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Educational Guide: Lady Bird Deed (Enhanced Life Estate Deed)

This annotated guide explains how a Lady Bird Deed operates under Florida law to automatically transfer real estate upon death without probate. Below, Part 1 provides a fully annotated standard Lady Bird Deed form, and Part 2 outlines the legal explanations, statutory rules, and Florida probate nuances corresponding to each numbered section.

PART 1: ANNOTATED SAMPLE DOCUMENT (LADY BIRD DEED)

Prepared by / Return to: ¹

[Preparer Name / Attorney]

[Street Address]

[City, State, Zip]

[Space Above This Line For Recording Data]

LADY BIRD DEED ²

(Enhanced Life Estate Deed)

This Deed is made between [Name of Current Owner] ³, Grantor, whose mailing address is

[Street Address, City, State, Zip] ⁴, and [Name of Beneficiary] ⁵, Grantee,
whose address is [Street Address, City, State, Zip] ⁶.

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/her interest in the following described property to the Grantee Beneficiary effective on the Grantor's death: ⁷

Parcel ID: [Parcel Identification Number] ⁸

Legal Description: See Exhibit A attached hereto and incorporated herein. ⁹

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. ¹⁰

EXECUTED this [Day] day of [Month], 20 [YY] ¹¹.

Signature of Grantor ¹²

Written Name of Grantor: [Printed Name]

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.¹³

Witness #1:¹⁴

Signature: _____

Printed Name: [Name] _____

Address: [Address] _____

Witness #2:¹⁴

Signature: _____

Printed Name: [Name] _____

Address: [Address] _____

STATE OF FLORIDA

COUNTY OF [County Name]¹⁵

The foregoing instrument was acknowledged before me this [Day] day of [Month], 20 [YY], by
[Printed Name of Grantor], who is personally known to me or has produced
[Type of ID] as identification.¹⁶

Witness my hand and official seal hereto affixed on this [Day] day of [Month], 20 [YY].

NOTARY PUBLIC, State of Florida¹⁷

My commission expires: [Date] _____

EXHIBIT A - Legal Description¹⁸

A parcel of land containing a total area of 0.9 acres, more or less, lying, being and situate in Section 30, 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... [Full metes and bounds description matching prior deed].

PART 2: DETAILED LEGAL ENDNOTES & ANNOTATIONS

#	SECTION / FIELD TITLE	PLAIN-LANGUAGE LEGAL EXPLANATION & FLORIDA RULES
1	Prepared By / Return To Block	Why it exists: Under Florida Statute § 695.26, every deed recorded in public records must identify the person or firm who prepared the document and specify where the recorded original should be mailed back after indexing. How to complete: Fill in the full legal name, business name (if applicable), and mailing address of the individual drafting the document.
2	Document Title (Lady Bird Deed)	Why it exists: Also known as an "Enhanced Life Estate Deed," this specialized conveyance allows a property owner to retain complete ownership rights during their lifetime while automatically transferring title to a designated beneficiary upon death. Probate Avoidance: Unlike standard deeds, it circumvents probate entirely because ownership transfers immediately at death by operation of law.

