

**IN THE TENTH JUDICIAL CIRCUIT  
IN AND FOR HARDEE, HIGHLANDS,  
AND POLK COUNTIES, FLORIDA**

**ADMINISTRATIVE ORDER NO. 4-16.0**

**IN RE: ORDERS FOR THE DETERMINATION OF  
HOMESTEAD PROPERTY IN FORMAL ADMINISTRATIONS**

**WHEREAS**, the personal representative has a statutory duty to publish a notice to creditors unless claims are otherwise barred. See Fla. Stat. §§ 733.2121 and 733.710; and

**WHEREAS**, the creditors claim period must have expired before creditors may be determined. See Fla. Stat. §§ 733.2121 and 733.702; and

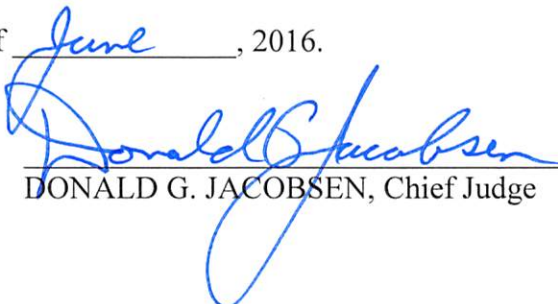
**WHEREAS**, a petition to determine protected homestead real property may be filed in probate proceedings and should be served on all interested persons. See Fla. R. P. 5.040 and 5.405; and

**WHEREAS**, creditors may be deemed interested persons as to the exempt status of property, and the definition of “interested persons” may vary according to the matter involved in the proceedings. See Fla. Stat. § 731.201(23);

It is, therefore, **ORDERED** that:

1. Generally, unless creditors’ claims are barred, a ruling on a petition for the determination of homestead should not be made until creditors have been ascertained, and have received notice of the homestead petition, along with the other interested persons.
2. A proposed Order Determining Homestead should not be submitted to the Court prior to the expiration of the publication period and the period for known creditors to file a claim.
3. In the event the petitioner seeks an order determining homestead prior to expiration of the claims period, the petitioner must file a motion showing good cause to do so and set a hearing before the presiding Judge.

DONE and ORDERED on this 14<sup>th</sup> day of June, 2016.

  
DONALD G. JACOBSEN, Chief Judge

Dist:  
All Circuit Judges  
Polk County Clerk of Courts  
Nick Sudzina, Court Administrator  
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