Which Special Situations Apply?

Most estates have at least one complication with the house. That's ordinary, not a sign you're behind — each one has a known path and a right professional.

How to use this page. Check every box that describes this property, then read only the blocks you checked. Take it to the estate's attorney: **your checked boxes are the agenda for that meeting**, and each block names the professional who handles it. The unchecked boxes matter too — those are the problems you've confirmed you don't have.

ASK THIS ONE FIRST

If the house was the deceased person's primary residence, Florida's homestead rules may determine who controls it — possibly not you. Settle that question before acting on anything below. (Chapter 5.)

☐ Someone is living in the house

Who the person is determines the path — and none of the paths is changing the locks. Self-help like lockouts or utility shutoffs is unlawful. Check who it is:

- ☐ A tenant with a lease — rights continue, rent owed to the estate (Ch. 83, Fla. Stat.)
- ☐ An occupant who was never a tenant (§82.03, unlawful detainer)
- ☐ An unauthorized occupant (§82.036)
- ☐ A family member — a family situation with legal edges

WHO TO CALL The estate's attorney — for all four.

☐ The house has a reverse mortgage

A reverse mortgage generally becomes due and payable when the borrower dies. Federal rules give the estate or heirs defined paths — pay off, sell, or deed the property to the lender — on regulated timelines. (24 C.F.R. §206.125.)

This is the one situation in the handbook with short, real clocks attached. Contact the servicer in writing now, and get the payoff and timeline in writing. Families lose options here by waiting.

WHO TO CALL The servicer and the attorney, this week.

☐ The person lived in another state

Florida property owned by someone who lived elsewhere generally needs its own Florida court proceeding — *ancillary administration* — alongside the home-state probate. A shorter form exists for small Florida holdings. (Ch. 734, Fla. Stat.; §734.1025, generally $50,000 or less.) A Florida attorney handles it, usually coordinating with your home-state attorney.

WHO TO CALL A Florida probate attorney.

☐ The house sits on leased land

Some Florida homes sit on land the family doesn't own. In a leasehold, the estate transfers the *lease interest*, not the land — which affects financing, insurance, some buyers' appetite, and the paperwork. It absolutely sells; it just needs professionals who do it routinely. If the deed or tax record looks unusual, ask the title company early whether the land is fee-simple or leased.

WHO TO CALL A title company and attorney with leasehold experience.

☐ The house is damaged, hoarded, or can't get insurance

All of these are sellable — the buyer pool changes, the price reflects condition, and honesty about condition is both the legal duty and the practical strategy. Two specifics:

- ☐ There's an open insurance claim — usually don't sell until it resolves; the claim, repairs, and sale interact
- ☐ The contents need a cleanout — photograph first, clean out second; contents are estate property until the attorney says otherwise

WHO TO CALL Attorney + adjuster on claims; attorney before any cleanout.

☐ Liens, code enforcement, or unpaid taxes have piled up

Code-enforcement fine orders can become liens against the property (§162.09(3)), unpaid property taxes go delinquent April 1 and grow from there, and old judgments or unpaid utilities can surface on title.

None of it is a dead end — it's arithmetic. A title search finds all of it, and every closing deals with it from the proceeds. Finding it early beats finding it at a closing table.

WHO TO CALL A title company; the tax collector for payoff figures.

☐ Medicaid was paying for care

Florida's Medicaid program may file a claim in the probate estate to recover certain costs (§409.9101). Two calming facts: recovery is limited to what the law allows, and property passing outside the probate estate — which protected homestead often does — is generally beyond the claim's reach. Whether that fits your facts is an attorney question; for many families this is smaller than the worry it generates.

WHO TO CALL The estate's attorney. Don't negotiate with any agency directly.

☐ Something was recorded against the house

Forged deeds against recently deceased owners' homes are a documented Florida pattern. Every clerk of court offers a free alert whenever a document is recorded against a name or property you register (§28.47) — sign up for the deceased person's name and your own. Florida also has an expedited court remedy for fraudulent filings (§65.091). Don't panic, and don't contact whoever filed it.

WHO TO CALL The estate's attorney, the same day.

QUESTIONS FOR THE ATTORNEY — *the checked boxes above tend to generate two or three each.*