

Instructions for completing a Ladybird Deed

A lady bird deed, if executed correctly, will avoid probate for Florida real estate by automatically transferring the real estate to a grantee/recipient upon the death of the grantor/owner. A Lady bird deed is also called an “enhanced life estate deed.” During their lifetime, the grantor of a ladybird deed retains the right to live in the house, sell the house, and otherwise use the property without restriction. However, when the owner of a house subject to a ladybird deed dies, the house will automatically transfer to the grantee. In this scenario the owner becomes the “life tenant” and the grantee is referred to as the “remainderman.”

The legal description on the lady bird deed must match exactly with the legal description for the property. One way to find the legal description for a property is to look at prior deeds. The legal description is different from the 911 address, and contains a physical “metes and bounds” description of the land.

This is an example of a legal description:

A parcel of land containing a total area of 0.9 acres, more or less, lying, being and situate in Section 36, Township 5 South, Range 18 East, Union County, Florida, more particularly described as follows:

COMMENCE at the Southwest corner of the Northwest 1/4 of Southeast 1/4 of said Section 36, and run North 00 degrees 51 minutes 26 seconds West, along the West line of said Southeast 1/4 of Section 36, a distance of 45.91 feet to the intersection with the North right of way line of State Road Number 238 (100 foot right of way at this location); thence run North 85 degrees 35 minutes 45 seconds East, along said North right of way line, a distance of 123.90 feet to the POINT OF BEGINNING of the hereinafter described parcel of land: Thence run North 00 degrees 57 minutes 55 seconds East a distance of 131.09 feet; thence run North 85 degrees 35 minutes 45 seconds East a distance of 301.85 feet to a 5/8 inch iron rod (labeled: LB6995) set at the intersection with an ancient fence; thence run South 00 degrees 49 minutes 14 seconds West, along said ancient fence, a distance of 131.06 feet to a 5/8 inch iron rod (labeled: LB6995) set at the intersection with the aforesaid North right of way line of State Road Number 238; thence run South 85 degrees 35 minutes 45 seconds West, along said North right of way line, a distance of 302.18 feet to the POINT OF BEGINNING.

SUBJECT TO all existing easements, rights of way, restrictions, reservations, covenants and jurisdictional areas, whether of record or not of record.

It is not required to hire an attorney to create a lady bird deed. However, you may benefit from professional insight into your unique circumstances, and this fee resource is not meant to replace legal counsel or account for all possible scenarios. Florida Probate Law Group assumes no responsibility for the use or misuse of this free educational resource.

Prepared by/Return to:

LADY BIRD DEED

This Deed is made between _____, Grantor, whose mailing address is _____ and _____, Grantee, whose address is _____.

For good and valuable consideration paid by the Grantee Beneficiary, the receipt of which is hereby acknowledged, the Grantor does transfer and convey all of his interest in the following described property to the Grantee Beneficiary effective on the Grantor's death:

Parcel ID: _____

Legal description: See Exhibit A

The Grantor reserves a life estate with an unrestricted power to convey during the Grantor's lifetime, which includes the power to sell, gift, mortgage, lease and otherwise dispose of the property, and to retain the proceeds from the conveyance.

EXECUTED this _____ day of _____, 20____.

Signature of Grantor

Written Name of Grantor

We certify that the above instrument was signed willingly, published, and declared by _____ (Printed Name of Grantor) in our joint presence, and at their request we have signed our names as attesting witnesses in their presence and in the presence of each other.

Witness #1:

Witness #2

Signature

Signature

Printed Name

Printed Name

Address

Address

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ (Printed Name of Grantor), who is personally known to me or has produced _____ as identification.

Witness my hand and official seal hereto affixed on this _____ day of _____, 20____.

NOTARY PUBLIC, State of Florida
My commission expires:

Exhibit A - Legal Description: