Marshall Law, P.A. Publishes Estate Planning Guidance on Lady Bird Deeds in Wildwood, Florida

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Marshall Law, P.A., an estate planning law firm in Wildwood, Florida, has published new guidance explaining how lady bird deeds work under Florida law and when they help or complicate a family's estate plan. The firm focuses on estate planning, probate, trust administration, guardianship, and elder law for clients in Wildwood, The Villages, and the surrounding communities of Sumter, Lake, and Marion Counties. The guidance is drawn from a recent episode of the firm's podcast, Trust Me, It's Complicated, and an accompanying article on lady bird deeds that reviews the benefits, limitations, and common drafting errors.

Lady bird deeds, formally known as enhanced life estate deeds, allow a property owner in Wildwood and The Villages to keep full control of real estate during life while directing it to chosen beneficiaries at death, outside of probate. The 2026 Trust & Will Estate Planning Report found that 56% of U.S. adults have no estate documents in place, a gap that often leaves Florida families to face probate without a plan. The firm's guidance describes how the deed lets an owner sell, refinance, or open a home equity line of credit during life, with the property passing to beneficiaries only at death.

The guidance reflects the work of estate planning attorney John Thomas Marshall, who has drafted these

instruments for clients in Wildwood and Leesburg since 2009. It traces his use of the deed to an obstacle from earlier practice: when a homestead was placed in a revocable trust, lenders often declined to refinance, requiring owners to move the property out of the trust and back to complete financing. A lady bird deed avoids that step because the owner stays on title during life.

The guidance explains several functions specific to Florida. Under Article X, Section 4 of the Florida Constitution, a primary residence is generally protected from most creditor claims, and keeping a homestead in the owner's individual name, rather than in a trust during life, helps preserve that protection. A 2014 Florida case, Aaronson v. Aaronson, raised concerns that holding a homestead in a trust during life could place that protection at risk. For married couples, property held as tenants by the entirety carries creditor protection that can be lost if the home is moved into a trust, and a lady bird deed can preserve it while still directing the property into a trust at the death of the second spouse.

The guidance also reviews the step-up in basis available to heirs, noting that a home bought for $300,000 and worth $500,000 at the owner's death passes with a basis of $500,000, which can reduce or eliminate capital gains tax on a later sale. The firm's elder law and trust administration work in Wildwood often pairs the deed with a revocable trust that manages later contingencies.

The guidance is also direct about how the deeds can fail. When a deed names several beneficiaries without the correct survivorship or per stirpes language, a deceased or missing beneficiary's share can fall into a separate probate proceeding or trigger a partition action, a court process used to force the sale of jointly owned property. Marshall Law handles probate and guardianship matters in Sumter County and The Villages that arise from these situations, including cases in which co-owners cannot be located or an owner loses capacity after the sole named beneficiary has died.

"A lady bird deed is one tool in a larger estate plan, the way a single club is one part of a full golf bag," said John Thomas Marshall, Esq., owner and founder of Marshall Law. "About half the time it is the right move, and the other half a different approach serves the family better. The deed is primarily a way to move property into a trust at death, while the trust handles the questions that arise when a beneficiary dies before the owner, faces a lawsuit, or has special needs." Marshall has more than 20 years of legal experience and holds a master's degree in taxation.

When clients in Wildwood and The Villages request a lady bird deed, the firm's staff gathers detailed family and asset information before any appointment, since Florida's homestead rules, tenants by the entirety, and probate code call for review by a Florida attorney.

Marshall Law, P.A. is located at 1305 Cleveland Ave Ste D in Wildwood, Florida, and serves clients throughout Sumter County, including The Villages and Oxford, along with Lake County and Marion County.

The firm works with families in the Wildwood and The Villages area, which the U.S. Census Bureau reported had the nation's highest median age, 68.1, in 2024. Consultations are available by appointment.

For more information about estate planning, probate, and elder law services at Marshall Law, P.A. in Wildwood, Florida, the firm maintains a website at marshalllawpa.com and a Google Business Profile listing its Wildwood office and hours. Marshall Law continues to publish educational material on Florida estate planning through its blog and its podcast, Trust Me, It's Complicated, for families researching how to protect a home and pass it to the next genera

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Marshall Law

Marshall Law is your premier estate planning attorney serving all of Central Florida. Our firm is distinguished for bespoke legal solutions tailored to each client's unique estate planning, probate, and guardianship needs.

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