

Handling a Florida Probate or Estate Dispute From Anywhere.

What you need to know if your case is in Miami-Dade or Broward and you live somewhere else.



Who This Guide Is For

If you are reading this, there is a good chance one of the following is true.

- ✓ A loved one passed away in Miami-Dade or Broward County, and you live somewhere else in Florida or out of state.
- ✓ A family member owned property in South Florida, and the estate now has to be probated here even though the family is not local.
- ✓ There is a dispute over a will, a trust, or how an estate is being handled, and the case is filed in a South Florida court.
- ✓ You have been told you may need a Florida probate attorney, but every firm you have looked at is hours away from where you live.

That is exactly the situation we built our practice to handle. Roughly half of the families we represent in probate and probate litigation matters do not live in Miami-Dade or Broward. Many do not live in Florida at all. They are in Cape Coral, Naples, Fort Myers, Orlando, Tallahassee, Atlanta, New York, New Jersey, and overseas.

This guide explains, in plain English, how a Florida probate or estate dispute actually works when you are not local, what your role is, and why distance is not the obstacle most people assume it is.

Why Your Case Is in Miami-Dade or Broward

Florida law decides where a probate case has to be opened. You do not get to pick the county based on convenience.

Why Your Case Is in Miami-Dade or Broward

Winning a guardianship case requires more than just being a good parent; it requires undeniable proof.



☰ The General Rule

A probate case is filed in the Florida county where the decedent was domiciled at the time of death. Domicile is the place the person considered their permanent home, not necessarily where they happened to be when they died.

If your loved one lived in Miami-Dade or Broward, that is where the case belongs, regardless of where you live.

☰ If the Decedent Lived Outside Florida

If your family member lived in another state but owned real estate in Florida, you may still need a Florida probate. This is called an ancillary administration. It runs in the Florida county where the property is located, in parallel with the main probate in the home state.

In our practice, ancillary cases most often involve condominiums in Miami Beach, Brickell, Sunny Isles, Hollywood, and Fort Lauderdale, owned by people who lived in New York, New Jersey, Pennsylvania, Massachusetts, Illinois, Texas, or abroad.



Once jurisdiction is set, you cannot move the case to a court closer to where you live. The good news is that you do not need to.

Why Location No Longer Matters

Florida probate practice changed significantly during the past several years. The combination of court reforms, technology, and state wide adoption of remote tools means that handling a case from another city or another state is now standard, not unusual.

Why Location No Longer Matters



Filings Are Electronic.

All probate filings in Florida go through the Florida Courts E-Filing Portal. Paper filings are the exception, not the rule. Your attorney files everything from their office.



Hearings Are on Zoom.

Most probate hearings in Miami-Dade and Broward are held by Zoom by default. Personal representatives, beneficiaries, and witnesses appear remotely. Many probate matters do not require any hearing at all and are decided on the paperwork.



Notarization Is Remote.

Florida authorizes remote online notarization. You can sign your oath as personal representative, verifications, affidavits, and similar documents from your livingroom using an approved online notary platform. We coordinate this for you.



Document Exchange Is Digital.

Documents go back and forth through encrypted email and a secure client portal. Originals, when needed, travel by overnight mail.

We have probated estates for clients we have never met in person. They sign their engagement, get sworn in as personal representative, attend hearings, review filings, and receive their final distribution without ever traveling to Miami. That is the norm now, not the exception.

Need Help Navigating this Process?

Book a Free Strategy Call with Our Team



[Book Your Call Here](#)

What the Process Looks Like Step by Step

Every case is different, but a typical formal administration follows a predictable path. Here is what your involvement looks like at each stage.



☰ Initial Consultation.

We meet by Zoom or by phone, usually for thirty to sixty minutes. You tell us what happened, what assets are involved, and who the beneficiaries are. We tell you what type of administration applies, what the timeline looks like, and what it will cost.

☰ Engagement.

If you decide to retain us, we send the engagement letter electronically. You sign with an e-signature. Payment is made online.

☰ Document Gathering.

We send you a checklist of what we need: the original will (if any), the death certificate, asset and debt information, and beneficiary contact details. You upload everything to a secure portal or email it to us.

☰ Petition Filed.

We draft and file the petition for administration with the court. You will be asked to sign a verification and an oath. Both can be signed by remote online notary.



☰ Letters of Administration Issued.

Once the court appoints you (or whoever the personal representative will be), the clerk issues Letters of Administration. These are your authority to act for the estate. You will use them to access bank accounts, transfer assets, and deal with creditors.

☰ Notice and Creditor Period.

We publish notice to creditors and serve known creditors. Florida requires a three month creditor period in most cases. During that window, we work with you on the inventory and asset valuations.

What the Process Looks Like Step by Step



☰ Inventory, Accounting, and Distributions.

We prepare the inventory, the accounting, and the plan of distribution. You review and sign off remotely. Beneficiaries receive their shares by wire or check.

☰ Closing.

We file the petition for discharge. The court closes the estate. You are released as personal rep. The case is over.

Throughout the process, you have a single point of contact at the firm, scheduled status updates, and a portal where every document related to your case is stored.

