/> Employee	
7. A copy of the Court Monitor's result sheet indicating approval within the past year.	<input type="checkbox"/> Attached	<input type="checkbox"/> Annual Reinvestigation	
8. Registered with Statewide Public Guardianship Office	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
9. Attached list of employees who owe a fiduciary responsibility to the ward in accordance with 744.3135	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
<p>Professional Guardians submitting item 7 need not submit items 2 - 4. Please "X" within the past year. * Nonprofit corporate guardians shall file a disclosure statement in lieu of an application for appointment.</p> <p>I hereby give consent for a background check in accordance with Florida Statutes chapter s.744 to include, but may not be limited to, a check of my credit, FDLE, FBI, employment, Statewide Public Guardianship Office, and Department of Children & Families background.</p> <p>In addition, all employees of a professional guardian also consent to all background information being disclosed to their employer.</p> <p>Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true.</p>			
_____ Guardian / Employee Signature		_____ Date	

Guardians are encouraged to submit their fingerprint card and fees directly to the Clerk's office. If you submit your card and fees directly to the Clerk's office, please be sure to send two separate checks: (1) \$50 check made payable to the Clerk of Courts, \$55 if a professional guardian and (2) \$39 check made payable to FDLE

As a courtesy, there will be a deputy fingerprinting in Judge Grossman's chambers, Monday-Thursday from 2-4 and Fridays from 9-4.

Deputy Clerk's Signature _____ Date _____

EX-PARTE FILE REQUEST FORM
(Per Adm. Ord. IV-90-A-4)

Law Firm _____

File # _____ In Re: _____

EX-PARTE MATTER TO BE HEARD

ESTATE MATTERS – CHECK ONE

Pet. Open/Safe/Dep/Box _____

Pet. Curatorship _____

Pet. Protect Assets _____

Pet. Bury/Cremate Decedent _____

Pet. Sell Real Property _____

GUARDIANSHIP MATTERS – CHECK ONE

Pet. Allege Danger/Ward _____

Pet. Protect Assets/Ward _____

Pet. Emerg. Temp. Guardian _____

JUDGE'S PRIOR APPROVAL _____

ATTORNEY SIGNATURE _____

THIS FORM MUST BE COMPLETED, SIGNED, AND PRESENTED, WITH THE YELLOW SLEEVE, TO THE PROBATE CLERK BEFORE THE FILE WILL BE RELEASED FOR AN EX-PARTE MATTER.

MEL GROSSMAN
Circuit Judge
Seventeenth Judicial Circuit of Florida

BROWARD COUNTY COURTHOUSE
201 S.E. 6th Street, Room 790
Fort Lauderdale, FL 33301

TO: All Attorneys Practicing in Division 41 / 43
RE: Tuesday and Thursday Ex Parte and Uncontested Motion Calendar
DATE: January 13, 2000

PLEASE NOTE THESE IMPORTANT CHANGES

JUDGE GROSSMAN'S EX PARTE AND UNCONTESTED MOTION CALENDAR

As a result of the success and positive comments received regarding the Thursday morning Ex Parte and Uncontested Calendar, Judge Grossman will hear ex parte and uncontested matters on Tuesday and Thursday mornings in room 790.

This change will further work towards alleviating the backlog in the Probate division and to decrease the time it takes for attorneys to receive orders on probate matters.

DIVISIONS AFFECTED:

Please note that this change in the ex parte procedure is for **Judge Grossman's** division ONLY (41 / 43) and will now take place on Tuesday and Thursday mornings. Beginning on May 9, 2000, Judge Seidlin will follow this same procedure. This change will not affect the ex parte procedure currently used by Judge Speiser.

START DATE AND TIME:

As of January 25, 2000, Judge Grossman's Tuesday and Thursday morning ex parte and uncontested calendar will be held from 9:00 a.m. until 10:00 a.m..

