Sawyer & Sawyer, P.A. Releases New Guidance on Settling an Estate in Florida

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Sawyer & Sawyer, P.A. has published a new educational article, Settling an Estate in Florida: What Executors and Heirs Need to Know, addressing the growing confusion many families face when navigating Florida?s probate system. The article was released in January 2026 amid continued increases in probate filings across the state, driven by population growth, aging demographics, and complex asset structures. It outlines how estate size, asset type, and family cooperation can significantly affect the timeline and cost of estate administration. The guidance is designed for both court-appointed personal representatives and beneficiaries seeking clarity during an often stressful process.

The article draws from practical experience handling Florida probate matters and highlights that probate outcomes often hinge less on estate value and more on preparation and communication. It explains how missing documents, late-discovered assets, or disagreements among family members can cause even modest estates to remain open for months or years. The piece emphasizes that personal representatives in Florida carry legal responsibility for deadlines, creditor notices, and asset management, and may face personal liability if statutory requirements are not met.

One focal point of the article is Florida?s unique homestead laws, which frequently surprise families and out-of-state heirs. Homestead property can appear to be part of the probate estate initially, only to later receive exempt status after court review, delaying sales or distributions. The article explains how the 90-day creditor period, court approval requirements, and title issues can complicate what many families assume will be a straightforward transfer of real estate. These distinctions are especially important in estates where the primary asset is a residence.

The publication also examines intestate estates, where no valid will exists, and explains how Florida law determines who may serve as personal representative and how assets are distributed. According to the article, disputes often arise when multiple family members seek control or disagree on administration strategy, increasing the likelihood of litigation and added costs. Will contests, while less common, are also addressed, with clarification that objections must be based on legal grounds such as improper execution, incapacity, or undue influence, not personal dissatisfaction with the estate plan.

A key feature of the article is a structured 90-day probate roadmap outlining the most critical early steps, including issuance of Letters of Administration, inventory deadlines, creditor notice requirements, and preparation for tax filings. The article notes that missing deadlines, such as the 60-day inventory filing requirement, can result in court sanctions or removal of the personal representative. This framework is intended to help estates remain organized during the most time-sensitive phase of probate.

?Many probate delays and disputes are preventable with early organization and clear communication,? said Cary Moss, attorney at Sawyer & Sawyer, P.A. ?Personal representatives often underestimate the legal and administrative responsibilities involved, especially in Florida. Providing families with a clear understanding of the process helps reduce conflict and protect everyone involved.? Moss focuses her practice on estate planning, probate, special needs planning, and elder law.

The article also addresses probate costs, noting that legal fees, court costs, and professional services can vary widely depending on complexity rather than estate size alone. Smaller estates with poor records or creditor issues may ultimately cost more to administer than larger, well-documented estates. The publication encourages transparency and informed decision-making when working with legal and financial professionals.

Sawyer & Sawyer, P.A. serves individuals and families throughout Central Florida and publishes ongoing educational resources on estate law topics. The full article is available on the firm?s website. For more information, visit Sawyer & Sawyer, P.A. online or review additional estate planning and probate resources published by the firm.

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