#	SECTION / FIELD TITLE	PLAIN-LANGUAGE LEGAL EXPLANATION & FLORIDA RULES
3	Grantor Name	Why it exists: The Grantor is the current property owner conveying the future remainder interest. How to complete: The Grantor's name must match <i>exactly</i> as it appears on the most recent recorded deed in county records to preserve clear chain of title.
4	Grantor Mailing Address	Why it exists: Required for public county tax and recording records to maintain updated owner contact information.
5	Grantee Beneficiary Name	Why it exists: The Grantee (also known as the "remainderman") is the person or entity designated to inherit the property automatically upon the Grantor's death. How to complete: Provide full legal names. Multiple remaindermen can be listed (e.g., as joint tenants or tenants in common).
6	Grantee Address	Why it exists: Establishes official notice address for the beneficiary upon title transfer.
7	Granting Clause & Consideration	Why it exists: Establishes legal transfer language and clarifies that title passes to the Grantee effective <i>only upon the death of the Grantor</i>. Standard nominal consideration language satisfies formal conveyance requirements.
8	Parcel ID Number	Why it exists: The unique Assessor's Parcel Number (APN) assigned by the County Property Appraiser to identify the real estate tax parcel.
9	Legal Description Reference	Why it exists: Street addresses (911 addresses) are insufficient for legal conveyances. The legal description defines the exact physical boundary ("metes and bounds") of the real estate. Reference to Exhibit A keeps the body text clean.
10	Enhanced Life Estate Reservation Clause	CRITICAL CLAUSE: This distinguishes a Lady Bird Deed from a standard life estate. The Grantor reserves full, unrestricted power to sell, mortgage, gift, lease, or cancel the deed during their lifetime <i>without</i> needing permission or signatures from the Grantee remainderman, and without triggering Medicaid transfer penalties.
11	Execution Date	Why it exists: Establishes the exact legal date the deed was executed, which must precede or coincide with notarization.
12	Grantor Signature & Name	Requirement: The Grantor must sign in blue or black ink before two subscribing witnesses and a notary public.
13	Attestation Clause	Why it exists: Formal statutory statement verifying that the witnesses observed the Grantor sign the document voluntarily in their joint presence.
14	Witness Signatures & Addresses (F.S. § 689.01)	Florida Legal Requirement: Florida real estate deeds require two disinterested witnesses who are physically or virtually present and sign in the presence of the Grantor and each other. Printed names and addresses are required under F.S. § 695.26.
15	State & County Jurisdiction	Why it exists: Identifies the geographic venue where the notarization takes place.
16	Notary Acknowledgment & ID Block	Why it exists: Verifies the Grantor's identity and voluntary act. Notary must state whether the Grantor is personally known or provided valid state identification (e.g., Driver's License or Passport).
17	Notary Seal & Commission	Requirement: The notary public must sign, affix their official state seal, and state their commission expiration date. Valid for both physical signing and Remote Online Notarization (RON).
18	Exhibit A - Legal Description Attachment	Crucial Requirement: Must be copied verbatim from the prior recorded warranty deed. Any typo or error in metes and bounds can cloud title and require a corrective deed.

Key Florida Legal Rules & Estate Planning Nuances

- **Execution & Witness Formalities (F.S. § 689.01 & § 732.502):** Florida real estate conveyances require two disinterested witnesses and a notary. For estate planning documents like Wills, two subscribing witnesses are also mandatory under F.S. § 732.502.
- **Self-Proving Affidavit & RON (F.S. § 732.503 & Chapter 117):** Proper notarization eliminates the need for post-death witness oaths in court. Florida fully recognizes Remote Online Notarization (RON), allowing documents to be executed digitally via encrypted video session.
- **Personal Representative (PR) Qualifications (F.S. § 733.302):** If probate is necessary for other assets, a PR must be a Florida resident OR a close relative by blood/marriage, at least 18 years old, and free of felony convictions.
- **Original Will Deposit Rule (F.S. § 732.901):** The custodian of an original Will must deposit it with the Clerk of Court within 10 days of receiving notice of the testator's death.
- **Probate Pathways (Summary vs. Formal Administration):**
 - *Summary Administration:* Fast-track probate for estates with non-exempt assets of \$150,000 or less, OR where the decedent has been deceased for 2+ years.
 - *Formal Administration:* Full court proceedings for larger or complex estates exceeding \$150,000.
- **100% Remote Probate:** Most Florida probate administrations can be conducted entirely remotely without clients ever having to attend physical court or visit a law office.
- **Restricted Depository:** A court-ordered frozen bank account where estate assets are held securely, requiring a judge's order for any disbursements.

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.

Witness #1:

Signature

Printed Name

Address

Witness #2

Signature

Printed Name

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: