

PETITION TO ESTABLISH LOST OR DESTROYED WILL

ESTATE OF:	
CASE NO.:	
DATE:	
ATTORNEY:	

See, F.S. §733.207 & PR 5.510; *Walton v. Estate of Walton*, 601 So. 2d 1266 (Fla. 3d DCA 1992) (presumption of revocation if original cannot be found).

- _____ Statement of facts constituting grounds for relief [5.510(b)]
- _____ Petition includes copy of will or its substance [733.207, 5.510(b)]
- _____ Testimony of each witness reduced to writing and filed [733.207, 5.510(c)]
- _____ Formal notice to those who, but for the will, would be entitled to the property thereby devised [5.510(d)]
- _____ Contents proved by two disinterested witnesses [733.207] OR
- _____ If a correct copy is provided, contents proved by one disinterested witness [733.207]
- _____ Order admitting will recites full terms of will, or includes a copy as an attachment [5.510(e)]
- _____ Allegations of petition are sufficient to overcome presumption that if the “lost” Will was not in possession of testator prior to death and if the “lost” Will cannot be located subsequent to death, the “lost” Will is presumed to have been destroyed by testator with intention of revoking it. Competent and substantial evidence is required to overcome this presumption. *Stewart v. Johnson*, 194 So. 869 (Fla. 1940), *Walton v. Estate of Walton*, 601 So. 2d 1266 (Fla. 3d DCA 1992), *Daul v. Goff*, 754 So. 2d 847 (Fla. 2d DCA 2000), *In Re Washington’s Estate*, 56 So. 2d 545 (Fla. 1952).

Testate Beneficiaries	Intestate Beneficiaries

COMMENTS: _____

RECOMMENDATION: _____

(Updated: 2017)