

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**GEORGIA PROBATE COURT STANDARD FORMS  
AND GENERAL INSTRUCTIONS**

Cumulative List (July 2009)

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“Reserved/relocated” means that the current form having that number has been moved to another form, in some cases, or has been discontinued.

# SUPREME COURT.

1. GEORGIA PROBATE COURT  
STANDARD FORM

## **Petition for Temporary Letters of Administration**

### INSTRUCTIONS

#### I. Specific Instructions

1. This form is to be used for a petition for temporary letters of administration pursuant to O.C.G.A. §53-6-30.
2. Paragraph 5 requires a definitive statement that the list in Paragraph 4 includes each and every heir of the decedent, and that there are no heirs of the same or closer degree according to O.C.G.A. §53-2-1. Provide the date of death for any deceased heirs. NOTE: If you are uncertain how to determine the heirs of a decedent, please refer to the "Heirs Determination Sheet" available from the probate court or at [www.gaprobate.org](http://www.gaprobate.org). Examples of such statement would be: (a) "decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein"; (b) "decedent had no other siblings half or whole other than those listed herein"; (c) "the decedent's brother who died previously, had no other children born, adopted, living or deceased, other than listed herein."

#### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
DECEASED \_\_\_\_\_ )  
 ) PETITION FOR TEMPORARY  
 ) LETTERS OF ADMINISTRATION

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_, whose domicile  
is/are \_\_\_\_\_,  
and whose mailing address is/are \_\_\_\_\_  
\_\_\_\_\_ show(s) to the Court the following:

1.

\_\_\_\_\_, whose  
domicile was \_\_\_\_\_, whose  
First Middle Last Name  
departed this life on \_\_\_\_\_, 20\_\_\_\_\_, leaving an estate of real property located in  
\_\_\_\_\_ County(ies), Georgia having  
a total fair market value of approximately \$ \_\_\_\_\_ and personal property as follows  
(provide approximate value):

- a. cash/bank accounts/certificates of deposit \$ \_\_\_\_\_
- b. stocks/bonds/brokerage accounts \$ \_\_\_\_\_
- c. other assets of significant value (list) \$ \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROXIMATE TOTAL \$ \_\_\_\_\_

SUPREME COURT.

2.

Petitioner's(s') appointment is in the best interests of the estate by reason of the estate's being unrepresented and it is necessary for Temporary Letters of Administration to be granted for the sole purpose of collecting and preserving the assets of the decedent.

3.

Petitioner(s) is/are entitled to be appointed Temporary Administrator(s) by reason of (initial one):

- \_\_\_\_\_ a. being the nominated executor(s) in decedent's purported will (a copy of which is attached hereto and made a part hereof).
- \_\_\_\_\_ b. being unanimously selected by all the heirs.
- \_\_\_\_\_ c. being the sole heir or being the surviving spouse.
- \_\_\_\_\_ d. having been selected by a majority in interest of the heirs.
- \_\_\_\_\_ e. being (an) eligible person(s) as defined in O.C.G.A. §53-6-1.
- \_\_\_\_\_ f. being (a) creditor(s) of the decedent (evidence of the indebtedness is attached).
- \_\_\_\_\_ g. being the county administrator.

4.

Listed below are the names of all the decedent's heirs with the age or majority status, address, and relationship to decedent set opposite the name of each:

Name	Age (Or over 18)	Address	Relationship
_____			
_____			
_____			
_____			
_____			
_____			
_____			
_____			

5.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission. Make a definitive statement which will show to the court that those persons named in Paragraph 4 constitute all of the heirs of the decedent and that there are no heirs of similar or higher degree according to O.C.G.A. §53-2-1. Provide the names of any deceased heirs and include the date of death for each. (See instructions for further clarification.) If any heirs listed above are cousins, grandchildren, nephews or nieces of the decedent, please indicate the deceased ancestor through whom they are related to the decedent.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

6.

To the knowledge of the petitioner(s), no other proceedings with respect to this estate are pending, or have been completed, in any other probate court in this state.

WHEREFORE, petitioner(s) pray(s) for an order appointing petitioner(s) Temporary Administrator(s) of said estate.

\_\_\_\_\_  
Signature of first petitioner

\_\_\_\_\_  
Signature of second petitioner if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

SUPREME COURT.

VERIFICATION

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/ CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

SELECTION BY HEIRS

GEORGIA, \_\_\_\_\_ COUNTY ESTATE NO. \_\_\_\_\_

IN RE: PETITION OF \_\_\_\_\_  
FOR TEMPORARY LETTERS OF ADMINISTRATION

ESTATE OF \_\_\_\_\_, DECEASED

For the court's consideration in determining the person whose appointment would serve the best interests of the estate, (we) (all) (a majority in interest) of the heirs of \_\_\_\_\_, deceased, hereby select and request the appointment of \_\_\_\_\_ to act as Temporary Administrator(s) of the estate of said decedent.

SIGNATURE(S)

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_ Printed Name \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_ Printed Name \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_ Printed Name \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_ Printed Name \_\_\_\_\_

SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
DECEASED \_\_\_\_\_ ) PETITION FOR TEMPORARY  
 ) LETTERS OF ADMINISTRATION

ORDER

The petition of \_\_\_\_\_ for  
Temporary Letters of Administration on the estate of \_\_\_\_\_,  
deceased, has been duly filed. It appears that said decedent died domiciled in said county, that said  
petitioner(s) is/are lawfully qualified for said administration, that such appointment will be in the best  
interests of the estate, and that it is necessary that temporary letters should issue for the sole purpose of  
collecting and preserving the assets of said decedent until permanent letters are granted. It is, therefore,

ORDERED that the petitioner(s) be, and is/are hereby, appointed Temporary Administrator(s) of the  
estate, and that Letters be issued upon said Administrator's(s') giving bond with approved surety in the sum  
of \$ \_\_\_\_\_ dollars and taking the oath as the law requires.

IT IS FURTHER ORDERED that no disbursements from said estate may be made by said Temporary  
Administrator(s) unless permission is granted by further order of this Court for the purpose of preserving the  
estate.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge



SUPREME COURT.

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

TEMPORARY LETTERS OF ADMINISTRATION

By \_\_\_\_\_, Judge of the Probate Court of said County.

WHEREAS, \_\_\_\_\_ died domiciled in this County, owning certain assets within this State; and the estate is unrepresented, and it appears necessary that such assets be collected and preserved until permanent letters are issued;

I do, therefore, hereby appoint \_\_\_\_\_ as Temporary Administrator(s) of the estate of the said decedent, for the sole purpose of collecting and preserving the assets of the said decedent until permanent letters are issued; and thereupon to deliver up such assets to whomsoever this Court shall commit the administration of the estate of said decedent, as provided by law.

Temporary administrators are authorized to carry out existing contracts of the decedent, to carry on the business of the decedent, and to do such acts as are necessary for the protection and preservation of the estate provided proper orders are secured from the probate court after due notice to all parties in interest.

IN TESTIMONY WHEREOF, I have hereunto affixed my signature as Judge of the Probate Court of said County and the seal of this office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

(SEAL)

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

## AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

### Petition for Letters of Administration

#### INSTRUCTIONS

##### I. Specific Instructions

1. This form is to be used for a petition for letters of administration pursuant to O.C.G.A. §53-6-20, et seq.
2. Use of this form is permissible, but not mandatory, in connection with a petition for appointment of a successor administrator, pursuant to O.C.G.A. §53-6-21(b). Appropriate interlineations must be made, and additional information must be given concerning the identity of the previous administrator, the reason for the vacancy in the office, and the date the office became vacant.
3. With respect to the conditions under which the judge may, pursuant to O.C.G.A. §53-7-1(b), waive bond and/or grant certain powers contained in O.C.G.A. §53-12-232, please note:
  - (a) All of the heirs must consent, and
  - (b) Notice must be published.
4. O.C.G.A. §53-11-2 provides a party to a probate court proceeding concerning a decedent's estate who is unborn or unknown or is not sui juris must be represented by a guardian, provided that the court may appoint a guardian ad litem or determine that the natural guardian, guardian of the person or property, or testamentary guardian has no conflict and may serve. (See GPCSF 16). For purposes of the consent described in paragraph 3 above, with respect to any heir who is not sui juris, such consent may be given by such guardian. The personal representative of a deceased heir is authorized to consent on behalf of that heir.
5. Paragraph 4 requires that a definitive statement that the list in Paragraph 3 includes each and every heir of the decedent, and that there are no heirs of the same or closer degree according to O.C.G.A. §53-2-1. Provide the date of death for any deceased heirs. NOTE: If you are uncertain how to determine the heirs of a decedent, please refer to the "Heirs Determination Sheet" available from the probate court or at [www.gaprobate.org](http://www.gaprobate.org). Examples of such statement would be: (a) "decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein"; (b) "decedent had no other siblings half or whole other than those listed herein"; (c) "the decedent's brother who died previously, had no other children born, adopted, living or deceased, other than listed herein."
6. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. All pages after page 5 labeled court documents are to be completed by the moving party, unless otherwise directed by the court.

##### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.



AMENDMENTS TO UNIFORM PROBATE COURT RULES.

2.

Under the law, it is necessary that said estate be administered; and \_\_\_\_\_

\_\_\_\_\_ should be appointed Administrator(s) by reason of (initial one):

- \_\_\_\_\_ a. being unanimously selected by all the heirs. (This alternative does not apply if the surviving spouse is the sole heir and an action for divorce or separate maintenance was pending at the time of decedent's death.)
- \_\_\_\_\_ b. being the surviving spouse where no action for divorce or separate maintenance was pending at the time of decedent's death.
- \_\_\_\_\_ c. being (an) heir(s) and not the surviving spouse.
- \_\_\_\_\_ d. having been selected by a majority in interest of the heirs.
- \_\_\_\_\_ e. being (an) eligible person(s) as defined by O.C.G.A. §53-6-1.
- \_\_\_\_\_ f. being (a) creditor(s) of the decedent (evidence of the indebtedness is attached).
- \_\_\_\_\_ g. being the county administrator.

3.

Listed below are the names of all the decedent's heirs with the age or majority status, address, and relationship to decedent set opposite the name of each:

Name	Age (or over 18)	Address	Relationship
_____			
_____			
_____			
_____			
_____			
_____			

4.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission. Paragraph 4 requires that a definitive statement be made to show to the court that the persons named in paragraph 3 constitute all of the heirs of the decedent and that there are no heirs of similar or higher degree according to O.C.G.A. §53-2-1. Provide the names of any deceased heirs and include the date of death for each. (See instructions for further clarification.) Also, state here all pertinent facts which may govern the method of giving notice to any party and which may determine whether or not a guardian ad litem should be appointed for any party. If any heirs listed above are cousins, grandchildren, nephews or nieces of the decedent, please indicate the deceased ancestor through whom they are related to the decedent.

SUPREME COURT.

5.

(Petitioner(s) MUST initial one):

\_\_\_\_\_ All heirs have consented to the waiver of bond and/or grant of certain powers contained in O.C.G.A. §53-12-232 to the Administrator(s). Therefore, the Petitioner(s) hereby move(s) the Court to publish notice of the filing of the Petition and tender(s) with this Petition publication fees.

\_\_\_\_\_ The identities and/or addresses of all heirs are not known. Therefore, the Petitioner(s) hereby move(s) the Court to publish notice of the filing of the Petition, and tender(s) with this Petition publication fees.

\_\_\_\_\_ Notice of this Petition need not be published because the Petitioner(s) has/have listed all heirs at law and their addresses, and Petitioner(s) is/are not requesting a waiver of bond and returns or the grant of powers contained in O.C.G.A. § 53-12-232.

6.

To the knowledge of the petitioner(s), no other proceedings with respect to this estate are pending, or have been completed, in any other probate court in this state.

