How a Florida Lady Bird Deed Works

ENHANCED LIFE ESTATE DEED · WHAT HAPPENS AT EACH DEATH

Married couple signs the deed, keeps a joint enhanced life estate, and names the kids as remainder beneficiaries.

1 First spouse dies

- Life estate continues in the surviving spouse by survivorship.
- Nothing passes to the kids yet. No probate.
- Title cleanup: record a certified death certificate, often with an affidavit.

2 Surviving spouse lives in the home

- Still holds the enhanced life estate.
- Can sell, refinance, or change the remainder beneficiaries alone.
- The kids hold only an expectancy and can't block anything.

3 Surviving spouse dies

- The remainder vests in the kids automatically, by the deed itself.
- Outside probate.
- Record the death certificate (usually with an affidavit) so title shows the kids.

LIFE TENANT	REMAINDER BENEFICIARIES
The surviving spouse	The kids

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Educational overview only, not legal advice. The language of each recorded deed controls.

What the Deed Needs to Include

SIX REQUIRED ITEMS FOR A FLORIDA ENHANCED LIFE ESTATE DEED

Required item	What it should accomplish	Why it matters
1. Correct grantor information	State each current owner's full legal name, vesting status, marital status, and capacity.	A deed must accurately identify who is conveying and retaining the lifetime interest.
2. Exact grantee structure	Name the owner as life tenant and clearly name the remainder beneficiary or beneficiaries.	The deed must establish who receives the property at death and in what shares.
3. Complete legal description	Copy the full legal description from the latest recorded deed, not merely the street address or parcel ID.	An inadequate or inaccurate description can produce a title defect or an ineffective conveyance.
4. Life-estate reservation	Reserve possession and use of the property to the owner for life.	This is the foundation of the lifetime-versus-future-interest arrangement.
5. Enhanced-powers clause	Explicitly reserve the owner's unrestricted right, during life, to sell, convey, lease, mortgage, encumber, or otherwise dispose of the property, retain proceeds, and do so without beneficiary joinder or consent.	Without broad, express retained powers, the deed can function as a traditional life-estate deed, meaning the owner may be unable to sell or refinance without every remainderman's participation.
6. Valid execution and recordability	The grantor signs in the presence of two subscribing witnesses, and the deed is acknowledged before a notary.	Florida requires two witnesses for a deed conveying a freehold estate; notarization supports recording. The recorded deed gives public notice and strongly supports delivery.

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