



ADAM S. GUMSON, ESQ.

## ***IT'S THE LAW!***

### **DID YOU KNOW THAT, IN FLORIDA...**

A **PERSONAL REPRESENTATIVE** must be a Florida resident, or, if out of state, the intended *Personal Representative* must be a family member, or spouse of a family member, or a legally adopted child or parent of the Decedent. The named person must have no felony convictions, be 18 years or older and be mentally and physically able to perform their duties. Always name a *Successor Personal Representative* and meet with an Attorney to discuss the pros and cons of naming *Co-Personal Representatives*.

In a Real Estate transaction, a **HOMEOWNER'S ASSOCIATION** is permitted 10 days after receipt of a written or electronic request for the *Estoppel Certificate* to issue the *Certificate*. The Association is permitted to charge a fee for the service, but it must be set by written resolution of the Board.

While the Grantor of a **REVOCABLE TRUST** is of capacity and living, the Grantor retains all duties and privileges of the Trustee. Upon the death of the Grantor, a Revocable Trust becomes Irrevocable. The *Successor Trustee* assumes the duties of the Trustee, but not all rights the Grantor held will pass to the *Successor Trustee*.

Florida law allows both voluntary and involuntary **GUARDIANSHIPS**. A voluntary Guardianship may be established for an adult who, though mentally competent, is incapable of managing his or her own estate and who voluntarily petitions for the appointment. A **PLENARY GUARDIAN** is a person appointed by the Court to exercise all delegable legal rights and powers of the adult ward after the Court makes a finding of incapacity. Wards in Plenary Guardianships are, by definition, unable to care for themselves.

JUPITER LAW CENTER is a private neighborhood law firm located in the RiverPlace Professional Center, 1003 W. Indiantown Road, Suite 210, Jupiter, FL. (561) 744 - 4600, [jupiterlawcenter.com](http://jupiterlawcenter.com) The firm provides peace of mind by solving problems with integrity and compassion in the areas of Estate Planning (*Wills & Trusts, Powers of Attorney, Health Care Surrogates, Living Wills, Probate Estates, Succession Planning, Contracts & Purchase/Sale Agreements*), Family Law (*Divorce, Paternity, Child Support & Time Sharing, Alimony, Property Distribution, Modifications, Collaborative Law, Pre/Post Nuptial Agreements*) and Real Estate (*Community Association Law, Residential & Commercial Transactions, Deeds, Closings*).