WHEREFORE, petitioner(s) pray(s) that

1. service be perfected and
2. that if no good cause is shown to the contrary, \_\_\_\_\_ be appointed Administrator(s) of the estate of said decedent.

\_\_\_\_\_  
Signature of first petitioner

\_\_\_\_\_  
Signature of second petitioner if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

**VERIFICATION**

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

SUPREME COURT.

SELECTION BY HEIRS (AND CONSENT OF HEIRS TO WAIVER OF BOND AND/OR GRANT OF CERTAIN POWERS)

Note: If an heir is not sui juris, the guardian appointed by the Court or the person that the Court determined may act as guardian is authorized to consent for such non sui juris heir in accordance with the instruction page to this form.

GEORGIA, \_\_\_\_\_ COUNTY ESTATE NO. \_\_\_\_\_

We, being (all of the) heirs of the estate of \_\_\_\_\_, deceased, and being sui juris unless otherwise indicated, do hereby acknowledge service, waive all further notice, and select \_\_\_\_\_ to act as Administrator(s) of the estate of said decedent. Further, if so indicated below, we hereby grant to the Administrator(s) the additional powers contained in (a) and/or (b) below.

\_\_\_\_\_ a. (optional; initial if applicable) In addition to selecting the above individual, I hereby consent to the waiver of bond for said Administrator(s) and the grant to said Administrator(s) the power to serve without making and filing inventory and without filing an annual or other returns or reports to any court.

\_\_\_\_\_ b. (optional; initial if applicable) In addition to selecting the above individual, I hereby consent to the grant to the Administrator(s) all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF HEIR

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_ a. (optional; initial if applicable) In addition to selecting the above individual, I hereby consent to the waiver of bond for said Administrator(s) and the grant to said Administrator(s) the power to serve without making and filing inventory and without filing an annual or other returns or reports to any court.

\_\_\_\_\_ b. (optional; initial if applicable) In addition to selecting the above individual, I hereby consent to the grant to the Administrator(s) all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF HEIR

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition for Letters of Administration**

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE  
COMPLETED BY THE PETITIONER (MOVING  
PARTY) UNLESS OTHERWISE DIRECTED BY THE  
COURT. SEE PROBATE COURT RULE 22 (A).**

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_, ) PETITION FOR LETTERS OF  
DECEASED ) ADMINISTRATION

ORDER FOR SERVICE OF NOTICE AND APPOINTING  
GUARDIAN AD LITEM, IF NECESSARY

(initial applicable:)

\_\_\_\_\_ a. Since the heirs have not made a unanimous selection, or the Petitioner(s) has/have requested the waiver of bond and/or grant of certain powers,

IT IS ORDERED that notice be issued and served as follows upon each heir who did not acknowledge service. Notice of this petition must be mailed by first-class mail to each heir with a known address at least 13 days prior to the date on or before which any objection is required to be filed. If there is any heir whose current address is unknown, or if the heirs have unanimously requested the waiver of bond and/or grant of certain powers, notice must be published once each week for four weeks prior to the week which includes the date on or before which any objection must be filed.

\_\_\_\_\_ b. IT IS FURTHER ORDERED that \_\_\_\_\_ is appointed guardian ad litem for \_\_\_\_\_ (minor)(unborn heir)(unknown heirs of the above decedent) and that said guardian ad litem be duly served with a copy of the foregoing notice, petition, and notice of this appointment, and that upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer hereto. This appointment is limited to this proceeding only and it shall cease when a final order is entered on this petition.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

NOTICE

NOTE: Strike the sentence in parenthesis below if not applicable.

GEORGIA, \_\_\_\_\_ COUNTY PROBATE COURT

TO: (any heir whose current address is unknown) \_\_\_\_\_

\_\_\_\_\_ has petitioned (for \_\_\_\_\_) to be appointed Administrator(s) of the estate of \_\_\_\_\_, deceased, of said County. (The petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. §53-12-232.) All interested parties are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the court on or before \_\_\_\_\_, 20\_\_\_\_. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_ 20\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE NUMBER

SUPREME COURT.

**CERTIFICATE OF MAILING**

I do hereby certify that I have this day mailed by first-class mail a copy of the Notice in this matter to each heir with a known current address, as listed by the petitioner, who did not acknowledge service in an envelope, properly addressed and with adequate postage thereon, and deposited in the United States Mail, with the return address of this Court thereon.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK



SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
DECEASED \_\_\_\_\_ ) PETITION FOR LETTERS OF  
 ) ADMINISTRATION

FINAL ORDER

The petition of \_\_\_\_\_ for issuance of Letters of Administration on the estate of \_\_\_\_\_, deceased, has been duly filed. Service was perfected according to law. It appears that said decedent died domiciled in said county, intestate; that \_\_\_\_\_ is/are lawfully qualified for said administration; and that no objection has been offered.

\_\_\_\_ (Initial if applicable.) Such petition contained a request for waiver of bond and/or grant of certain powers contained in O.C.G.A. §53-12-232. The notice which was issued and published reflected this, and no objection to the request has been filed. Consent to such request was given by all heirs.

IT IS THEREFORE ORDERED that the undersigned judge does hereby:  
(Initial all which apply):

- \_\_\_\_ a. waive the bond of the Administrator(s) and grant to the Administrator(s) the power to serve without making and filing inventory, and without filing any annual or other returns or reports to any court; but the fiduciary(ies) shall furnish to the income beneficiaries, at least annually, a statement of receipts and disbursements.
- \_\_\_\_ b. grant to the Administrator(s) all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above.

IT IS THEREFORE ORDERED that the person(s) found above in this order to be qualified for such office be, and is/are hereby, appointed Administrator(s) of the estate of said decedent, and that appropriate Letters be issued upon said Administrator's(s') (giving bond with approved surety in the sum of \$ \_\_\_\_\_ and) taking the oath as provided by law.

(Initial if applicable)

\_\_\_\_ IT IS FURTHER ORDERED that said Administrator(s) shall not make any distribution to a person for the benefit of a minor unless that person is qualified to receive such funds according to law.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**OATH**

Georgia, \_\_\_\_\_ County

I do solemnly swear or affirm that \_\_\_\_\_, deceased, died intestate, so far as I know or believe, and that I will well and truly administer on all the estate of the decedent, and disburse the same as the law requires, and discharge to the best of my ability all my duties as Administrator. So help me God.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name

# SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

## INSTRUCTIONS

1. Unless inventory has been waived, an inventory of the estate must be filed with this Court by the Administrator within six (6) months after these letters are issued and a copy of that inventory must be delivered to the heirs by first-class mail within the same period.

2. Within sixty (60) days after these letters are issued, notice must be given once a week for four (4) weeks by advertisement in the newspaper in this County in which sheriff's notices are published, requiring creditors of the estate to render in their demands and requiring debtors to make payment.

3. Unless returns have been waived, or a different accounting period has been approved, within sixty (60) days after the anniversary date of issuance of these letters, in each and every year, every Administrator must make a just and true account, under oath, of his receipts and expenditures on behalf of the estate during the preceding year, together with a note or memorandum of any other fact necessary to the exhibition of the true condition of the estate. The vouchers showing the correctness of each item must be retained by the Administrator.

4. The Administrator is allowed six (6) months from the date of his qualification to ascertain the condition of the estate, during which he is exempt from suit. He should collect all debts due the estate, and pay the debts of the estate, wholly or in part, at the end of the six-month period. Payment of the debts of the decedent shall be made in accordance with their rank in priority as provided in O.C.G.A. §53-7-40.

5. The Administrator may continue the business of the estate for the current year without a court order.

6. The normal commissions allowed the Administrator are two and one-half percent (2.5%) of all sums of money received, and a like commission on all sums of money paid out. In addition, upon petition, the Judge of the Probate Court may allow a commission of up to three percent (3%) of the value of all property distributed in kind. There are special rules concerning commissions on interest earned and extra compensation.

7. After the payment of all expenses of administration and other debts, the balance of the estate shall be promptly distributed to the heirs. The Administrator must then make a final return, showing the receipts and disbursements since the last annual accounting, unless returns have been waived.

For further information see O.C.G.A. Title 53, Chapters 6 & 7.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

**LETTERS OF ADMINISTRATION**  
(Bond Waived and/or Certain Powers Granted at Time of Appointment)

By \_\_\_\_\_, Judge of the Probate Court of said County.

WHEREAS, \_\_\_\_\_ died intestate (check one):

- \_\_\_\_\_ domiciled in this County;
- \_\_\_\_\_ not domiciled in this State, but owning property in this County;

and this Court granted an order appointing \_\_\_\_\_ as Administrator(s) of the estate of said decedent, on condition that said Administrator(s) give oath as required by law; and the said Administrator(s) having complied with said condition; the Court hereby grants unto said Administrator(s) full power to collect the assets of said decedent, and to pay the debts of said estate, so far as such assets will extend, according to law, and then to pay over the balance, if any, to the heirs of said decedent, and to do and perform all other duties as such Administrator(s), according to the laws of this State. In addition, this Court has:

(Initial all which apply:)

- \_\_\_\_\_ a. waived the bond of the Administrator(s) and granted to the Administrator(s) the power to serve without filing an inventory, and without filing any annual or other returns or reports to any court; but the fiduciary shall furnish to the income beneficiaries, at least annually, a statement of receipts and disbursements.
- \_\_\_\_\_ b. granted to the Administrator(s) all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above.

IN TESTIMONY WHEREOF, I have hereunto affixed my signature as Judge of the Probate Court of said County and the seal of this office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge of the Probate Court

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
Clerk, Probate Court (Seal)

(SEE INSTRUCTIONS ON REVERSE SIDE)

## SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

### INSTRUCTIONS

1. An inventory of the estate must be filed with this Court by the Administrator within six (6) months after these letters are issued, and, subject to Instruction 8. below, a copy of that inventory must be delivered to the sui juris heirs by first-class mail within the same period.
2. Within sixty (60) days after these letters are issued, notice must be given once a week for four (4) weeks by advertisement in the newspaper in this County in which sheriff's notices are published, requiring creditors of the estate to render in their demands.
3. Unless a different accounting period has been approved, within sixty (60) days after the anniversary date of issuance of these letters, in each and every year, every Administrator must make a just and true account, under oath, of his receipts and expenditures on behalf of the estate during the preceding year, together with a note or memorandum of any other fact necessary to the exhibition of the true condition of the estate. The vouchers showing the correctness of each item must be retained by the Administrator. Subject to Instruction 8. below, a copy of each such return must be delivered to the sui juris heirs by first-class mail within the same period.
4. The Administrator is allowed six (6) months from the date of his qualification to ascertain the condition of the estate, during which he is exempt from suit. He should collect all debts due the estate, and pay the debts of the estate, wholly or in part, at the end of the six-month period. Payment of the debts of the decedent shall be made in accordance with their rank in priority as provided in O.C.G.A. §53-7-40.
5. The Administrator may continue the business of his intestate for the current year without a court order.
6. The normal commissions allowed the Administrator are two and one-half percent (2.5%) of all sums of money received, and a like commission on all sums of money paid out. In addition, the Judge of the Probate Court may allow a commission of up to three percent (3%) of the value of all property distributed in kind. There are special rules concerning commissions on interest earned and extra compensation.
7. After the payment of all expenses of administration and other debts, the balance of the estate shall be promptly distributed to the heirs. The Administrator must then make a final return, showing the receipts and disbursements since the last annual accounting. Subject to Instruction 8. below, a copy of the final return must be delivered to the sui juris heirs by first-class mail at the time of filing same.
8. It shall not be necessary for the Administrator to mail copies of any annual returns or the final return to any heir or beneficiary who has individually waived in writing the right to receive copies of same unless and until such waiver is revoked in writing.

