

## About LSNF

Legal Services of North Florida, Inc. provides free legal assistance to eligible low-income persons in civil matters (we do not provide legal assistance in criminal or traffic matters).

LSNF offers free educational seminars and informational brochures regarding the areas of law we practice. Call your local office (listed on the back of this brochure) for further information.

This brochure is for general education only. It is not intended to be used to solve *individual problems*. If you have specific questions, see an attorney.

## No Place Like Home

With funding from Legal Services Corporation (LSC) that helped us establish this statewide partnership with the Real Property, Probate and Trust Law (RPPTL) Section of The Florida Bar and Bay Area Legal Services (BALS), LSNF brings to you legal assistance in clearing title to real property or mobile homes for eligible applicants. Clear title is key in the event of a disaster and to prevent foreclosure. This is a regional project and provided to residents within LSNF's sixteen county service area.

TO QUALIFY, YOU MUST BE FINANCIALLY ELIGIBLE AND HAVE FULL OR PARTIAL INTEREST IN THE PROPERTY THAT MUST ALSO BE OR WILL BECOME HOMESTEAD PROPERTY.



## Legal Services of North Florida Offices/Counties Served

### Franklin, Jefferson, Leon, and Wakulla

2119 Delta Boulevard  
Tallahassee, FL 32303  
(850) 385-9007

### Calhoun, Gadsden, Jackson, and Liberty

121 North Jackson Street  
Quincy, FL 32351  
(850) 875-9881

### Bay, Gulf, Holmes, and Washington

211 East 11th Street  
Panama City, FL 32401  
(850) 769-3581

### Okaloosa and Walton

133 Staff Drive, NE  
Fort Walton Beach, FL 32548  
(850) 862-3279

### Escambia and Santa Rosa

1741 North Palafox Street  
Pensacola, FL 32501  
(850) 432-8222

Visit LSNF online at  
[www.lsnf.org](http://www.lsnf.org)

# Why should I worry about title to my home?



**Legal Services**<sup>®</sup>  
of NORTH FLORIDA  
HOPE. JUSTICE. FOR ALL.

Where Can I Get Help?

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## WHY YOU SHOULD HAVE CLEAR TITLE

Some people don't think it's important to have proof of ownership of their property. But, without proof, people living in the home are limited in what they can do with the property. They can't sell it, insure it, finance it, repair it, rent it, reduce the taxes on it, or receive financial assistance to repair damages.

### ADVANTAGES OF HAVING CLEAR TITLE

- **Homestead Exemption:** Only someone whose name is on the title to the property can claim homestead and other exemptions which reduce the property taxes.
- **Control over the property:** Only someone whose name is on the title to the property can get insurance for it, finance it, get building permits, or sell it.
- **Ability to receive financial assistance in the event of a major disaster:** Only those whose names are on the title to the property can receive FEMA and other federal and state assistance to repair their homes.
- **Avoidance of complicated probate:** The longer someone waits to clear title to the property after someone dies, the harder it becomes to clear the title, which results in increased attorney fees and other costs. If someone waits too long, it can become nearly impossible to clear the title.

## PROBATING AN ESTATE

When an owner dies, a legal proceeding called a probate must be started by an interested party to distribute the property the decedent owned. Depending on how much the person owned when he or she died, a **formal administration** or **summary administration** may be started.

**What does the probate court do?** A judge will determine who should become the owner of the decedent's property and will order that the title be changed to the new owner.

**What if the person who died did not own any real property?** In this case, a third process called **disposition of personal property without administration** can sometimes be used. To use this process, the application must show that the property in the estate is not worth more than the reasonable funeral expenses and reasonable medical expenses for 60 days before the decedent's death.

**Won't the decedent's creditors come after the property?** Depending on the value, some of the property cannot be taken to pay off debt. The person's homestead and other property are exempt from collection.

### APPLY TO QUALIFY FOR HELP

- Income eligible resident within LSNF service area
- Full or partial interest in real property or mobile home for which clear title is sought.
- Property or mobile home is homestead of applicant.

## WHAT TYPE OF PROPERTY MAY REQUIRE PROBATE?

Common examples of property that may require a probate action include financial accounts (for example, bank accounts, stocks and bonds); real property (home or land); and personal property (for example, vehicles, including mobile homes, household furnishings, and jewelry). However, any property for which a decedent did not designate to whom it should go upon his or her death could be subject to probate.

### WHAT DOCUMENTS DO I NEED FOR A PROBATE?

- Original death certificate without cause of death (short form).
- Last Will and Testament and any codicils (if any exist).
- Copy of funeral bill and expenses.
- Copy of deed to property.

### AVOID THE PITFALLS OF UNCLEAR HOME-OWNERSHIP!

- Title assets jointly with your spouse.
- Record deeds with Official Records Department of the County Clerk.
- Keep property taxes up-to-date.
- Prepare a will.
- Beware of schemes to sign over your property to someone else while you still want to live in the home. Do not agree to anything like this without consulting an attorney.