

What happens if your loved one passed without a will?

When a person dies without a will, it is called dying “intestate.” If a person dies intestate in the state of Florida, the Florida Intestacy Statutes will dictate the distribution of the assets they possessed at the time of their death.

When a person dies without a will and the property is controlled by the Florida Intestacy Statutes, then the property will need to get probated. Probate is a legal process in Florida that is supervised by the court. The main purpose of the Probate system is to satisfy any of your debts, pay taxes, and distribute any property to the rightful beneficiaries.

If you qualify for a summary administration (a simplified administration), the probate administration can take a couple of months. A summary administration in Florida can be done if the person has been deceased for over two years or if the assets are less than \$75,000.

However, if you are required to do a formal administration, then the probate administration can take anywhere between 6 months to over a year in time. During this time the property subject to administration will be in the supervision of the court. During a formal administration, a **personal representative** is appointed to administer your assets.

In a formal administration that is uncontested with no major issues, the expense can run from \$600-\$1000 dollars plus attorney’s fees and costs. [Section 733.6171, Florida Statutes](#) provides a schedule of reasonable compensation for ordinary services in for the formal administration of a Probate estate:

- \$1,500 for estates having a value of \$40,000 or less;
- \$2,250 for estates between \$40,000 and \$70,000;
- \$3,000 for estates between \$70,000 and \$100,000;
- 3% for estates having a value of over \$100,000 and \$1,000,000;
- 2.5% for estates having a value between \$1,000,000 and \$3,000,000;
- 2% for estates having a value between \$3,000,000 and \$5,000,000;
- 1.5% for estates having a value between \$5,000,000 and \$10,000,000; and
- 1% for all above \$10,000,000.