For further information see O.C.G.A. Title 53, Chapters 6 & 7.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

**LETTERS OF ADMINISTRATION**  
(Bond, Inventory and Returns Required)

By \_\_\_\_\_, the Judge of the Probate Court of said County.

WHEREAS, \_\_\_\_\_ died intestate (check one:)

\_\_\_\_\_ domiciled in this County;

\_\_\_\_\_ not domiciled in this State, but owning property in this County;

and this Court granted an order appointing \_\_\_\_\_  
as Administrator(s) of the estate of said decedent, on condition that said Administrator(s) give bond and  
security and give oath as required by law; and the said Administrator(s) having complied with said conditions;  
the Court hereby grants unto said Administrator(s) full power to collect the assets of said decedent, and to  
pay the debts of said estate, so far as such assets will extend, according to law, and then to pay over the  
balance, if any, to the legal heirs of said decedent, and to do and perform all other duties as such  
Administrator(s), according to the laws of this State.

IN TESTIMONY WHEREOF, I have hereunto affixed my signature as Judge of the Probate Court  
of said County and the seal of this office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge of the Probate Court

NOTE: The following must be signed if the judge does not  
sign the original of this document:

Issued by:

\_\_\_\_\_  
Clerk, Probate Court

(Seal)

(SEE INSTRUCTIONS ON REVERSE SIDE)

# SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

## Petition to Probate Will in Common Form

### INSTRUCTIONS

#### I. Specific Instructions

1. This form is to be used when filing a petition to probate will in common form pursuant to O.C.G.A. §53-5-16 et seq.
2. This form should not be used in connection with a petition to probate a copy of a will in lieu of a lost original without checking with the court in which the petition will be filed.
3. This form should not be used to file a combination petition to probate will and for letters of administration with the will annexed (see Petition to Probate Will in Solemn Form and For Letters of Administration with Will Annexed).
4. Paragraph 5 requires a definitive statement that the list in Paragraph 3 includes each and every heir of the decedent, and that there are no heirs of the same or closer degree according to O.C.G.A §53-2-1. Provide the date of death for any deceased heirs. NOTE: If you are uncertain how to determine the heirs of a decedent, please refer to the "Heirs Determination Sheet" available from the probate court or at [www.gaprobate.org](http://www.gaprobate.org). Examples of such statement would be: (a) "decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein"; (b) "decedent had no other siblings half or whole other than those listed herein"; (c) "the decedent's brother who died previously, had no other children born, adopted, living or deceased, other than listed herein."

#### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.



SUPREME COURT.

4.

(initial if applicable)

\_\_\_\_\_ At the time of the decedent's death, and at this time, the decedent left/leaves (a) minor child(ren), and the Will names a Testamentary Guardian and/or Testamentary Conservator.

\_\_\_\_\_ a. (initial if applicable). The Will names a Testamentary Guardian of (a) minor child(ren) of the decedent. At the time of the decedent's death, he/she had (a) minor child(ren) and there are no living parents; the following individual(s) is/are named as Testamentary Guardian in the decedent's Will:

Name Address

---

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\_\_\_\_\_ b. (initial if applicable). The Will names a Testamentary Conservator of (a) minor child(ren) of the decedent. At the time of the decedent's death, he/she had (a) minor child(ren) and there is/are no court-appointed Conservator(s); the following individual(s) is/are named as Testamentary Conservator(s) in the decedent's Will:

Name Address

---

---

---

\_\_\_\_\_ c. (initial as applicable). The Will names a Testamentary Conservator of (a) minor child(ren) of the decedent. At the time of the decedent's death, he/she had (a) minor child(ren) and there is/are a court-appointed Conservator(s), who is/are identified as follows:

Name Address

---

---

---

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

5.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission. Make a definitive statement which will show to the court that those persons named in Paragraph 4 constitute all of the heirs of the decedent and that there are no deceased heirs of similar or higher degrees according to O.C.G.A. §53-2-1. Provide the date of death for any deceased heirs. (See instructions for further clarification.) If any persons listed above as heirs are cousins, grandchildren, nephews or nieces of the decedent, please list the deceased ancestor through whom they are related to the decedent. If any executor nominated in the will has a priority equal to or higher than the propounder but will not qualify, indicate the name and reasons.

6.

(initial one)

\_\_\_\_\_ To the knowledge of the petitioner(s), no other proceedings with respect to this estate are pending, or have been completed, in any other probate court in this state.

\_\_\_\_\_ The probate of another purported Will of the decedent is pending in this state in the \_\_\_\_\_ County Probate Court. The names and address(es) of the propounder(s) and the names, addresses and ages or majority status of the beneficiaries under the other purported Will to whom notice is required under O.C.G.A. §53-5-22(b) are listed on the attachment hereto, which is expressly made a part hereof, as if fully set forth herein.

WHEREFORE, petitioner(s) pray(s)

1. leave to prove said Will in common form,
2. that due and legal notice be given as the law requires,
3. that said Will be admitted to record on proper proof,
4. that Letters of Testamentary Guardianship and/or Letters of Testamentary Conservatorship issue, if applicable,
5. that Letters Testamentary issue, and
6. that this Court order such other relief as may be proper under the circumstances.

\_\_\_\_\_  
Signature of first petitioner

\_\_\_\_\_  
Signature of second petitioner if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

SUPREME COURT.

VERIFICATION

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

TESTAMENTARY GUARDIAN AND/OR TESTAMENTARY CONSERVATOR  
CONSENT TO SERVE

(To be completed only in the event a Testamentary Guardian/Conservator is named in the will)

GEORGIA, \_\_\_\_\_ COUNTY

IN RE: PETITION OF \_\_\_\_\_ TO PROBATE

THE WILL OF \_\_\_\_\_,  
DECEASED, IN COMMON FORM

I/We, the undersigned, being 18 years of age or older, laboring under no legal disability and being named as Testamentary Guardian(s) and/or Testamentary Conservator(s), hereby consent to serve. I understand that once appointed, I will have the same rights, powers, and duties as set forth in O.C.G.A. §29-2-4 and 29-3-5.

SIGNATURE

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF	)	ESTATE NO. _____
	)	
_____ ,	)	PETITION TO PROBATE WILL IN
DECEASED	)	COMMON FORM

ORDER

It has been shown to the Court in the matter of the Last Will and Testament of \_\_\_\_\_, deceased, propounded by \_\_\_\_\_, named as Executor(s), that the said decedent died domiciled in said County; and that the said Will has been (self-proved) (proved by a witness) to be the Last Will and Testament of said decedent as alleged by the propounder.

IT IS, THEREFORE, ORDERED by this Court that said Will be established as the Last Will and Testament of \_\_\_\_\_, that the same be admitted to record as proved in Common Form, that the Executor(s) has/have leave to qualify as such by taking the required oath, and upon so doing, that Letters Testamentary be issued.

IT IS FURTHER ORDERED that the Executor(s), after payment of all debts, shall disburse property according to the terms of the Will and shall maintain all records of income and disbursements until they are discharged.

IT IS FURTHER ORDERED that the deputy clerk/clerk shall serve the Executor(s) with a copy of this Order by first class mail and shall file a certificate of service showing such service.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

(initial if applicable)

\_\_\_\_\_ IT IS FURTHER ORDERED that Letters of Testamentary Guardianship and/or Conservatorship shall issue to the individuals so designated in said Will.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_, ) PETITION TO PROBATE WILL IN  
DECEASED ) COMMON FORM

OATH

I do solemnly swear (or affirm) that the writing now being presented to this Court is the true Last Will and Testament of \_\_\_\_\_, deceased, so far as I know or believe, and that I will well and truly execute the same in accordance with the laws of Georgia. So help me God.

Sworn to and subscribed before  
me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_. \_\_\_\_\_  
Executor

\_\_\_\_\_  
CLERK OF PROBATE COURT Printed Name

Sworn to and subscribed before  
me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_. \_\_\_\_\_  
Executor

\_\_\_\_\_  
CLERK OF PROBATE COURT Printed Name

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**LETTERS TESTAMENTARY**

Common Form

(Relieved of Filing Returns)

By \_\_\_\_\_, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at a regular term of the Probate Court, the Last Will and Testament dated \_\_\_\_\_, of \_\_\_\_\_ deceased, at the time of his or her death a resident of said County, was legally proven in common form and was admitted to record by order, and it was further ordered that \_\_\_\_\_ named as Executor(s) in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor(s).

NOW, THEREFORE, the said \_\_\_\_\_, having taken the oath of office and complied with all the necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all the powers of Executor(s) under the Will of said deceased, according to the Will and the law.

Given under my hand and official seal, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

(Seal)

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

Effective 7/09

GPCSF 4 Complete

SUPREME COURT.

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

LETTERS TESTAMENTARY

Common Form

(Not Relieved of Filing Return)

By \_\_\_\_\_, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at a regular term of the Probate Court, the Last Will and Testament dated \_\_\_\_\_, \_\_\_\_\_, of \_\_\_\_\_, deceased, at the time of his or her death a resident of said County, was legally proven in common form and was admitted to record by order, and it was further ordered that \_\_\_\_\_, named as Executor(s) in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor(s).

NOW, THEREFORE, the said \_\_\_\_\_ having taken the oath of office and complied with all the necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all the powers of Executor(s) under the Will of said deceased, according to the Will and the law; and is/are hereby required to render a true and correct inventory of all property, both real and personal, and any and all debts of the estate, and make a return of them to this Court; and further, to file a proper annual or final return with this Court each year until the Executorship is fully discharged.

Given under my hand and official seal, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

Effective 7/09

(Seal)

GPCSF 4 Complete

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

LETTERS OF TESTAMENTARY GUARDIANSHIP OF MINOR

(To be completed only in the event a Testamentary Guardian/Conservator is named in the will)

From the Judge of the Probate Court of said County.

TO: \_\_\_\_\_, Testamentary Guardian(s)

RE: \_\_\_\_\_, Minor

Pursuant to the Last Will and Testament of \_\_\_\_\_, deceased, you have been appointed Testamentary Guardian of the minor. You have assented to this appointment by taking your oath. In general, your duties as Testamentary Guardian are to protect and maintain the person of the minor and your power over the minor shall be the same as that of a parent over a child, the guardian(s) standing in place of the parent(s). A guardian shall at all times act as a fiduciary in the minor's best interest and exercise reasonable care, diligence, and prudence.

Special Instructions:

1. It is your duty to see that the minor is adequately fed, clothed, sheltered, educated, and cared for, and that the minor receives all necessary medical attention.
2. You must keep the Court informed of any change in your name or address.
3. You should inform the Court of any change of location of your minor.
4. You shall, within 60 days of appointment and within 60 days after each anniversary date of appointment, file with this Court and provide to the conservator of the minor, if any, a personal status report concerning the minor.
5. You shall promptly notify the court of any conflict of interest which may arise between you as guardian and the minor pursuant to O.C.G.A. §29-2-23.
6. The guardianship automatically terminates when the minor dies, reaches age 18, is adopted, or is emancipated.
7. You shall act in coordination and cooperation with the minor's conservator, if appointed, or if not, with others who have custody of the minor's property.
8. Please consult your attorney if you have any questions. Your authority to act pursuant to these Letters is subject to applicable statute and to any special orders entered in this case.

Give under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK (Seal)

SUPREME COURT.

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**LETTERS OF TESTAMENTARY CONSERVATORSHIP OF MINOR**

(To be completed only in the event a Testamentary Guardian/Conservator is named in the will)

From the Judge of the Probate Court of said County.

TO: \_\_\_\_\_, Testamentary Conservator(s)

RE: \_\_\_\_\_, Minor

Pursuant to the Last Will and Testament of the below-named decedent, you have been appointed Testamentary Conservator of the minor's property. You have assented to this appointment by taking your oath. In general, your duties as Testamentary Conservator are to protect and maintain the property of the minor and utilize the minor's property solely for the benefit of the minor. Please consult your attorney if you have any questions.