If Your Case Involves a Dispute

Probate litigation is its own world. The most common matters we handle include:

- ✓ Will contests, including challenges based on lack of capacity, undue influence, fraud, or improper execution.
- ✓ Trust disputes, including claims that a trust was amended improperly or that the trustee is breaching duties.
- ✓ Removal of personal representatives or trustees who are not doing their job, hiding information, or self-dealing.
- ✓ Accounting challenges, where beneficiaries are not receiving the financial information they are entitled to.
- ✓ Breach of fiduciary duty claims, including recovery of misused funds.
- ✓ Disputes over homestead property, family allowance, electiveshare, and exempt property.

What We Do Differently in Litigation

Probate disputes are emotional, expensive, and slow if not managed correctly. We push for early resolution where the numbers justify it, and we prepare every case as if it is going to trial so that we are not negotiating from weakness. Our litigation team is led by attorneys who do this work full time, not as a side line to estate planning.

Common Questions We Hear

? "I cannot afford to fly back and forth to Miami."

You are not expected to. We have handled cases for clients who never came to Miami once during the entire administration. If a personal appearance is genuinely needed, we tell you well in advance. In the rare cases where it is required, it is usually a single trip.

? "I do not understand how the South Florida courts work."

That is what you are hiring us for. We file in these courts every week. We know the judges, the magistrates, the clerks, and the local rules. You do not need to learn any of it.

? "How am I supposed to sign things?"

Most documents are signed electronically. Documents that require notarization are handled through remote online notary services that are valid under Florida law. The few items that require ink signatures (such as deeds in some counties) travel by overnight mail with prepaid return.

? "I have never met you in person. Is that strange?"

It is not strange anymore. It is the standard way most of our out of area cases run. Video meetings give you face to face contact with your attorney without the cost and time of travel. Many of our long term clients still prefer it even after their case is over.

? "How do I know what is happening with my case?"

You receive scheduled status updates from your point of contact, every document filed in your case is uploaded to your portal, and you can request a call any time. We do not leave clients in the dark, which is the most common complaint we hear about other firms in this space.

Common Questions We Hear

? "Will my case take longer because I am not local?"

No. The timeline is driven by Florida law and the court calendar, not by where you live. If anything, remote handling speeds things up because there is no scheduling friction around in person meetings.

? "Can you represent someone overseas or in another state?"

Yes. We regularly represent personal representatives and beneficiaries who live outside of Florida and outside the United States. Florida law does place some restrictions on who can serve as personal representative when the decedent lived in Florida. We will walk you through what applies to your situation.

Documents to Start Gathering Now

If you have not yet had a consultation with us or any other firm, you can save yourself time later by collecting the following. None of these have to be perfect or complete. Bring what you have.

☰ Core Documents.

- ✓ Certified copy of the death certificate.
- ✓ Original last will and testament, if one exists.
- ✓ Any trust documents the decedent created or was a beneficiary of.
- ✓ Any prior estate planning documents, including powers of attorney and healthcare directives.

☰ Asset Information.

- ✓ List of bank and brokerage accounts (include: institution name and balance).
- ✓ Real estate deeds for any Florida property.
- ✓ Vehicle titles.
- ✓ Life insurance policies and beneficiary designations.
- ✓ Retirement account statements.
- ✓ Business ownership documents, if applicable.

Documents to Start Gathering Now

☰ Debts and Obligations.

- ✔ Mortgage statements.
- ✔ Credit card statements.
- ✔ Outstanding medical bills.
- ✔ Funeral and burial expenses.
- ✔ Any pending lawsuits or claims involving the decedent.

☰ People.

- ✔ Names, addresses, phone numbers, and email addresses for the surviving spouse, children, and any other beneficiaries named in the will or trust.
- ✔ Names and contact information for any business partners or co-owners.

Do not delay scheduling a consultation because you do not have everything yet. We have ways to track down accounts, find lost wills, and pull records you do not have access to. Bring what you have. We handle the rest.

Next Steps


If you would like to talk about your situation, the first step is a consultation. There is no cost to find out whether and how we can help.



☰ What to Expect on the Call

We will ask you about the family, the assets, what kind of estate planning is in place, and what concerns are driving you to look for an attorney. We will tell you what type of case you have, what the realistic outcome looks like, what it will cost, and what the next steps are. By the end of the call, you will know whether to retain us, retain someone else, or wait.

Ready to begin the paperwork?

 [Book Your Call Here](#)

Next Steps



What to Have Ready.

Anything from the document list in the previous section. If all you have is a name and a date of death, that is enough to start. We will fill in the rest.

Schedule a Consultation.

Call our office, send us a message through our website, or reply to the email this guide came in. Our intake team will find a time that works for you, by Zoom or by phone, usually within the same week.

 [Book Your Call Here](#)

Probate is one of those things that gets harder the longer it sits. Deadlines run, assets get frozen, family relationships strain, and small problems become large ones. If you are reading this, you have already done the hard part, which is recognizing that something needs to be handled. The rest is logistics, and logistics are something we are very good at.

About Trust Counsel



Trust Counsel, P.L. is an estate planning, probate, guardianship, and litigation law firm based in Coral Gables, Florida. The firm represents families across South Florida and across the country in administering estates, resolving disputes, and putting effective plans in place to protect what they have built.



**We Help Families Safeguard
What Matters the Most.**

 [Contact Us](#)

