

IN THE CIRCUIT COURT FOR THE TWELFTH JUDICIAL CIRCUIT IN AND
FOR SARASOTA COUNTY, FLORIDA

IN RE: ESTATE OF MURRAY B. COHEN

2003 CF 1071 NC

Deceased,
_____/

ORDER DETERMINING HOMESTEAD STATUS

On the petition of the personal representative of the estate for an order determining the status of the decedents homestead, the court finds:

1. All interested persons have been served proper notice of this proceeding, or have waived notice thereof, or have consented in advance to the court's determination.
2. The decedent died on January 13, 2003.
3. At the time of death, the decedent owned and resided on property that met the size and contiguity requirement stated in Article X, section 4, of the Florida Constitution. The property is legally described as:

Lot 17 and the NW ½ of Lot 18, Block 21,
Siesta Beach, according to the plat thereof
Recorded in Plat Book 1, Page 167, of the
Public Records of Sarasota County, Florida.
Together with improvements, (Referred to in
this Order and the Property).

The initial Petition for Administration filed in this proceeding by, Steven Jay Cohen Esdale, son of the decedent listed the Property as the decedents last known address and alleged under oath that he died domiciled in Sarasota County, Florida; the Curator of the estate described the Property in the Inventory as "Exempt (protected) Homestead; and the Petition for Administration filed by Maria A. Cohen, alleged the decedent died domiciled in Sarasota County, Florida and the Property was his last known address.

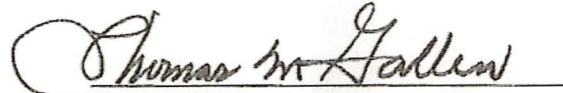
4. The decedent was not survived by a minor child.
5. The decedent was survived by a spouse, to wit: Maria A. Cohen.
6. The evidence presented to the court supports the Petition that the Property is homestead and the affirmative defenses filed by Steven Jay Cohen Esdale are denied.
7. The decedent's will attempted to devise the Property as follows: a life estate to Maria A. Cohen and remainder to the decedents grandson, Ryan Esdale

Based on the foregoing, in applying the law to the facts, the court concludes:

1. The Property constituted the homestead of the decedent.
2. The Property was not subject to devise and descended in fee simple to Maria A. Cohen.¹

IT IS ADJUDGED that the Property as described above was the decedents Homestead and that title to the Property passed to Maria A. Cohen in fee simple, free and clear of all creditors.

ORDERED at Sarasota, Florida on November 26th.


Senior Circuit Judge

CC:

Mark Lord, Esq.
P.O. Box 1643
Sarasota, FL 34230

Matthew Martell, Esq.
1834 Main St.
Sarasota, FL 34236

Allan F. Baily, Esq.
46 N Washington Blvd. St 29
Sarasota, FL 34236

¹ In re ESTATE OF John W. FINCH, Deceased, 401 So. 2d 1308, (Fla. Sup. Ct. 1981)¹

26011111 11/30/07