**These Letters of Testamentary Conservatorship empower the above testamentary conservator to hold, for the minor, only property which passed through the estate of**

\_\_\_\_\_, Deceased.

Given under my hand and official seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

Note: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

(Seal)

## AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

### Petition to Probate Will in Solemn Form

#### INSTRUCTIONS

#### I. Specific Instructions

1. This form is to be used when filing a petition to probate will in solemn form pursuant to O.C.G.A. §53-5-20, et seq.
2. It is permissible, but not mandatory, to use this form in connection with a petition to probate a copy of a will in lieu of a lost original pursuant to O.C.G.A. §53-4-46, provided that appropriate interlineations are made, and additional information is given to overcome the presumption of revocation. Check with the court in which the petition will be filed.
3. This form may, but is not required to, be used where service by registered or certified mail with return receipt requested, is requested by the petitioner in lieu of personal service, in accordance with O.C.G.A. §53-11-3(e). Appropriate changes would be required in the order for notice, notice and certificate of service.
4. Signatures of heirs who acknowledge service must be attested by a notary public or the clerk of any probate court of this state. It is not necessary that all acknowledgments appear on the same page. An attorney at law may acknowledge service on behalf of an heir; however, the attorney must certify that he or she currently represents that heir with regard to the pending matter and, in order to comply with O.C.G.A. §53-11-6, the attorney's signature must be attested as provided above. With respect to a power of attorney, the attorney-in-fact may acknowledge service on behalf of the donor of the power, provided that the power of attorney grants such authority, the signature of the attorney-in-fact is attested, a copy of the power of attorney is attached, and the attorney-in-fact certifies that the copy is a true copy and is still in effect.
5. O.C.G.A. §53-5-22(c) provides that service of notice, when made personally or by mail, shall include a copy of the petition and of the will for which probate is sought. The same is true when service is acknowledged.
6. Paragraph 5 requires a definitive statement that the list in Paragraph 4 includes each and every heir of the decedent, and that there are no heirs of the same or closer degree according to O.C.G.A. §53-2-1. Provide the date of death for any deceased heirs. NOTE: If you are uncertain how to determine the heirs of a decedent, please refer to the "Heirs Determination Sheet" available from the probate court or at [www.gaprobate.org](http://www.gaprobate.org). Examples of such statement would be: (a) "decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein"; (b) "decedent had no other siblings half or whole other than those listed herein"; (c) "the decedent's brother who died previously, had no other children born, adopted, living or deceased, other than listed herein."
7. Page 6 Guardian/Conservator's consent to serve should only be completed in the event there is a Testamentary Guardian or Testamentary Conservator named in the will according to O.C.G.A. § 29-2-4 and/or § 29-3-5.
8. As to pages after 6, according to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. The documents which are labeled court documents are to be completed by the moving party, unless otherwise directed by the court.

#### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

Effective 7/09

GPSSF 5 Petitioner



AMENDMENTS TO UNIFORM PROBATE COURT RULES.

4.

(initial if applicable)

\_\_\_\_\_ As shown in paragraph 3. above, the decedent was survived by (a) minor child(ren), and:

\_\_\_\_\_ a. (initial if applicable). The Will names a Testamentary Guardian of the minor child(ren) of the decedent. Petitioner shows there is no living parent of said child(ren). The following individual(s) who has/have consented to serve is/are named as Testamentary Guardian in the decedent's Will:

Name Address

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ b. (initial if applicable). The Will names a Testamentary Conservator of the minor child(ren) of the decedent for property passing under the decedent's Will. The following individual(s) who has/have consented to serve is/are named as Testamentary Conservator(s) in the decedent's Will:

Name Address

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ c. (initial as applicable). There is/are now a court-appointed Conservator(s), who is/are identified as follows:

Name Address

\_\_\_\_\_  
\_\_\_\_\_

5.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission. Make a definitive statement which will show to the court that those persons named in Paragraph 3 constitute all of the heirs of the decedent and that there are no heirs of similar or higher degree according to O.C.G.A. §53-2-1. Provide the names of any deceased heirs and include the date of death for each. (See instructions for further clarification.) Also, state here all pertinent facts which may govern the method of giving notice to any party and which may determine whether or not a guardian ad litem should be appointed for any party. If any heirs listed above are cousins, grandchildren, nephews or nieces of the decedent, please indicate the deceased ancestor through whom they are related to the decedent. If any executor nominated in the will has an equal or higher priority to the propounder, but will not qualify, indicate the name and reasons.

SUPREME COURT.

6.

(initial one)

\_\_\_\_\_ To the knowledge of the petitioner(s), no other proceedings with respect to this estate are pending, or have been completed, in any other probate court in this state.

\_\_\_\_\_ The probate of another purported Will of the decedent is pending in this state, in the \_\_\_\_\_ County Probate Court. The names and address(es) of the propounder(s) and the names, addresses and ages or majority status of the beneficiaries under the other purported Will to whom notice is required under O.C.G.A. §53-5-22(b) are listed on the attachment hereto, which is expressly made a part hereof, as if fully set forth herein.

WHEREFORE, petitioner(s) pray(s)

1. leave to prove said Will in solemn form,
2. that due and legal notice be given as the law requires,
3. that said Will be admitted to record on proper proof,
4. that Letters of Testamentary Guardianship and/or Letters of Testamentary Conservatorship issue, if applicable,
5. that Letters Testamentary issue, and
6. that this Court order such other relief as may be proper under the circumstances.

\_\_\_\_\_  
Signature of first petitioner

\_\_\_\_\_  
Signature of second petitioner if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

VERIFICATION

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

SUPREME COURT.

ACKNOWLEDGMENT OF SERVICE  
AND ASSENT TO PROBATE INSTANTER

GEORGIA, \_\_\_\_\_ COUNTY

IN RE: PETITION OF \_\_\_\_\_ TO PROBATE  
THE WILL OF \_\_\_\_\_,  
DECEASED, IN SOLEMN FORM

We, the undersigned, being 18 years of age or older, laboring under no legal disability and being heirs of the above-named decedent, hereby acknowledge service of a copy of the petition to probate said Will in solemn form, purported Will, and notice, waive copies of same, waive further service and notice, and hereby assent to the probate of said Will in solemn form without further delay.

SIGNATURE(S) OF HEIRS

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**TESTAMENTARY GUARDIAN AND/OR TESTAMENTARY CONSERVATOR  
CONSENT TO SERVE**

(To be completed only in the event a Testamentary Guardian/Conservator is named in the will)

GEORGIA, \_\_\_\_\_ COUNTY

IN RE: PETITION OF \_\_\_\_\_ TO PROBATE  
THE WILL OF \_\_\_\_\_,  
DECEASED, IN SOLEMN FORM

I/We, the undersigned, being 18 years of age or older, laboring under no legal disability and being named as Testamentary Guardian(s) and/or Testamentary Conservator(s), hereby consent to serve. I/We understand that once appointed, I/We will have the same rights, powers, and duties as set forth in O.C.G.A. §29-2-4 and 29-3-5.

SIGNATURE

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition to Probate Will in Solemn Form**

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE  
COMPLETED BY THE PETITIONER (MOVING  
PARTY) UNLESS OTHERWISE DIRECTED BY  
THE COURT. SEE PROBATE COURT RULE 22  
(A).**

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
DECEASED \_\_\_\_\_, ) PETITION TO PROBATE WILL IN  
 ) SOLEMN FORM  
 )

ORDER FOR SERVICE OF NOTICE AND APPOINTMENT OF  
GUARDIAN AD LITEM, IF NECESSARY

The foregoing Petition to Probate Will in Solemn Form having been filed, and it appearing that the following heirs did not acknowledge service, it is Ordered that: (Initial any and all which apply:)

\_\_\_\_\_ Notice must be served personally, together with a copy of the petition and the purported Will, at least ten days before the Will can be probated on the following heirs who reside in Georgia:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Notice must be served by registered or certified mail, return receipt requested, together with a copy of the petition and the purported Will, upon the following nonresident heirs whose current residence addresses are known: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Notice must be published once a week for four weeks in the newspaper in which sheriff's advertisements are published in this county, before \_\_\_\_\_, in order to serve by publication the following heirs whose current residence addresses are unknown:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ IT IS ORDERED that \_\_\_\_\_ is appointed guardian ad litem for \_\_\_\_\_ (minor)(unborn heir)(and the unknown heir), and that said guardian ad litem be duly served with a copy of the foregoing Notice, petition, purported Will and notice of this appointment, and that upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer hereto. This appointment is limited to this proceeding only and it shall cease when a final order is entered on this petition.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

SUPREME COURT.

NOTICE

PROBATE COURT OF \_\_\_\_\_ COUNTY  
RE: PETITION OF \_\_\_\_\_ TO  
PROBATE IN SOLEMN FORM THE WILL OF \_\_\_\_\_,  
DECEASED, UPON WHICH AN ORDER FOR SERVICE WAS GRANTED BY THIS COURT  
ON \_\_\_\_\_, 20\_\_\_\_\_

(Strike the following paragraph if not applicable:)

TO: \_\_\_\_\_  
(List here all heirs having known addresses in the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirteenth (13th) day after \_\_\_\_\_, 20\_\_\_\_\_ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 13 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

TO: \_\_\_\_\_  
(List here all heirs having known addresses outside the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirtieth (30th) day after \_\_\_\_\_, 20\_\_\_\_\_ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 30 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

This is further to notify \_\_\_\_\_  
(List here all heirs who reside in Georgia to be served personally)

who are required to be served personally, to file objection, if there is any, to the above referenced petition, in this Court on or before the tenth (10th) day after the date you are personally served.

**BE NOTIFIED FURTHER:** All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_ 20\_\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
CLERK OF THE PROBATE COURT

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE NUMBER

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

NOTICE

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: PETITION OF \_\_\_\_\_ TO  
PROBATE IN SOLEMN FORM THE WILL OF \_\_\_\_\_,  
DECEASED, UPON WHICH AN ORDER FOR SERVICE WAS GRANTED BY THIS COURT  
ON \_\_\_\_\_, 20\_\_\_\_\_  
(For use if an heir is required to be served by publication:)

TO: \_\_\_\_\_  
(List here known heirs having unknown addresses to be served by publication)

all interested parties and all and singular the heirs of said decedent, and to whom it may concern:

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before \_\_\_\_\_, 20\_\_\_\_\_.

**BE NOTIFIED FURTHER:** All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_ 20\_\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
CLERK OF THE PROBATE COURT

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE NUMBER



AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**CERTIFICATE OF MAILING**

This is to certify that I have this date forwarded by registered or certified mail, return receipt requested, in a stamped, addressed envelope, a copy of the foregoing petition, purported Will and the notice, to heirs who reside out of state at known current residence addresses.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK



AMENDMENTS TO UNIFORM PROBATE COURT RULES.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
 )  
DECEASED ) PETITION TO PROBATE WILL IN  
 ) SOLEMN FORM

ORDER

It being shown to the Court in the matter of the alleged Last Will and Testament of the above-named decedent, propounded by \_\_\_\_\_, named as Executor(s), that the said decedent died domiciled in said County; and that due notice of the intention of said propounder(s) to proceed with the proof in solemn form has been served on all of the heirs of said decedent, all in accordance with the laws of this State, and all other requirements of law having been fulfilled, and the said Will having been (self-proved) (proved by one of the witnesses) thereto to be the Last Will and Testament of said decedent as alleged by the propounder(s); and no objection having been filed;

IT IS ORDERED by this Court, that said Will be established as the Last Will and Testament of said decedent; that the same be admitted to record, as proved in solemn form; and that said Executor(s) have leave to qualify as such by taking the required oath, and upon so doing, that Letters Testamentary issue to said Executor(s).