MATTERS TO BE HEARD:

Any uncontested probate matter, with the exception of:

- *Attorney's fees and costs
- *Guardian's fees and costs
- *Discharge of Estates
- *Approval of Minor Settlements
- *Appointments of Guardians unless the applicant has been investigated and approved by the Court Monitor's Office

DEADLINE FOR FILING:

1. For Tuesday morning's calendar: Any pleadings, petitions, or motions must be hand-delivered to the probate clerk's office, or faxed to the probate clerk by 11 a.m. on the Thursday immediately prior and must include a completed Ex Parte/Uncontested Motion Calendar Request Form (see attached form).

2. For Thursday morning's calendar: Any pleadings, petitions, or motions must be hand-delivered to the probate clerk's office, or faxed to the probate clerk by 11 a.m. on the Tuesday immediately prior and must include a completed Ex Parte/Uncontested Motion Calendar Request Form (see attached form).

3. No new files can be opened by fax. Any attorney who wants to open a new file will need to hand-deliver the appropriate pleadings and the appropriate filing fee (method of payment will either be money order or office check) to the probate clerk's office by 11 a.m. on the Thursday immediately prior for Tuesday's calendar, or on the Tuesday immediately prior for Thursday's calendar.

4. If the pleadings have been faxed to the clerk, attorneys will need to bring the originals with them to court on Tuesday or Thursday morning.

5. The fax number for the probate clerk is: (954) 831-6457.

NOTE: Any pleadings, petitions, or motions that have been delivered to the probate clerk's office by U.S. Mail will NOT be considered for the Ex Parte and Uncontested docket. Any pleadings, motions, or petitions that have been mailed to the clerk will be clocked in as usual and will come up to the Judge for signature during the normal course of business.

REQUEST FORM:

Attorneys will be required to complete the "Ex Parte/Uncontested Motion Calendar Request Form" with any petitions or pleadings that have been faxed or hand-delivered to the probate clerk's office. A copy of that form is attached to this memo.

ESTATE OPENINGS:

An attorney will be permitted to open a new estate during the ex parte/uncontested motion calendar. However, when the Personal Representative of the estate is not a Florida resident, a bond in the amount of the assets of the estate will be required. The attorney may still appear before the Court on the ex parte/uncontested motion calendar to have the Court sign the Order Admitting Will and setting the amount of the bond. Once the bond has been obtained, the attorney should post the bond with the clerk and either appear on a subsequent Tuesday or Thursday morning to have the Letters of Administration signed, or wait for the clerk to send the Letters of Administration to the Judge for signature.

LOCATION:

Upon arriving at the courthouse on Tuesday or Thursday morning, attorneys should proceed directly to Judge Grossman's Chambers, Room 790. The files will be in chambers.

COPIES:

A clerk will certify copies in chambers. Attorneys will be limited to five (5) certified copies, and should bring all necessary copies with them on Tuesday or Thursday morning. Please bring an office check in the amount of \$1.00 for each certified copy being requested.

CONTESTED MATTERS:

If the matter is contested, the attorneys will need to contact Judge Grossman's Judicial Assistant, Millie Schwartz, at (954) 831-7759 to have the matter scheduled.

EMERGENCIES:

If the matter is a true emergency, and the attorney has missed the morning cutoff times for either Tuesday or Thursday morning, the attorney may send a letter to Judge Grossman's office for approval to be placed on the ex parte and uncontested docket.

cc: Dale Ross, Chief Judge
Judge Larry Seidlin
Judge Mark A. Speiser
Carol Ortman, Trial Court Administrator
Barbara Morgan, Manager, Probate Clerk's Office

UNCONTESTED/EX PARTE CALENDAR REQUEST FORM FOR
JUDGE GROSSMANS' TUESDAY & THURSDAY
MORNING HEARING SCHEDULES (9:00-10:00 A.M.)

