Florida Probate Attorney Breaks Down How to Navigate the Orlando Probate Process

December 18, 2025

December 18, 2025 -

The complex legal process of probate is the subject of a newly released article, "Navigating the Orlando Probate Process: What Every Executor Needs to Know", featuring insights from Tom Moss, an estate planning and probate attorney at Sawyer & Sawyer, P.A. The piece aims to clarify the responsibilities of personal representatives (executors) under Florida law and provide a clear roadmap for managing estate settlement efficiently and legally in Central Florida.

In Florida, probate is a court-supervised process that ensures assets are properly distributed and debts are paid after someone passes away. The individual responsible for managing this process is referred to as the ?personal representative,? and that person holds both legal and fiduciary duties. According to Moss, many families are unaware that even if a will exists, probate is still required in most cases. The article explains that transferring ownership of solely held assets or dealing with creditors cannot happen outside of probate without legal authority from the court.

The article highlights two primary types of probate administration in Florida?formal administration and summary administration. Summary administration, a faster and less expensive option, may be available for

estates valued at less than $75,000 or when the decedent passed away more than two years ago with no outstanding debts. However, most estates involving real property, significant assets, or complex family dynamics require formal administration.

In an effort to help families avoid unnecessary delays, Moss outlines the crucial first steps a personal representative should take, including securing the decedent?s home and locating estate planning documents. He emphasizes that acting too quickly, such as paying creditors before verifying their legal standing or mismanaging estate assets, can result in personal liability for the executor. The article also details statutory deadlines such as the 30-day window for known creditors and a three-month claims period following publication of the legal notice for unknown creditors.

Homestead property in Florida presents additional complications. Though protected from most creditors, it still requires a probate process to clear title for heirs. Because legal fees cannot be paid from homestead value, this aspect of the estate often presents challenges for both families and attorneys navigating the probate system.

Moss also addresses more complex issues, such as ancillary probate for out-of-state decedents who owned Florida property, and blended family scenarios where elective share laws, stepchildren, and prenuptial agreements may come into play. These circumstances underscore the need for careful legal guidance and proper documentation. The article further explains that business interests, rental properties, and jointly owned assets must be carefully evaluated to determine how they pass under probate law.

Another key focus of the article is the importance of planning ahead to avoid probate altogether. Moss explains that revocable living trusts, joint ownership arrangements with rights of survivorship, and clear beneficiary designations are among the most effective tools?but only when they are properly established and maintained. Mistakes in titling or documentation can undermine these strategies and lead families back into the probate process despite their efforts.

The article closes with practical advice for adult children seeking to help their parents prepare. Moss encourages families to take inventory of assets, debts, passwords, and insurance policies, and to store this information securely but accessibly. Open communication, proper estate planning, and timely legal advice, according to Moss, can significantly reduce emotional and legal burdens for surviving family members.

Sawyer & Sawyer, P.A., based in Central Florida, focuses on estate planning, probate, elder law, and special needs planning. Tom Moss is a practicing attorney with extensive experience guiding families through the probate process in Orange, Osceola, Seminole, and Lake Counties. For more information about the

probate process or to access the full article, Navigating the Orlando Probate Process: What Every Executor Needs to Know, visit Sawyer & Sawyer.

###

For more information about Sawyer & Sawyer, Professional Association, contact the company here:Sawyer & Sawyer, Professional AssociationSawyer & Sawyer, PA407-909-1900info@sawyerandsawyer.com8913 Conroy Windermere Rd, Orlando, FL 32835

Sawyer & Sawyer, Professional Association

Sawyer & Sawyer, P.A. is a law firm dedicated to helping you and your family plan for life, deal with disability and death, and protect inheritances for generations to come.

Website: https://sawyerandsawyerpa.com/

Email: info@sawyerandsawyer.com

Phone: 407-909-1900