IT IS FURTHER ORDERED that said Executor(s) shall disburse all property according to the terms of the Will and shall maintain all records of income and disbursements until they are discharged.

IT IS FURTHER ORDERED that the clerk/deputy clerk shall serve the Executor(s) with a copy of this Order by first class mail and shall file a certificate of service showing such service.

(initial if applicable)

\_\_\_\_\_ IT IS FURTHER ORDERED that Letters of Testamentary Guardianship and/or Conservatorship shall issue to the individuals so designated in said Will.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
DECEASED \_\_\_\_\_ ) PETITION TO PROBATE WILL IN  
 ) SOLEMN FORM

OATH

I do solemnly swear (or affirm) that this writing now being presented to this Court is the true Last Will and Testament of \_\_\_\_\_, deceased, so far as I know or believe, and that I will well and truly execute the same in accordance with the laws of Georgia. So help me God.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
CLERK OF PROBATE COURT

\_\_\_\_\_  
Executor

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
CLERK OF PROBATE COURT

\_\_\_\_\_  
Executor

\_\_\_\_\_  
Printed Name

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

**LETTERS TESTAMENTARY**  
(Relieved of Filing Returns)

By \_\_\_\_\_, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at a regular term of the Probate Court, the Last Will and Testament dated \_\_\_\_\_, \_\_\_\_\_, of \_\_\_\_\_ deceased, at the time of his or her death a resident of said County, was legally proven in \_\_\_\_\_ form and was admitted to record by order, and it was further ordered that \_\_\_\_\_ named as Executor(s) in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor(s).

NOW, THEREFORE, the said \_\_\_\_\_, having taken the oath of office and complied with all the necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all the powers of Executor(s) under the Will of said deceased, according to the Will and the law.

Given under my hand and official seal, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by: \_\_\_\_\_ (Seal)

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

SUPREME COURT.

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

LETTERS TESTAMENTARY  
(Not Relieved of Filing Return)

By \_\_\_\_\_, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at a regular term of the Probate Court, the Last Will and Testament dated \_\_\_\_\_, \_\_\_\_\_, of \_\_\_\_\_, deceased, at the time of his or her death a resident of said County, was legally proven in \_\_\_\_\_ form and was admitted to record by order, and it was further ordered that \_\_\_\_\_, named as Executor(s) in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor(s).

NOW, THEREFORE, the said \_\_\_\_\_ having taken the oath of office and complied with all the necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all the powers of Executor(s) under the Will of said deceased, according to the Will and the law; and is/are hereby required to render a true and correct inventory of all the goods, chattels, rights and credits of said deceased, and make a return of them to this Court; and further, to file a proper annual or final return with this Court each year until the Executorship is fully discharged.

Given under my hand and official seal, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

(Seal)

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

LETTERS OF TESTAMENTARY GUARDIANSHIP OF MINOR

From the Judge of the Probate Court of said County.

TO: \_\_\_\_\_, Testamentary Guardian(s)

RE: \_\_\_\_\_, Minor

Pursuant to the Last Will and Testament of \_\_\_\_\_, deceased, you have been appointed Testamentary Guardian of the minor. You have assented to this appointment by taking your oath. In general, your duties as Testamentary Guardian are to protect and maintain the person of the minor and your power over the minor shall be the same as that of a parent over a child, the guardian(s) standing in place of the parent(s). A guardian shall at all times act as a fiduciary in the minor's best interest and exercise reasonable care, diligence, and prudence.

Special Instructions:

- 1. It is your duty to see that the minor is adequately fed, clothed, sheltered, educated, and cared for, and that the minor receives all necessary medical attention.
2. You must keep the Court informed of any change in your name or address.
3. You should inform the Court of any change of location of your minor.
4. You shall, within 60 days of appointment and within 60 days after each anniversary date of appointment, file with this Court and provide to the conservator of the minor, if any, a personal status report concerning the minor.
5. You shall promptly notify the court of any conflict of interest which may arise between you as guardian and the minor pursuant to O.C.G.A. §29-2-23.
6. The guardianship automatically terminates when the minor dies, reaches age 18, is adopted, or is emancipated.
7. You shall act in coordination and cooperation with the minor's conservator, if appointed, or if not, with others who have custody of the minor's property.
8. Please consult your attorney if you have any questions. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

PROBATE CLERK/DEPUTY CLERK

(Seal)

SUPREME COURT.

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**LETTERS OF TESTAMENTARY CONSERVATORSHIP OF MINOR**

(To be completed only in the event a Testamentary Guardian/Conservator is named in the will)

From the Judge of the Probate Court of said County.

TO: \_\_\_\_\_, Testamentary Conservator(s)

RE: \_\_\_\_\_, Minor

Pursuant to the Last Will and Testament of the below-named decedent, you have been appointed Testamentary Conservator of the minor's property. You have assented to this appointment by taking your oath. In general, your duties as Testamentary Conservator are to protect and maintain the property of the minor and utilize the minor's property solely for the benefit of the minor. Please consult your attorney if you have any questions.

**These Letters of Testamentary Conservatorship empower the above testamentary conservator to hold, for the minor, only property which passed through the estate of**

\_\_\_\_\_, Deceased.

Given under my hand and official seal, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Probate Judge

Note: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

(Seal)

## AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

### **Petition to Probate Will in Solemn Form and for Letters of Administration With Will Annexed**

#### INSTRUCTIONS

##### I. Specific Instructions

1. This form is to be used when filing a combined Petition to Probate Will in Solemn Form pursuant to O.C.G.A. §53-5-20 et seq., and for Letters of Administration with the Will Annexed (sometimes called Letters of Administration C.T.A.) pursuant to O.C.G.A. §53-6-13 et seq.
2. Signatures of heirs and beneficiaries who acknowledge service must be attested by a notary public or the clerk of any probate court of this state. An attorney at law may acknowledge service on behalf of an heir or beneficiary; however, the attorney must certify that he or she currently represents that heir or beneficiary with regard to the pending matter and, in order to comply with O.C.G.A. §53-11-6, the attorney's signature must be attested as provided above. With respect to a power of attorney, the attorney-in-fact may acknowledge service on behalf of the donor of the power, provided that the power of attorney grants such authority, the signature of the attorney-in-fact is attested, a copy of the power of attorney is attached, and the attorney-in-fact certifies that the copy is a true copy and is still in effect. It is not necessary that all acknowledgments appear on the same page.
2. O.C.G.A. §53-5-22 (c) provides that service of notice, when made personally or by mail, shall include a copy of the petition and of the Will for which probate is sought. This form also provides for a copy of the purported Will to be served upon the beneficiaries, which, though not required by the statute, is of some practical benefit and simplifies several parts of this form.
3. Paragraph 5 requires a definitive statement that the list in Paragraph 3 includes each and every heir of the decedent, and that there are no heirs of the same or closer degree according to O.C.G.A. §53-2-1. Provide the date of death for any deceased heirs. NOTE: If you are uncertain how to determine the heirs of a decedent, please refer to the "Heirs Determination Sheet" available from the probate court or at [www.gaprobate.org](http://www.gaprobate.org). Examples of such statement would be: (a) "decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein"; (b) "decedent had no other siblings half or whole other than those listed herein"; (c) "the decedent's brother who died previously, had no other children born, adopted, living or deceased, other than listed herein."
4. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 7 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

##### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

Effective 7/09

GPCSF 7 Petitioner

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF _____ )	ESTATE NO. _____
DECEASED )	
)	PETITION TO PROBATE WILL IN
)	SOLEMN FORM AND FOR LETTERS
)	OF ADMINISTRATION WITH WILL
)	ANNEXED

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_, whose  
mailing address(es) is/are \_\_\_\_\_, shows:

1.

On \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
First Middle Last Name  
 whose place of domicile was \_\_\_\_\_  
Street City County State  
 departed this life owning property in Georgia.

2.

While alive, decedent duly made and published a Last Will and Testament dated  
\_\_\_\_\_, which is herewith offered for probate in Solemn Form.

3.

Listed below are all of the decedent's heirs, with the age or majority status, address and  
relationship to decedent set opposite the name of each:

Name	Age (or over 18)	Address	Relationship
_____			
_____			
_____			
_____			
_____			
_____			
_____			
_____			

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

4.

Listed below are all of the beneficiaries under said Will who have a present interest, including but not limited to a vested remainder interest but not including trust beneficiaries where there is a trustee who is not the nominated administrator with Will annexed, and whose identity and whereabouts are known or may be determined by reasonable diligence.

Name	Age (Or over 18)	Address

5.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission. Paragraph 5 requires that a definitive statement be made to show to the court that the persons named in paragraph 3 constitute all of the heirs of the decedent and there are no heirs of similar or higher degree according to O.C.G.A §53-2-1. Provide the names of any deceased heirs and include the date of death for each. (See instructions for further clarification.) Also, state here all pertinent facts which may govern the method of giving notice to any party and which may determine whether or not a guardian ad litem should be appointed for any party. If any persons listed above as heirs are cousins, grandchildren, nephews or nieces of the decedent, please indicate the deceased ancestor through whom they are related to the decedent. If the propounder is not an heir or a beneficiary under the Will, state how the propounder is interested in the administration of the estate. If it is alleged that a nominated executor has failed to qualify, state here the name and address of such nominated executor.

6.

Petitioner(s) further show(s) that the circumstances giving rise to the need for an administrator with the Will annexed are as follows:

(initial all which apply:)

- The decedent failed to name an Executor in the Will.
- The named Executor is deceased.
- The named Executor has renounced or declined his/her right to serve as such.
- Other reason a testate estate is unrepresented \_\_\_\_\_

SUPREME COURT.

7.

(The Petitioner(s)) ( \_\_\_\_\_ ) is/are entitled to be appointed Administrator C.T.A. by reason of:

(initial (a) or (b) and complete (b) if initialed:)

- \_\_\_\_\_ a. having been unanimously selected by the beneficiaries of the Will who are capable of expressing a choice. If the sole beneficiary is the decedent's surviving spouse, no action for divorce or separate maintenance was pending at the time of death of the testator.
- \_\_\_\_\_ b. appointment of the proposed Administrator(s) C.T.A. named above will best serve the interest of the estate and the proposed Administrator(s) C.T.A. is/are:
  - \_\_\_\_\_ (i) A beneficiary or the trustee of any trust that is a beneficiary under the Will.
  - \_\_\_\_\_ (ii) An eligible person as defined in O.C.G.A. §53-6-1.
  - \_\_\_\_\_ (iii) A creditor of the estate.
  - \_\_\_\_\_ (iv) The county administrator.

8.

The proposed Administrator(s) C.T.A. should be allowed to qualify without the necessity of posting bond, since only personal representatives of intestate estates and temporary administrators are normally required to post bond. See O.C.G.A. §53-6-50(a).

9.

(initial if applicable)

\_\_\_\_\_ As shown in paragraph 3. above, the decedent was survived by (a) minor child(ren), and:

\_\_\_\_\_ a. (initial if applicable). The Will names a Testamentary Guardian of the minor child(ren) of the decedent. Petitioner shows there is no living parent of said child(ren). The following individual(s) who has/have consented to serve is/are named as Testamentary Guardian in the decedent's Will:

Name	Address
_____	_____
_____	_____



SUPREME COURT.

WHEREFORE, Petitioner(s) pray(s):

1. That due and legal notice of this petition be given as the law requires.
2. That the Will be admitted to probate in solemn form and to record upon proper proof.
3. That Letters of Administration with Will Annexed issue to the proposed Administrator(s) C.T.A. named above.
5. That Letters of Testamentary Guardianship and/or Letters of Testamentary Conservatorship issue, if applicable,
6. That this Court grant such other and further relief as it deems proper under the circumstances.

