



MANGSEN LAW, PLLC

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“Helping Seniors Maintain their Quality of Life
and Protect their Legacy”

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National Purple Heart Day August 7

The Purple Heart medal is awarded to American service personnel
who were killed or seriously wounded in action while defending our country.

We thank all Purple Heart recipients and their families
for their dedication and sacrifice.

Diana Discusses...

Florida Intestacy Statute

Being married does not “automatically” mean that probate won’t be required, and it does not mean that your spouse will inherit your assets.

Assets titled to a decedent, must be re-titled after death with or without a Last Will & Testament. This can include bank accounts, automobiles, homes, real estate, boats, investment accounts, retirement accounts and life insurance policies without named beneficiaries, or retirement accounts and life insurance policies with named beneficiaries who predeceased.

A Last Will & Testament will be filed with the court and a probate case will be initiated for the re-titling of the assets in accordance with instructions in a valid will created by the decedent.

If there is no Last Will & Testament, the Florida Intestacy Statute 732.101 – 732.111 prescribes who will inherit the assets. 732.102(3) indicates that if the decedent has lineal descendants that are not descendants of the surviving spouse, then the surviving spouse’s share of the intestate estate is one-half. If the decedent and the surviving spouse have descendants together and the surviving spouse has descendants that are not descendants of the decedent, the surviving spouse’s share of the intestate estate is one-half.

732.102 Spouse’s share of intestate estate. —The intestate share of the surviving spouse is:

- (1) If there is no surviving descendant of the decedent, the entire intestate estate.
- (2) If the decedent is survived by one or more descendants, all of whom are also descendants of the surviving spouse, and the surviving spouse has no other descendant, the entire intestate estate.
- (3) If there are one or more surviving descendants of the decedent who are not lineal descendants of the surviving spouse, one-half of the intestate estate.
- (4) If there are one or more surviving descendants of the decedent, all of whom are also descendants of the surviving spouse, and the surviving spouse has one or more descendants who are not descendants of the decedent, one-half of the intestate estate.

732.401 Descent of homestead. —

(1) If not devised as authorized by law and the constitution, the homestead shall descend in the same manner as other intestate property; but if the decedent is survived by a spouse and one or more descendants, the surviving spouse shall take a life estate in the homestead, with a vested remainder to the descendants in being at the time of the decedent’s death per stirpes.

(2) In lieu of a life estate under subsection (1), the surviving spouse may elect to take an undivided one-half interest in the homestead as a tenant in common, with the remaining undivided one-half interest vesting in the decedent’s descendants in being at the time of the decedent’s death, per stirpes.



At the Gate

A man died and went to Heaven. St. Peter says to him “Before you meet with God, I should tell you, we’ve looked over your life, and to be honest you really didn’t do anything particularly good or bad. We’re not really sure what to do with you. Can you tell us anything you did that can help us make a decision?” The newly arrived soul thought for a moment and replied, “Yeah, once I was driving along and came upon a little old lady who was being harassed by a group of thugs. So I pulled over and went up to the leader of the thugs. He was a big, muscular guy with a ring pierced through his lip. Well, I tore the ring out of his lip, and told him he and his gang had better stop bothering this lady or they would have to deal with me!”

“Wow, that’s impressive, when did this happen?”

“About three minutes ago,” came the reply.



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Estate Planning • Probate • Medicaid • Veterans Benefits

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Diana is available to give talks and seminars to community groups on any areas of law in which she practices!!

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