

What is the Enhanced Life Estate Deed?

The Enhanced Life Estate Deed, or Lady Bird Deed, is a form of deed created in Texas, back in the 1960's, and it was not accepted anywhere else – until recently! Florida is one of only a handful of states that now recognize the Enhanced Life Estate Deed are used to avoid probate, provided that they are properly executed and prepared with the appropriate rights, reservations and reverter clauses. Here is how they work:

- You sign a deed transferring your real estate to a person or group of people (called the *remaindermen*) at your death, but retaining the right to sell, use, and otherwise deal with the property during your lifetime.
- If you decide to sell, mortgage, rent or otherwise deal with the property during your lifetime, you are able to do so without the consent of the remaindermen.
- Upon your death, your remaindermen simply file your death certificate in the land records. This serves both as proof of your death and completes the property transfer to the remaindermen without the need for probate. They will simply file an Affidavit that the person recited on both the death certificate and the Enhanced Life Estate Deed are one and the same person.

Advantages of the Enhanced Life Estate Deed

The Enhanced Life Estate Deed, when properly executed and prepared with the appropriate rights, reservations and reverter clauses can allow you to:

- Keep complete control of the property during your lifetime without requiring consent of the remainder beneficiaries;
- Retain the right to use, rent, or sell the property during your lifetime; and
- Avoid the expense of a costly probate of the property at your death.
- If you change your mind in the future, you can also change the remaindermen by executing another Deed.

If you would like to request Lee County Document Preparation, Inc. to prepare and record an Enhanced Life Estate Deed on your behalf, please complete the attached form and return it with a copy of your current deed by mail to:

Lee County Doc Prep, Inc.
P.O. Box 61595
Fort Myers, FL 33906-1595

or via email at leecountydocs@gmail.com. You may also fax your request and a copy of your current deed to 239-482-7919. The estimated cost is \$194.20 per deed, payable to Lee County Document Preparation, Inc., which includes the \$150.00 preparation fee, \$18.50 recording fee, \$25.00 E-Recording and \$0.70 documentary stamp tax. If you are unable to locate a copy of your current deed, our office will obtain a copy on your behalf for an additional cost of \$25.00.