ATTORNEY _____

FILE # _____

IN RE: _____

I HEREBY REQUEST TO ATTEND JUDGE GROSSMAN'S UNCONTESTED/EX PARTE CALENDAR TO BE HELD ON TUESDAY / THURSDAY (circle applicable day), the _____ day of _____, 2000, IN CHAMBERS ROOM 790, ON THE FOLLOWING MATTERS:

1. _____
2. _____
3. _____
4. _____

PLEASE NOTE: THE COURT WILL NOT HEAR THE FOLLOWING MATTERS DURING ITS UNCONTESTED/EX PARTE CALENDAR SCHEDULE:

1. Attorney's Fees & Costs
2. Guardian's Fees & Costs
3. Discharge of Estates
4. Approval of Minor Settlements
5. Appointments of Guardians unless the Guardian has been investigated and approved by the Court Monitor's Office

I HEREBY CERTIFY that the matters brought before this Court are uncontested, all interested parties have received any required notice of said petition/pleading, and I have not received notification that any party objects to the bringing of said petition/pleading before this Court.

ATTORNEY'S SIGNATURE _____

BAR # _____

LARRY SEIDLIN
Circuit Judge
Seventeenth Judicial Circuit of Florida
(954) 831-7815

Broward County Courthouse
201 S.E. 6th Street
Fort Lauderdale, FL 33301

TO: All Attorneys Practicing in Division 44
RE: Tuesday and Thursday Ex Parte and Uncontested Motion Calendar
DATE: April 7, 2000

PLEASE NOTE THESE IMPORTANT CHANGES

JUDGE SEIDLIN'S EX PARTE AND UNCONTESTED MOTION CALENDAR

As a result of the success regarding the Tuesday & Thursday morning Ex Parte and Uncontested Calendar hearings conducted by Judge Grossman, **Judge Seidlin has adopted the procedure currently in use by Judge Grossman and will hear exparte and uncontested matters on Tuesday and Thursday mornings in room 822 effective on May 9, 2000.**

This change will further work towards alleviating the backlog in the Probate division and to decrease the time it takes for attorneys to receive orders on probate matters.

DIVISIONS AFFECTED:

Please note that this recent change in the ex parte procedure is for **Judge Seidlin's** division (44). Judge Grossman's division (41 / 43) will continue to conduct Ex Parte and Uncontested Calendar hearings on Tuesday and Thursday mornings. This change will not affect the ex parte procedure currently used by Judge Speiser.

START DATE AND TIME:

As of **May 9, 2000**, Judge Seidlin's Tuesday and Thursday morning ex parte and uncontested calendar will be held from 9:00 a.m. until 10:00 a.m..

MATTERS TO BE HEARD:

Any uncontested probate matter, with the exception of:

- *Attorney's fees and costs
- *Guardian's fees and costs
- *Discharge of Estates
- *Approval of Minor Settlements
- *Appointments of Guardians unless the applicant has been investigated and approved by the Court Monitor's Office

DEADLINE FOR FILING:

1. For Tuesday morning's calendar: Any pleadings, petitions, or motions must be hand-delivered to the probate clerk's office, or faxed to the probate clerk by 11 a.m. on the Thursday immediately prior and must include a completed Ex Parte/Uncontested Motion Calendar Request Form (see attached form).
2. For Thursday morning's calendar: Any pleadings, petitions, or motions must be hand-delivered to the probate clerk's office, or faxed to the probate clerk by 11 a.m. on the Tuesday immediately prior and must include a completed Ex Parte/Uncontested Motion Calendar Request Form (see attached form).
3. No new files can be opened by fax. Any attorney who wants to open a new file will need to hand-deliver the appropriate pleadings and the appropriate filing fee (method of payment will either be money order or office check) to the probate clerk's office by 11 a.m. on the Thursday immediately prior for Tuesday's calendar, or on the Tuesday immediately prior for Thursday's calendar.
4. If the pleadings have been faxed to the clerk, attorneys will need to bring the originals with them to court on Tuesday or Thursday morning.
5. The fax number for the probate clerk is: (954) 831-6457.

NOTE: Any pleadings, petitions, or motions that have been delivered to the probate clerk's office by U.S. Mail will NOT be considered for the Ex Parte and Uncontested docket. Any pleadings, motions, or petitions that have been mailed to the clerk will be clocked in as usual and will come up to the Judge for signature during the normal course of business.

REQUEST FORM:

Attorneys will be required to complete the "Ex Parte/Uncontested Motion Calendar Request Form" with any petitions or pleadings that have been faxed or hand-delivered to the probate clerk's office. A copy of that form is attached to this memo.

ESTATE OPENINGS:

An attorney will be permitted to open a new estate during the ex parte/uncontested motion calendar. However, when the Personal Representative of the estate is not a Florida resident, a bond in the amount of the assets of the estate will be required. The attorney may still appear before the Court on the ex parte/uncontested motion calendar to have the Court sign the Order Admitting Will and setting the amount of the bond. Once the bond has been obtained, the attorney should post the bond with the clerk and either appear on a subsequent Tuesday or Thursday morning to have the Letters

of Administration signed, or wait for the clerk to send the Letters of Administration to the Judge for signature.

LOCATION:

Upon arriving at the courthouse on Tuesday or Thursday morning, attorneys should proceed directly to Judge Seidlin's Chambers, Room 822. The files will be in chambers.

COPIES:

A clerk will certify copies in chambers. Attorneys will be limited to five (5) certified copies, and should bring all necessary copies with them on Tuesday or Thursday morning. Please bring an office check in the amount of \$1.00 for each certified copy being requested.

CONTESTED MATTERS:

If the matter is contested, the attorneys will need to contact Judge Seidlin's Judicial Assistant, JoAnn Gallo, at (954) 831-7815 to have the matter scheduled.

EMERGENCIES:

If the matter is a true emergency, and the attorney has missed the morning cutoff times for either Tuesday or Thursday morning, the attorney may send a letter to Judge Seidlin's office for approval to be placed on the ex parte and uncontested docket.

cc: Dale Ross, Chief Judge
Judge Grossman
Judge Mark A. Speiser
Carol Ortman, Trial Court Administrator
Mitzi O'Brien, Manager, Probate Clerk's Office

UNCONTESTED/EX PARTE CALENDAR REQUEST FORM FOR
JUDGE SEIDLIN'S TUESDAY & THURSDAY
MORNING HEARING SCHEDULES (9:00-10:00 A.M.)

ATTORNEY _____
FILE # _____
IN RE: _____

I HEREBY REQUEST TO ATTEND JUDGE SEIDLIN'S UNCONTESTED/EX
PARTE

CALENDAR TO BE HELD ON TUESDAY / THURSDAY (circle applicable day), the
_____ day of _____, 2000, IN CHAMBERS ROOM 822,

ON THE FOLLOWING MATTERS:

1. _____
2. _____
3. _____
4. _____

PLEASE NOTE: THE COURT WILL NOT HEAR THE FOLLOWING MATTERS
DURING ITS UNCONTESTED/EX PARTE CALENDAR SCHEDULE:

1. Attorney's Fees & Costs
2. Guardian's Fees & Costs
3. Discharge of Estates
4. Approval of Minor Settlements
5. Appointments of Guardians unless the Guardian has been investigated and
approved by the Court Monitor's Office

I HEREBY CERTIFY that the matters brought before this Court are uncontested, all
interested parties have received any required notice of said petition/pleading, and I have
not received notification that any party objects to the bringing of said petition/pleading
before this Court.