\_\_\_\_\_  
Signature of first petitioner

\_\_\_\_\_  
Signature of second petitioner if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Phone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

**VERIFICATION**

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**ACKNOWLEDGMENT OF SERVICE AND ASSENT TO PROBATE WILL IN SOLEMN FORM BY HEIRS AND BY BENEFICIARIES CAPABLE OF EXPRESSING A CHOICE**

PROBATE COURT OF \_\_\_\_\_ COUNTY

IN RE: PETITION OF \_\_\_\_\_ TO PROBATE THE WILL OF \_\_\_\_\_, DECEASED, IN SOLEMN FORM, AND FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED.

Each of the undersigned beneficiaries hereby acknowledges service of a copy of the petition referred to above and the purported Will, waives all further service and notice, selects the person proposed in said petition to be Administrator with Will Annexed and consents to the petition.

Each of the undersigned heirs of the above-named decedent being 18 years of age or older, and laboring under no legal disability, hereby acknowledges service of a copy of the petition referred to above, purported Will, and notice, waives all further service and notice, and hereby assent to the probate of said Will in Solemn Form without further delay.

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SIGNATURE(S) OF HEIRS/BENEFICIARIES \_\_\_\_\_

NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

Print Name \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

Print Name \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

Print Name \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

Print Name \_\_\_\_\_

SUPREME COURT.

TESTAMENTARY GUARDIAN AND/OR TESTAMENTARY CONSERVATOR  
CONSENT TO SERVE

GEORGIA, \_\_\_\_\_ COUNTY

IN RE: PETITION OF \_\_\_\_\_ TO PROBATE  
THE WILL OF \_\_\_\_\_,  
DECEASED, IN SOLEMN FORM

I/We, the undersigned, being 18 years of age or older, laboring under no legal disability and being named as Testamentary Guardian(s) and/or Testamentary Conservator(s), hereby consent to serve. I understand that once appointed, I will have the same rights, powers, and duties as set forth in O.C.G.A. §29-2-4 and §29-3-5.

SIGNATURE

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition to Probate Will in Solemn Form and for Letters of Administration With Will Annexed**

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE  
COMPLETED BY THE PETITIONER  
(MOVING PARTY) UNLESS OTHERWISE  
DIRECTED BY THE COURT. SEE PROBATE  
COURT RULE 22 (A).**

SUPREME COURT.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF _____	)	ESTATE NO. _____
	)	
DECEASED	)	PETITION TO PROBATE WILL IN
	)	SOLEMN FORM AND FOR
	)	LETTERS OF ADMINISTRATION
	)	WITH WILL ANNEXED

ORDER FOR SERVICE OF NOTICE AND FOR APPOINTMENT OF GUARDIAN AD LITEM, IF NECESSARY

The foregoing Petition to Probate Will in Solemn Form and for Letters of Administration with Will Annexed having been filed, and all the heirs not having acknowledged service and/or the beneficiaries capable of expressing a choice not having made a unanimous selection and/or it being alleged that a nominated executor has failed to qualify, it is ordered that notice shall issue and be served upon the ((heirs) (beneficiaries) who have not acknowledged service of the petition) (upon any executor nominated in the Will who has failed to qualify), as follows:

(Initial any and all which apply:)

\_\_\_\_\_ Notice must be served personally, together with a copy of the petition and purported Will, at least ten days before the deadline for filing objections upon the following interested parties who reside in Georgia:

\_\_\_\_\_ Notice must be served by registered or certified mail, return receipt requested, together with a copy of the petition and purported Will, upon the following nonresident interested parties whose current residence addresses are known:

\_\_\_\_\_ Notice must be published once a week for four weeks in the newspaper in which sheriff's advertisements are published in this county, before \_\_\_\_\_, in order to serve by publication the following interested parties whose current residence addresses are unknown:

\_\_\_\_\_ IT IS ORDERED that \_\_\_\_\_ is appointed guardian ad litem for \_\_\_\_\_ (minor)(unborn heir)(and the unknown heir), and that said guardian ad litem be duly served with a copy of the foregoing Notice, petition, purported Will and notice of this appointment, and that upon said guardian ad litem's acceptance of the same, said guardian ad litem shall make answer hereto. This appointment is limited to this proceeding only and it shall cease when a final order is entered on this petition.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**NOTICE**

PROBATE COURT OF \_\_\_\_\_ COUNTY  
RE: PETITION OF \_\_\_\_\_ TO PROBATE IN SOLEMN FORM  
THE WILL OF \_\_\_\_\_, DECEASED, AND FOR LETTERS OF  
ADMINISTRATION WITH WILL ANNEXED, UPON WHICH AN ORDER FOR SERVICE WAS  
GRANTED BY THIS COURT ON \_\_\_\_\_.

(Strike the following paragraph if not applicable:)

TO: (List here all interested parties having known addresses in the continental U.S. to be served by certified or registered mail) \_\_\_\_\_

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirteenth (13th) day after \_\_\_\_\_, 20\_\_\_\_ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 13 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

TO: (List here all interested parties having known addresses outside the continental U.S. to be served by certified or registered mail) \_\_\_\_\_

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirtieth (30th) day after \_\_\_\_\_, 20\_\_\_\_ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 30 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

TO: (List here all interested parties who reside in Georgia to be served personally) \_\_\_\_\_

who are required to be served personally, to file objection, if there is any, to the above referenced petition, in this Court on or before the tenth (10th) day after the date you are personally served.

**BE NOTIFIED FURTHER:** All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/phone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE  
By: \_\_\_\_\_  
CLERK OF THE PROBATE COURT  
\_\_\_\_\_  
ADDRESS  
\_\_\_\_\_  
TELEPHONE NUMBER

SUPREME COURT.

NOTICE

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: PETITION OF \_\_\_\_\_ TO PROBATE  
IN SOLEMN FORM THE WILL OF \_\_\_\_\_,  
DECEASED, AND FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED,  
UPON WHICH AN ORDER FOR SERVICE WAS GRANTED BY THIS COURT  
ON \_\_\_\_\_.

(For use if an interested party is required to be served by publication.)  
TO:(List here all known interested parties having unknown addresses to be served by publication) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All interested parties and all and singular the heirs of said decedent, the beneficiaries under the purported Will, and to whom it may concern: This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before \_\_\_\_\_, 20\_\_\_\_.

**BE NOTIFIED FURTHER:** All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/phone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE  
By: \_\_\_\_\_  
CLERK OF THE PROBATE COURT

\_\_\_\_\_  
ADDRESS  
\_\_\_\_\_

\_\_\_\_\_  
TELEPHONE NUMBER

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**CERTIFICATE OF MAILING**

This is to certify that I have this date forwarded by registered or certified mail, return receipt requested, in a stamped, addressed envelope, a copy of the foregoing petition, purported Will and the notice to all of the interested parties who reside out of state.

---

DATE

---

PROBATE CLERK/DEPUTY CLERK





SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF	)	ESTATE NO. _____
	)	
_____ ,	)	PETITION TO PROBATE WILL IN
DECEASED	)	SOLEMN FORM AND FOR LETTERS
	)	OF ADMINISTRATION WITH WILL
	)	ANNEXED

**ORDER**

The Petition of \_\_\_\_\_  
to probate the Will of the above decedent in Solemn Form, and requesting that Letters of Administration with the Will Annexed be issued as set forth in the petition, having been duly filed;

And it appearing that the decedent died domiciled in this County, that notice was issued and duly served according to law, or was duly waived, and that notice of the petitioner's intention to proceed with the proof in Solemn Form has been duly served upon all of the heirs;

And said Will having been (self-proved)(proved by one of the witnesses thereto) to be the Last Will and Testament of said decedent, and it also appearing that \_\_\_\_\_

is/are lawfully qualified for said Administration, and all other requirements of law having been fulfilled; and no objection being offered thereto,

IT IS HEREBY ORDERED that said Will be established as the true Last Will and Testament of said decedent, that the same be admitted to record as proved in Solemn Form, and that Letters of Administration with the Will Annexed issue to the person(s) found above in this Order to be qualified for such office, upon his/her/their taking and subscribing the Oath as provided by law.

IT IS FURTHER ORDERED that said Administrator(s) with Will Annexed shall disburse all property according to the terms of the Will and shall maintain all records of income and disbursements until they are discharged.

IT IS FURTHER ORDERED that the clerk/deputy clerk shall serve the Administrator(s) with Will Annexed with a copy of this Order by first class mail and shall file a certificate of service showing such service.  
(initial if applicable)

\_\_\_\_\_ IT IS FURTHER ORDERED that Letters of Testamentary Guardianship and/or Conservatorship shall issue to the individuals so designated in said Will.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge



SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

**LETTERS OF ADMINISTRATION WITH WILL ANNEXED**  
(Relieved of Filing Returns)

By \_\_\_\_\_, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at a regular term of the Probate Court, the Last Will and Testament dated \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_ deceased, at the time of his or her death a resident of said County, was legally proven in Solemn form and was admitted to record by order, and (on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_) it was (further) ordered that \_\_\_\_\_ be allowed to qualify as Administrator with the Will Annexed, and that upon doing so, Letters of Administration with the Will Annexed be issued to said individual(s).

NOW, THEREFORE, the said \_\_\_\_\_, having taken the oath of office and complied with all the necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all the powers of Executor(s) under the Will of said deceased and of Administrator(s) with the Will Annexed according to the Will and the law.

Given under my hand and official seal, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by: \_\_\_\_\_ (Seal)

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

**LETTERS OF ADMINISTRATION WITH WILL ANNEXED**  
(Relieved of Filing Returns and/or Certain Powers Granted at Time of Appointment)

By \_\_\_\_\_, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at a regular term of the Probate Court, the Last Will and Testament dated \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_ deceased, at the time of his or her death a resident of said County, was legally proven in Solemn form and was admitted to record by order, and (on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_) it was (further) ordered that \_\_\_\_\_ be allowed to qualify as Administrator with the Will Annexed, and that upon doing so, Letters of Administration with the Will Annexed be issued to said individual(s).

NOW, THEREFORE, the said \_\_\_\_\_, having taken the oath of office and complied with all the necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all the powers of Executor(s) under the Will of said deceased and of Administrator(s) with the Will Annexed according to the Will and the law.

IT IS FURTHER ORDERED that the undersigned judge does hereby

(Initial all which apply:)

- \_\_\_\_\_ a. waive the bond of the Administrator(s) and granted to the Administrator(s) the power to serve without filing an inventory, and without filing any annual or other returns or reports to any court; but the fiduciary shall furnish to the income beneficiaries, at least annually, a statement of receipts and disbursements.
- \_\_\_\_\_ b. grant to the Administrator(s) all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above.

Given under my hand and official seal, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

(Seal)

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

Effective 7/09

GPCSF 7 Court

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

**LETTERS OF ADMINISTRATION WITH WILL ANNEXED**  
(Not Relieved of Filing Returns)

By \_\_\_\_\_, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at a regular term of the Probate Court, the last Will and Testament dated \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_ deceased, at the time of his or her death a resident of said County, was legally proven in Solemn form and was admitted to record by order, and (on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_) it was (further) ordered that \_\_\_\_\_ be allowed to qualify as Administrator with the Will Annexed, and that upon doing so, Letters of Administration with the Will Annexed be issued to said individual(s).

NOW, THEREFORE, the said \_\_\_\_\_, having taken the oath of office and complied with all the necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all the powers of Executor(s) under the Will of said deceased and of Administrator(s) with the Will Annexed according to the Will and the law and is/are hereby required to render a true and correct inventory of all the goods, chattels, rights and credits of said deceased, and make a return of them to this Court; and further, to file a proper annual or final return with this Court each year until the Administration with Will Annexed is fully discharged.

