

# Orlando Sentinel

ASK A LAWYER

## Tenant Died, So Who Gets Security Deposit?

Ask a Lawyer  
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**Question:**

I own a mobile home in Florida and rent it for \$435 per month, with a \$500 security deposit. My latest tenant passed away before the 1-year lease expired.

Do I remit the security deposit to the tenant's rental broker, his family, or do I wait for instructions from the probate court? And if I am unable to re-let this unit before the next month's rent is due, can I deduct one month's rent from the security deposit?

D.H.

Clermont



FRANK POHL  
Pohl & Short, P.A.

**Answer:**

Presuming there are no provisions in your lease that specifically address these issues, you should notify and deal only with the duly appointed personal representative of the tenant's estate.

Before you make any claim for the deposit, you will need to give the personal representative notice of your intent to make a claim against the deposit in accordance with the applicable landlord-tenant statute. Additionally you will have to file a timely statement of claim in the estate, notifying the personal representative of what you contend you are owed.

There are rather short deadlines for filing a claim in an estate, so you should not delay. A probate attorney can assist you with this process.