ATTORNEY'S SIGNATURE _____

BAR # _____

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD
COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

CASE #

JUDGE:

_____/_____
APPLICATION FOR APPOINTMENT AS GUARDIAN

Pursuant to Section 744.3125 of the Florida Guardianship Law, the undersigned submits this Application for Appointment as Guardian of _____ (the Ward) and submits the following information (whenever the space is insufficient, attach additional pages):

1. Name: _____

2. Social Security Number: _____

3. Date and Place of Birth: _____

4. Residence address: _____

5. Mailing address: _____

6. U.S. Citizen? Yes ___ No ___

7. Employer's name and address: _____

Applicant's position: _____

8. Marital status and name of spouse, if any: _____

9. Home telephone number: _____

10. Length of residence in county wherein application is filed: _____

11. If currently serving as guardian for any other ward, list names of each ward, court file number(s), circuit court(s) in which the case(s) is/are pending and whether applicant is acting as the limited or plenary guardian of the person or property or both: (attach additional pages if necessary) _____

12. Does applicant have any physical disabilities? Yes ___ No _____. If yes, please describe and state whether such disability may affect applicant's ability, in any degree, to serve as guardian:

13. Has applicant ever been treated for the following:

- A. Mental condition? Yes ___ No ___
B. Alcohol? Yes ___ No ___
C. Drugs? Yes ___ No ___
D. Other? Yes ___ No ___

Nature of Condition: _____

If "yes" was answered to any of the above, please state date, time, location of treatment and name of physician or professional involved: _____

14. Has applicant ever been judicially determined to have committed abuse or neglect against a child as defined by Florida Statutes? Yes ___ No ___

15. Has applicant ever been the subject of a confirmed report of abuse, neglect, or exploitation which has been contested or upheld pursuant to the provisions of Sections 415.104 and 415.1075, Florida Statutes? Yes ___ No ___

16. Has applicant ever been charged with fraud, misrepresentation or perjury in a judicial or administrative proceeding? Yes ___ No ___

17. Has applicant ever been:

- A. Charged with a felony? Yes ___ No ___
B. Arrested for a felony? Yes ___ No ___
C. Convicted of felony? Yes ___ No ___
D. Entered a plea of guilty or no contest to a felony? Yes ___ No ___

If yes, to any of the above, please furnish details, including type of offense, location and final disposition: _____

18. Has applicant ever been:

- A. Charged with any crime other than a felony? Yes ___ No ___
B. Arrested for any crime other than a felony? Yes ___ No ___
C. Convicted of any crime other than a felony? Yes ___ No ___
D. Entered a plea of guilty or no contest to a crime other than a felony? Yes ___ No ___

If yes, to any of the above, please furnish details, including type of offense, location and final disposition: _____

19. Has applicant ever held a position which required bonding? Yes ____ No ____

20. Has applicant, in the past, ever served as guardian of a person or of a person's property?
Yes ____ No ____ If yes, please describe below, including reason for termination of fiduciary
position: _____

21. Has applicant ever been held in contempt of court or removed as a guardian? Yes ____ No ____
If yes, please describe below: _____

22. Has applicant ever filed for bankruptcy? Yes ____ No ____ If yes, please state date and
location of court: _____

23. What is applicant's relationship to the alleged incapacitated person (or ward, if renewal
application)? _____

24. Is applicant, or applicant's business or corporation or other business entity a creditor of or
providing professional, personal or business services to the incapacitated person? Yes ____ No ____
If yes, please furnish details: _____

25. Is applicant employed by a business, corporation or other business entity which is providing
professional, personal or business services to the incapacitated person? Yes ____ No ____
If yes, please furnish details: _____

26. Is applicant a health care provider for the alleged incapacitated person? Yes ____ No ____

27. Educational history of applicant :

	<u>Name and address</u>	<u>Degree</u>	<u>Date</u>
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High School: _____

College: _____

Other: _____

28. List applicant's employment experience for the past 10 years beginning with the most recent date:

<u>Name and address</u>	<u>Date</u>	<u>Reason for leaving</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

29. Has applicant ever been discharged from employment? Yes ____ No ____ If yes, please explain: _____

30. Has applicant ever been a member of the armed forces of the U.S. ? Yes ____ No ____
If yes, what branch, dates and military serial number: _____

31. PERSONAL REFERENCES. Please give the names, addresses and telephone numbers of three (3) responsible persons who have been closely associated with applicant and who have known applicant for five (5) years or more, not including relatives or spouse:

