

PROBATE PRIORITY REQUEST PROCESS

NOTE: Effective May 15, 2016, the Clerk of Court will no longer take any action on priority requests without the written approval of the Judge. When a Priority Request is filed, it will be forwarded to the Judge for review along with a form which the Judge will use to indicate whether or not the Request is “Approved.” If the Judge approves the request, the case will be reviewed by the Clerk on a priority basis. If the Judge does not approve the priority request, the case will be reviewed in the order of the filing of all cases. Because the volume of priority requests has so greatly affected the work flow and efficiency of case processing by the Clerk of Court, only matters which the Judge identifies as deserving of priority review will be expedited.

PRIORITY REQUESTS

Each priority request shall include the following:

CASE STYLE

TITLE: Title of document shall be “PRIORITY REQUEST”

CONTENTS:

The document shall contain a detailed and specific explanation of why the case should be given priority over all other cases accepted for filing. Brief statements such as “real estate closing” are insufficient and will not be approved. If the basis for the priority request involves the sale of real estate, the reason for any alleged urgency must be set out in detail. Delay on the part of a real estate agent, beneficiary or attorney in preparing documents is not a sufficient basis for a priority request. There must be circumstances that cannot be addressed by an extension of a sales contract.

If, for example, the request involves the need for documents to be signed because a proposed Personal Representative is traveling from out of state to Florida, explain why the trip must occur at a specific time and why documents could not have been prepared earlier thereby avoiding the need for a priority. Proposed Personal Representatives should be routinely advised by counsel at the earliest opportunity of the amount of time it takes for cases to be processed and their need to wait to plan a trip to Florida until the Order Appointing Personal Representative and Letters of Administration have been signed. There may be a valid priority for cases involving travel by a Personal Representative to tend to property which is perishable or rapidly deteriorating. If so, the nature of the property and the circumstances requiring urgency must be described in detail.

If a Priority Request is being made because the Judge is awaiting the documents, the specific date and manner of communication of this circumstance must be stated; e.g., “Judge told attorney during hearing on [state type and date of hearing] to file a Priority Request when these documents were filed. Or, e.g., “Judge’s Judicial Assistant instructed me on [date] [in person at the court house or in a telephone conversation or by email, etc.] to file a priority request regarding [explain].

SIGNATURE

The Priority Request Form must be signed by the attorney or pro se party. Any form not so signed, will be not be approved. Further, information below the signature shall include the typed name of the individual who signed, street address, email address, telephone number and, if applicable, bar number.