Given under my hand and official seal, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by: \_\_\_\_\_ (Seal)

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

LETTERS OF TESTAMENTARY GUARDIANSHIP OF MINOR

From the Judge of the Probate Court of said County.

TO: \_\_\_\_\_, Testamentary Guardian(s)

RE: \_\_\_\_\_, Minor

Pursuant to the Last Will and Testament of \_\_\_\_\_, deceased, you have been appointed Testamentary Guardian of the minor. You have assented to this appointment by taking your oath. In general, your duties as Testamentary Guardian are to protect and maintain the person of the minor and your power over the minor shall be the same as that of a parent over a child, the guardian(s) standing in place of the parent(s). A guardian shall at all times act as a fiduciary in the minor's best interest and exercise reasonable care, diligence, and prudence.

Special Instructions:

1. It is your duty to see that the minor is adequately fed, clothed, sheltered, educated, and cared for, and that the minor receives all necessary medical attention.
2. You must keep the Court informed of any change in your name or address.
3. You should inform the Court of any change of location of your minor.
4. You shall, within 60 days of appointment and within 60 days after each anniversary date of appointment, file with this Court and provide to the conservator of the minor, if any, a personal status report concerning the minor.
5. You shall promptly notify the court of any conflict of interest which may arise between you as guardian and the minor pursuant to O.C.G.A. §29-2-23.
6. The guardianship automatically terminates when the minor dies, reaches age 18, is adopted, or is emancipated.
7. You shall act in coordination and cooperation with the minor's conservator, if appointed, or if not, with others who have custody of the minor's property.
8. Please consult your attorney if you have any questions. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Give under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK (Seal)

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**LETTERS OF TESTAMENTARY CONSERVATORSHIP OF MINOR**

From the Judge of the Probate Court of said County.

TO: \_\_\_\_\_, Testamentary Conservator(s)

RE: \_\_\_\_\_, Minor

Pursuant to the Last Will and Testament of the below-named decedent, you have been appointed Testamentary Conservator of the minor's property. You have assented to this appointment by taking your oath. In general, your duties as Testamentary Conservator are to protect and maintain the property of the minor and utilize the minor's property solely for the benefit of the minor. Please consult your attorney if you have any questions.

**These Letters of Testamentary Conservatorship empower the above testamentary conservator to hold, for the minor, only property which passed through the estate of**

\_\_\_\_\_, Deceased.

Given under my hand and official seal, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Probate Judge

Note: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

(Seal)

## AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

### **Petition for Letters of Administration with Will Annexed (Will Previously Probated)**

#### INSTRUCTIONS

##### I. Specific Instructions

1. This form is to be used in connection with a petition for letters of administration with the Will annexed (sometimes called letters of administration C.T.A.), when the Will has been previously probated pursuant to O.C.G.A. §53-6-15(b). In the event the will has not been previously probated, Form 7 Petition for Letters of Administration with Will Annexed should be used.
2. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 5 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

##### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF _____	)	ESTATE NO. _____
	)	
DECEASED	)	PETITION FOR LETTERS OF
	)	ADMINISTRATION WITH WILL
	)	ANNEXED (WILL PREVIOUSLY
	)	PROBATED)

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_,  
whose mailing address is/are \_\_\_\_\_, shows:

1.

On \_\_\_\_\_, \_\_\_\_\_, the Last Will and Testament of  
 \_\_\_\_\_, deceased, was probated  
 in this Court in \_\_\_\_\_ Form.

First Middle Last Name

2.

Listed below are all of the beneficiaries under said Will which has been previously probated who have a present interest, including but not limited to a vested remainder interest but not including trust beneficiaries where there is a trustee who is not the nominated administrator with Will annexed, and whose identity and whereabouts are known or may be determined by reasonable diligence.

Name	Age (Or over 18)	Address
_____		
_____		
_____		
_____		
_____		
_____		
_____		

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

3.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission.

4.

To the knowledge of the petitioner(s), no other proceedings with respect to this estate are pending, or have been completed, in any other probate court in this state.

5.

Petitioner(s) further show(s) that the circumstances giving rise to the need for an administrator with the Will annexed (Will previously probated) are as follows:  
(Initial all which apply:)

- The decedent failed to name a successor Executor in the Will.
- The named Executor is deceased.
- The named Executor has renounced or declined his/her right to serve as such.
- Other reason a testate estate is unrepresented: \_\_\_\_\_

6.

(The Petitioner(s)) ( \_\_\_\_\_ ) is/are entitled to be appointed Administrator(s) C.T.A. by reason of:

- having been unanimously selected by the beneficiaries of the Will, which was previously probated, who are capable of expressing a choice. If the sole beneficiary is the decedent's surviving spouse, no action for divorce or separate maintenance was pending at the time of death.
- appointment of the proposed Administrator(s) C.T.A. named above will best serve the interest of the estate and the proposed Administrator(s) C.T.A. is/are:
  - A beneficiary or the trustee of any trust that is a beneficiary under the Will.
  - An eligible person as defined in O.C.G.A. §53-6-1.
  - A creditor of the estate.
  - The county administrator.

SUPREME COURT.

7.

The proposed Administrator(s) C.T.A. should be allowed to qualify without the necessity of posting bond, since only personal representatives of intestate estates and temporary administrators are normally required to post bond. See O.C.G.A. §53-6-50(a).

WHEREFORE, Petitioner(s) pray(s):

1. That due and legal notice of this petition be given as the law requires.
2. That Letters of Administration with Will Annexed, Will previously probated, issue to the proposed Administrator(s) C.T.A. named above.
3. That this Court grant such other and further relief as it deems proper under the circumstances.

\_\_\_\_\_  
Signature of first petitioner

\_\_\_\_\_  
Signature of second petitioner if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**VERIFICATION**

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

SUPREME COURT.

ACKNOWLEDGMENT OF SERVICE AND  
SELECTION BY BENEFICIARIES CAPABLE OF EXPRESSING A CHOICE

PROBATE COURT OF \_\_\_\_\_ COUNTY

IN RE: PETITION OF \_\_\_\_\_  
FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED (WILL PREVIOUSLY  
PROBATED) ON THE ESTATE OF \_\_\_\_\_,  
DECEASED.

Each of the undersigned beneficiaries hereby acknowledges service of the petition referred to  
above, waives copies of same and all further service and notice, selects the person proposed in said  
petition to be Administrator with Will Annexed (Will Previously Probated) and consents to the petition.

SIGNATURE(S) OF BENEFICIARIES

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition for Letters of Administration with Will Annexed (Will Previously Probated)**

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT. SEE PROBATE COURT RULE 22 (A).**

SUPREME COURT.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF	)	ESTATE NO. _____
	)	
_____ ,	)	PETITION FOR LETTERS OF
DECEASED	)	ADMINISTRATION WITH WILL
	)	ANNEXED (WILL PREVIOUSLY
	)	PROBATED)

ORDER FOR SERVICE OF NOTICE AND FOR APPOINTMENT OF GUARDIAN AD LITEM, IF NECESSARY

The foregoing Petition for Letters of Administration with Will Annexed (Will Previously Probated) having been filed, and the beneficiaries capable of expressing a choice not having made a unanimous selection and/or it being alleged that a nominated executor has failed to qualify, it is ordered that notice shall issue and be served upon the beneficiaries who have not acknowledged service of the petition (upon the executor of the deceased executor whose death created the vacancy) (upon any executor nominated in the will who has failed to qualify), as follows: (Initial all which apply:)

\_\_\_\_\_ Notice must be served personally, together with a copy of the petition, at least ten days before the deadline for filing objections on the following interested parties who reside in Georgia: \_\_\_\_\_

\_\_\_\_\_ Notice must be served by registered or certified mail, return receipt requested, together with a copy of the petition, upon the following nonresident interested parties whose current residence addresses are known: \_\_\_\_\_

\_\_\_\_\_ Notice must be published once a week for four weeks in the newspaper in which sheriff's advertisements are published in this county, before \_\_\_\_\_, 20\_\_\_\_ in order to serve by publication the following interested parties whose current residence addresses are unknown or who are unknown: \_\_\_\_\_

\_\_\_\_\_ IT IS ORDERED that \_\_\_\_\_ is appointed guardian ad litem for \_\_\_\_\_, and that said guardian ad litem be duly served with a copy of the foregoing petition, Notice, and notice of this appointment, and that upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer hereto. This appointment is limited to this proceeding only and it shall cease when a final order is entered on this petition.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

NOTICE

PROBATE COURT OF \_\_\_\_\_ COUNTY
RE: PETITION OF \_\_\_\_\_ FOR LETTERS OF
ADMINISTRATION WITH WILL ANNEXED (WILL PREVIOUSLY PROBATED),
CONCERNING THE WILL OF \_\_\_\_\_,
DECEASED

(Strike the following paragraph if not applicable:)

TO: \_\_\_\_\_
(List here all heirs having known addresses in the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirteenth (13th) day after \_\_\_\_\_, 20\_\_\_\_ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 13 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

TO: \_\_\_\_\_
(List here all heirs having known addresses outside the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirtieth (30th) day after \_\_\_\_\_, 20\_\_\_\_ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 30 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

This is further to notify \_\_\_\_\_,
(List here all heirs who reside in Georgia to be served personally)
who are required to be served personally, to file objection, if there is any, to the above referenced petition, in this Court on or before the tenth (10th) day after the date you are personally served.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_ 20\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
CLERK OF THE PROBATE COURT

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE NUMBER

SUPREME COURT.

NOTICE

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: PETITION OF \_\_\_\_\_ FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED (WILL PREVIOUSLY PROBATED), CONCERNING THE WILL OF \_\_\_\_\_, DECEASED.

(To be used if an interested party is required to be served by publication:)

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(List here all unknown interested parties and known interested parties having unknown addresses to be served by publication)

and to whom it may concern: This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before \_\_\_\_\_, 20\_\_\_\_.

**BE NOTIFIED FURTHER:** All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_, 20\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE



SUPREME COURT.

**CERTIFICATE OF MAILING**

This is to certify that I have this date forwarded by registered or certified mail, return receipt requested, in a stamped, addressed envelope, a copy of the foregoing petition and notice, to all interested parties who reside out of state at known current residence addresses.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK /DEPUTY CLERK



SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF	)	ESTATE NO. _____
	)	
_____ ,	)	PETITION FOR LETTERS OF
DECEASED	)	ADMINISTRATION WITH WILL
	)	ANNEXED (WILL PREVIOUSLY
	)	PROBATED)

ORDER

The foregoing petition having been duly filed,

And it appearing that the Will of the decedent was previously probated in this Court, and that service was perfected according to law,

And it also appearing that \_\_\_\_\_ is/are lawfully qualified for said Administration C.T.A., and all other requirements of law having been fulfilled; and no objection being offered thereto,

IT IS HEREBY ORDERED that Letters of Administration with the Will Annexed issue to the person(s) found above to be lawfully qualified, upon his/her/their taking and subscribing the Oath as provided by law.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge



SUPREME COURT.

STATE OF GEORGIA  
COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

**LETTERS OF ADMINISTRATION WITH WILL ANNEXED  
(WILL PREVIOUSLY PROBATED)**  
(Relieved of Filing Returns)

By \_\_\_\_\_  
\_\_\_\_\_, Judge of the Probate Court of said  
County.

KNOW ALL WHOM IT MAY CONCERN:

That on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at a regular term of the  
Probate Court, the Last Will and Testament dated \_\_\_\_\_,  
of \_\_\_\_\_ deceased, at the time  
of his or her death a resident of said County, was legally proven in \_\_\_\_\_ form and  
was admitted to record by order, and (on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_) it  
was (further) ordered that \_\_\_\_\_  
be allowed to qualify as Administrator with the Will Annexed, and that upon doing so, Letters of  
Administration with the Will Annexed be issued to said individual(s).