<u>Name and address</u>	<u>Telephone number</u>
_____	_____
_____	_____
_____	_____

32. Does applicant possess any special educational qualifications (financial, business, or otherwise) that uniquely qualifies applicant to be appointed as guardian? Yes ____ No ____ If yes, please describe: _____

33. Has applicant received instruction and training which covered the legal duties and responsibilities of a guardian, the rights of an incapacitated person, the availability of local resources to aid a ward, and the preparation of habilitation plans and annual guardianship reports, including financial accounting for the ward's property? Yes ____ No ____ If yes, indicate when and where training was received. _____

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on _____, _____.

Applicant

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD
COUNTY, FLORIDA

IN RE: NONPROFIT CORPORATION
(Insert Name)

_____ /

DISCLOSURE STATEMENT

Pursuant to Section 744.3125, Florida Statutes, the undersigned submits this Disclosure Statement for the quarter beginning _____ and ending _____ and submits the following information (whenever the space provided is insufficient, attach additional pages):

1. Name of Nonprofit Corporate Guardian: _____

2. Nonprofit Corporate Guardian' s address:

3. This Nonprofit Corporation is organized under Florida law for (please circle one) religious or charitable purposes.

4. Nonprofit Corporate Guardian' s phone number: _____

5. Professional Guardian' s name and social security number:

6. If currently serving as guardian for any other ward, list names of each ward, court file number(s), circuit court in which the case(s) is/are pending, and whether the Nonprofit Corporate Guardian is acting as the limited or plenary guardian of the person and property or both:

7. Has the Nonprofit Corporation's Professional Guardian ever been treated for the following? If yes, please indicate which professional guardian.

A. Mental condition? Yes ___ No ___

B. Alcohol? Yes ___ No ___

C. Drugs? Yes ___ No ___

D. Other? Yes ___ No ___

Nature of Condition: _____

If "yes" was answered to any of the above, please state date, time, location of treatment and name of physician or professional involved: _____

8. Has the Nonprofit Corporation's Professional Guardian listed ever been judicially determined to have committed abuse or neglect against a child as defined by Florida Statutes? Yes ___ No ___ If yes, please indicate which professional guardian _____

9. Has the Nonprofit Corporation's Professional Guardian ever been the subject of a confirmed report of abuse, neglect, or exploitation which has been contested or upheld pursuant to the provisions of Sections 415.104 and 415.1075, Florida Statutes? Yes ___ No ___

10. Has the Nonprofit Corporation's Professional Guardian ever been charged with fraud, misrepresentation or perjury in a judicial or administrative proceeding? Yes ___ No ___

11. Has the Nonprofit Corporation's Professional Guardian ever been:

A. Charged with a felony? Yes ___ No ___

B. Arrested for a felony? Yes ___ No ___

C. Convicted of felony? Yes ___ No ___

D. Entered a plea of guilty or no contest to a felony? Yes ___ No ___

If yes, to any of the above, please furnish details, including type of offense, location and final disposition: _____

12. Has the Nonprofit Corporation's Professional Guardian ever been:

A. Charged with any crime other than a felony? Yes ___ No ___

B. Arrested for any crime other than a felony? Yes ___ No ___

C. Convicted of any crime other than a felony? Yes ___ No ___

D. Entered a plea of guilty or no contest to a crime other than a felony? Yes ___ No ___

If yes, to any of the above, please furnish details, including type of offense, location and final disposition: _____

12. Has the nonprofit corporation's professional guardian ever been denied bond or had a bond forfeited? Yes ___ No ___ If yes, please provide details, including the name of surety and the date(s) _____

13. Has the nonprofit corporation's professional guardian ever been held in contempt of court or removed as guardian? Yes ___ No ___ If yes, please describe:

14. Has the nonprofit corporation's professional guardian ever filed bankruptcy? Yes ___ No ___ If yes, please state date and location of court: _____

