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Welcome to the Fisher's Law Office Newsletter.

Providing you with legal information you can use in your everyday life.

## Frequently Asked Questions: Estates and Probate

### **What is an estate?**

An estate is made up of the assets and debts that a person owns when they die. There are two types of estates: testate and intestate. Testate means there is a will and intestate means there is no will.

### **What is probate?**

Probate is the process of distributing a decedent's estate to their heirs. There is a "formal" and "summary" administration in Florida. A summary administration is filed when the value of the estate is under \$75,000.

### **How long does probate take?**

In Florida, a summary probate administration should take 1-2 months and a formal administration should take 6-9 months.

### **Do you have to pay an estate tax?**

In 2024, estates valued at less than \$13,610,000 do not have to pay federal estate (death) tax. Florida does not have an estate tax.

### **Do I need a will?**

I recommend that all of my clients write a will. Without one, Florida statutes dictate who gets what and an "Affidavit of Heirship" must be filled out. This is a long and tedious document used to determine the heirs of the decedent.

### **What is the "elective share"?**

In Florida, if you leave less than 30% of your estate to your spouse, then the surviving spouse can request that the court award them their "elective share", which is equal to 30% of your estate.

### **What do I do with my will?**

A will must be signed before two witnesses and a notary. This is called a "self-proving" will. Also, you should tell your personal representative or your loved ones where the original signed will is kept and instruct them to deliver it to the clerk of the court in the county where you live within 10 days of your death.

### **What about any debts?**

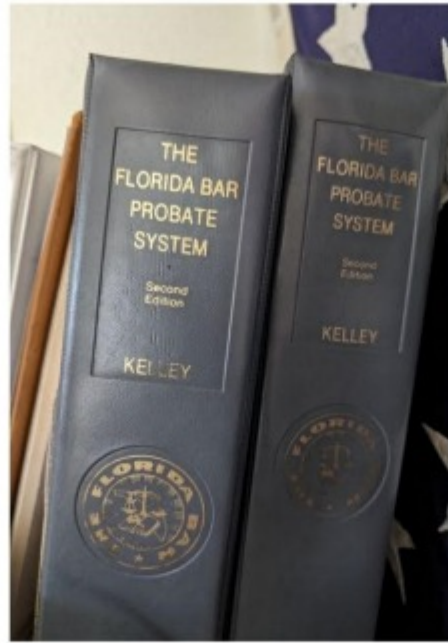
If it has been over two years since the decedent passed away, you do not have to pay back most debts. Otherwise, the debts must be paid from the estate's assets.

### **Do I have to file a probate to transfer a vehicle into my name?**

Cars can be transferred on death without going through probate. To do this you must have a will that says who gets the car and have no debts. To make the transfer, take the will, the death certificate and the car title to the tag agency (tax collector) in your county.

### **What if my house or property was in my name and the decedent's name?**

If the deed for the house or property states "husband and wife", "tenants by the entirety", or "joint tenants with right of survivorship", then you do not have to go through probate. You will need to record the death certificate in the official records of the clerk of the court to effectuate the property transfer.



## PRICE LIST FOR 2023

- Consultation- \$200
- Deeds- \$300 and up
- Simple Will- \$350
- Probate- \$350/hr plus costs
- Living Will- \$125
- Healthcare Surrogate- \$125
- Litigation- \$400/hr plus costs

Call me today at 813-949-2749,  
I'm here ready to serve!



### Education:

- 1977  
Degree in Accounting,  
University of Florida,  
Gainesville, Florida
- 1978  
License Issued  
Certified Public Accountant  
(currently inactive)
- 1983  
Juris Doctorate Degree in Law,  
University of Florida,  
Gainesville, Florida,  
Attorney, State of Florida



### Memberships:

- Florida Bar Association [www.floridabar.org](http://www.floridabar.org)
- BV rated by Martindale Hubbell
- Gaucho Association [www.gauchoassn.com](http://www.gauchoassn.com)

**RALPH B. FISHER. ESQ.**

Please give me a call or schedule an  
appointment to come into the office today!  
I look forward to meeting with you and  
assisting you with your legal needs.

813-949-2749

*Ralph Fisher*

