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## Myth: A Florida Revocable Trust Avoids Probate

While a [Florida Revocable Trust](#) can avoid the necessity for a [Florida Probate](#) to be filed, there are often circumstances that require a Probate. A [Florida Revocable Trust](#) only eliminates the need for a probate when it is funded and to the extent that your assets are inside the trust prior to death.

One of the most common problems is that people create trusts but never fund them or do not fund them completely. One of the most common assets, the Florida Homestead, must be dealt with or a probate will be required to transfer marketable title to the beneficiaries. Even though, the home, in most cases, will transfer automatically upon death under the Florida Constitution, it is necessary to open a [Florida Probate](#) to transfer the home with Marketable title. The title companies require the probate court to establish the home as a homestead, notify potential creditors, and have the title transferred in the probate to insure the home against future claims from creditors who claim they were not notified. For more information on this and other issues with avoiding probate, Julie Garger wrote an article why a [Florida Revocable Trust may not avoid probate](#).

To discuss how you can reduce your risk of a probate in Florida [Contact a Florida Estate Planning Lawyer](#)

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