15. Has the nonprofit corporation's professional guardian, or applicant's business, corporation or other business entity ever been a creditor of, or providing professional or business services to any incapacitated person prior to appointment as guardian?
Yes ____ No ____ If yes, please furnish details: _____

16. Has the nonprofit corporation's professional guardian ever been a health care provider for any alleged incapacitated person prior to appointment as guardian?
Yes ____ No ____

17. Educational history of the nonprofit corporation's professional guardian:

<u>Name and Address</u>	<u>Degree</u>	<u>Date</u>
High School _____		
College _____		
Other _____		

18. Has the nonprofit corporation's professional guardian received the minimum of 40 hours of instruction and training as required by Florida Statutes? Yes ____ No ____

19. Please list the nonprofit corporation's professional guardian's continuing education as required by Florida Statutes:

<u>Class</u>	<u>Credit Hours</u>	<u>Date</u>

20. List the names of all wards for whom the corporation is acting as guardian, the court file number and circuit court in which each case is pending and a statement as to whether the corporation is acting as limited or plenary guardian of the person or property or both, of each ward. _____

I hereby certify that the nonprofit corporation filing this disclosure statement is a nonprofit corporation organized for religious or charitable purposes under Florida law.

Under penalties of perjury I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Applicant's signature

Date

**CHECKLIST FOR USE BY GUARDIAN ATTORNEYS
AND GUARDIANS OF PROPERTY**

- _____ DOES THE ANNUAL ACCOUNTING/INITIAL INVENTORY HAVE **ORIGINAL** SIGNATURE(S) OF GUARDIAN(S)?
- _____ HAS THE REQUIRED AUDIT FEE BEEN ATTACHED?
- _____ CHECKS FOR AUDIT FEES AND CERTIFIED COPIES SHOULD NOT BE COMBINED.
- _____ IS THE INITIAL INVENTORY VALUED AS OF THE DATE OF LETTERS OF GUARDIANSHIP?
- _____ DOES THE STARTING BALANCE ON THE ANNUAL ACCOUNTING AGREE WITH THE INITIAL INVENTORY OR THE PRIOR ANNUAL ACCOUNTING?
- _____ HAS A LIST OF ASSETS ON HAND AT CLOSE OF ACCOUNTING PERIOD BEEN PROVIDED WITH THE ANNUAL ACCOUNTING?
- _____ HAVE BANK STATEMENTS OR OTHER DOCUMENTARY EVIDENCE OF **ALL** OF THE WARD'S CASH ASSETS BEEN PROVIDED?
- _____ DO THE BANK STATEMENTS OR OTHER DOCUMENTARY EVIDENCE COVERS THE APPLICABLE TIME PERIOD? (**LETTERS OF GUARDIANSHIP DATE FOR THE INITIAL INVENTORY; ENDING OF PERIOD DATE FOR THE ANNUAL ACCOUNTING**).

THE CHECKLIST ABOVE HAS BEEN PREPARED IN AN ATTEMPT TO REDUCE THE FOLLOWING:

1. COURT ORDERS DISAPPROVING ANNUAL ACCOUNTINGS AND INITIAL INVENTORIES.
2. THE RETURN OF ANNUAL ACCOUNTINGS AND INITIAL INVENTORIES BY GUARDIANSHIP AUDIT.
3. CORRESPONDENCE FROM GUARDIANSHIP AUDIT TO THE ATTORNEYS AND THE GUARDIANS.
4. RESPONSES FROM THE ATTORNEYS AND GUARDIANS TO GUARDIANSHIP AUDIT.
5. THE FILING OF AMENDED ACCOUNTINGS AND AMENDED INITIAL INVENTORIES.

THE USE OF THIS CHECKLIST WILL MAKE PREPARATION AND THE AUDITING PROCESS EASIER FOR ALL PARTIES CONCERNED. YOUR COOPERATION WILL BE GREATLY APPRECIATED.

**A.L. FLAR
PROBATE GUARDIANSHIP AUDITOR**