NOW, THEREFORE, the said \_\_\_\_\_  
having taken the oath of office and complied with all the necessary prerequisites of the law, is/are legally  
authorized to discharge all the duties and exercise all the powers of Executor(s) under the Will of said  
deceased and of Administrator(s) with the Will Annexed according to the Will and the law.

Given under my hand and official seal, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not  
sign the original of this document:

Issued by: \_\_\_\_\_ (Seal)  
Clerk, Probate Court

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

STATE OF GEORGIA  
COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

LETTERS OF ADMINISTRATION WITH WILL ANNEXED  
(WILL PREVIOUSLY PROBATED)

mark out those not applicable  
(Relieved of Filing Returns, Filing Bond and/or additional Statutory Powers Granted)

By \_\_\_\_\_, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at a regular term of the Probate Court, the last Will and Testament dated \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_ deceased, at the time of his or her death a resident of said County, was legally proven in \_\_\_\_\_ form and was admitted to record by order, and (on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_) it was (further) ordered that \_\_\_\_\_ be allowed to qualify as Administrator with the Will Annexed, and that upon doing so, Letters of Administration with the Will Annexed be issued to said individual(s).

NOW, THEREFORE, the said \_\_\_\_\_ having taken the oath of office and complied with all the necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all the powers of Executor(s) under the Will of said deceased and of Administrator(s) with the Will Annexed according to the Will and the law.

IT IS FURTHER ORDERED that the undersigned judge does hereby

(Initial all which apply:)

- \_\_\_\_\_ a. waive the bond of the Administrator(s) and grant to the Administrator(s) the power to serve without filing an inventory, and without filing any annual or other returns or reports to any court; but the fiduciary shall furnish to the income beneficiaries, at least annually, a statement of receipts and disbursements.
- \_\_\_\_\_ b. grant to the Administrator(s) all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above.

Given under my hand and official seal, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

(Seal)

\_\_\_\_\_  
Clerk, Probate Court

SUPREME COURT.

STATE OF GEORGIA  
COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

**LETTERS OF ADMINISTRATION WITH WILL ANNEXED  
(WILL PREVIOUSLY PROBATED)  
(Not Relieved of Filing Returns)**

By \_\_\_\_\_, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at a regular term of the Probate Court, the last Will and Testament dated \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_ deceased, at the time of his or her death a resident of said County, was legally proven in \_\_\_\_\_ form and was admitted to record by order, and (on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_) it was (further) ordered that \_\_\_\_\_ be allowed to qualify as Administrator with the Will Annexed, and that upon doing so, Letters of Administration with the Will Annexed be issued to said individual(s).

NOW, THEREFORE, the said \_\_\_\_\_ having taken the oath of office and complied with all the necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all the powers of Executor(s) under the Will of said deceased and of Administrator(s) with the Will Annexed according to the Will and the law and is/are hereby required to render a true and correct inventory of all the goods, chattels, rights and credits of said deceased, and make a return of them to this Court; and further, to file a proper annual or final return with this Court each year until the Administration with Will Annexed is fully discharged.

Given under my hand and official seal, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by: \_\_\_\_\_ (Seal)

\_\_\_\_\_  
Clerk, Probate Court

## AMENDMENTS TO UNIFORM PROBATE COURT RULES.

Petition for Order Declaring No Administration Necessary

### INSTRUCTIONS

#### I. Specific Instructions

1. This form is to be used when filing a petition for order declaring no administration necessary, pursuant to O.C.G.A. §53-2-40 et seq.
2. O.C.G.A. §53-2-40(b) no longer requires that all heirs must be sui juris. O.C.G.A. §53-11-2 provides that a party to a probate proceeding who is not sui juris, must be represented by a guardian provided that the court may appoint a guardian ad litem or determine that the natural guardian, guardian of the person or property, or testamentary guardian has no conflict and may serve.
3. O.C.G.A. §53-2-40(c) provides that the personal representative of a deceased heir is authorized to agree to the division of property.
4. A signed original agreement setting out the heirs' agreed upon distribution of the estate must be attached to the petition.
5. Paragraph 3 requires that a definitive statement be made to show to the court that the persons named in paragraph 2 constitute all of the heirs of the decedent and that there are no heirs of the same or closer degree according to O.C.G.A §53-2-1. Provide the date of death for any deceased heirs. NOTE: If you are uncertain how to determine the heirs of a decedent, please refer to the "Heirs Determination Sheet" available from the probate court or at [www.gaprobate.org](http://www.gaprobate.org). Examples of such statement would be: (a) "decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein"; (b) "decedent had no other siblings half or whole other than those listed herein"; (c) "the decedent's brother who died previously, had no other children born, adopted, living or deceased, other than listed herein."
6. The attached form consists of 12 pages.

#### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

PETITION FOR ORDER DECLARING NO ADMINISTRATION NECESSARY

GEORGIA, \_\_\_\_\_ COUNTY

To the Honorable Judge of the Probate Court of said State and County:

The Petition of \_\_\_\_\_, whose mailing address is

\_\_\_\_\_ Street City State Zip  
respectfully shows to the Court the following:

1.

\_\_\_\_\_ whose domicile  
was \_\_\_\_\_ died  
\_\_\_\_\_ Street City County State  
intestate (without a will) on \_\_\_\_\_, 20\_\_\_\_. Petitioner is an  
heir of the decedent.

2.

Listed below are all of the decedent's heirs, with the age or majority status, domicile and relationship to the decedent set opposite the name of each:

Name	Age (Or over 18)	Address	Relationship
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

3.

Make a definitive statement which will show to the court that those persons named in Paragraph 2 constitute all of the heirs of the decedent all of the heirs of the decedent and that there are no heirs of similar or higher degree according to O.C.G.A. §53-2-1. Provide the names of any deceased heirs and include the date of death for each. (See instructions for further clarification.) Also provide any additional information concerning the personal representative of any now deceased heir, the guardian of any incapacitated adult heir, and any information relative to whom the court should appoint as guardian, if one is needed, in this proceeding:

4.

The decedent owned the following described personal property in this state (include identifying account numbers, serial numbers, etc., where applicable):

5.

The decedent owned the following described real property in this state (insert complete legal description and street address, if any):

SUPREME COURT.

6.

As to the estate of said decedent's:  
( Initial any and all which apply)

- A. The estate of decedent owes no debts.
- B. The estate of decedent owes no debts, except that there is an outstanding security deed held by (complete name(s) address(es) including zip codes must be provided for each creditor so listed) \_\_\_\_\_, who must be properly served in this matter unless such holder has consented in writing below to the petition.
- C. The estate of decedent owes no debts, except to such creditor(s) as have consented in writing to the petition, as shown on the consent below.
- D. The estate of decedent owes no debts, except the creditor(s) (complete name(s) address(es) including zip codes must be provided for each creditor so listed) are listed immediately below who have not consented in writing and must be served as provided by law:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7.

The heirs have amicably agreed upon a division of the estate among themselves as shown by the written agreement attached hereto containing original signatures of all heirs, attested to by a notary public or probate court clerk.

8.

To the knowledge of the petitioner, no other proceedings with respect to this estate are pending, or have been completed, in any other probate court in this state.

WHEREFORE, petitioner prays that this Court issue and serve any notice required by law in such matters, and that after ascertaining the legal sufficiency for granting this petition, this Court grant an Order that no administration is necessary in this estate, all as provided by law.

\_\_\_\_\_  
Signature of Attorney (or  
petitioner if pro se)  
Address:

\_\_\_\_\_  
Signature of Attorney (or  
petitioner if pro se)  
Address:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

State Bar #: \_\_\_\_\_

State Bar #: \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

VERIFICATION

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Petitioner \_\_\_\_\_  
Residence Address \_\_\_\_\_

Petitioner \_\_\_\_\_  
Residence Address: \_\_\_\_\_

Telephone Number \_\_\_\_\_  
Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Telephone Number \_\_\_\_\_  
Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

ORDER FOR NOTICE  
(NOT NEEDED IF ALL CREDITORS HAVE CONSENTED)

Upon reading and considering the foregoing petition, IT IS ORDERED that notice issue thereon as required by law, requiring all creditors who have not consented to the petition to show cause in writing filed in this Court on or before a day certain, if published, or within ten days of personal service, whichever is later, why the prayers of the petitioner should not be granted as prayed, and an Order granted that no administration is necessary in this estate. Further Ordered that any security deed holder or other creditor who has not consented in writing to the petition and whose current address is known be served with a copy of the Petition, this Order, and the following Notice, personally if a resident of this state, or by registered or certified mail, return receipt requested, if a nonresident with a known current address. Any creditor whose current address is not known must be served by publishing the notice once a week for four weeks.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE OF THE PROBATE COURT

NOTICE

Georgia, \_\_\_\_\_ County Probate Court

TO WHOM IT MAY CONCERN:

\_\_\_\_\_ has petitioned for an order finding that no administration is necessary on the estate of \_\_\_\_\_, deceased. All creditors who have not consented to the petition are, therefore, required to show cause on or before \_\_\_\_\_, or within ten days after personal service, whichever is later, why such order should not be granted.

All objections to the petition must be in writing, setting forth the grounds of any such objections. If any objections are filed, a hearing will be (held on \_\_\_\_\_) (scheduled for a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE OF THE PROBATE COURT

By: \_\_\_\_\_  
CLERK OF THE PROBATE COURT

SUPREME COURT.

**CERTIFICATE OF MAILING**

This is to certify that I have this date forwarded by registered or certified mail, return receipt requested, in a stamped, addressed envelope supplied by the petitioner(s), a copy of the foregoing petition and the notice, to each of the following creditors who reside out of state at known current addresses:

---

---

---

---

---

\_\_\_\_\_

DATECLERK, PROBATE COURT

**RETURN OF SHERIFF**

I do hereby certify that I have this day served \_\_\_\_\_, creditor in this matter, with a copy of the foregoing Petition for Order Declaring No Administration Necessary, Order for Notice and Notice.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy Sheriff, \_\_\_\_\_ County

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

ACKNOWLEDGMENT OF SERVICE AND CONSENT

Each of the undersigned heirs or creditors (including any security deed holder) hereby acknowledges due and legal service of the foregoing Petition, waives copies of same and all further service and notice in this matter, and consents to the following Final Order declaring that no administration is necessary in the estate of \_\_\_\_\_, deceased.

SIGNATURE(S) OF HEIRS OR CREDITORS  
(INCLUDING ANY SECURITY DEED  
HOLDERS)

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name and Relationship to Estate

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name and Relationship to Estate

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name and Relationship to Estate

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name and Relationship to Estate

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name and Relationship to Estate

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name and Relationship to Estate

SUPREME COURT.

Georgia, \_\_\_\_\_ County Probate Court

Estate Name \_\_\_\_\_ Estate Case Number \_\_\_\_\_

AGREEMENT

We, being all of the heirs of \_\_\_\_\_, deceased, hereby agree to the division of the decedent's estate among ourselves in the amounts and portions determined in accordance with the rules of inheritance when a decedent dies without a will, or if different, as follows:

We hereby agree that the following interest vest as set forth below. (For each person to receive an interest in any property according to the agreement and hereby Ordered by this Court)

_____	
Full Name of individual to receive interest	
_____	
Complete address including zip code of individual to receive interest	
_____	
Date of Birth or Majority Status	Interest or percentage received pursuant to this Order
_____	_____
Name of individual to receive interest	
_____	
Complete address including zip code of individual to receive interest	
_____	
Date of Birth or Majority Status	Interest or percentage received pursuant to this Order
_____	_____
Name of individual to receive interest	
_____	
Complete address including zip code of individual to receive interest	
_____	
Date of Birth or Majority Status	Interest or percentage received pursuant to this Order
_____	_____

Full

Full

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

Legal Description and location of Real Property:

SUPREME COURT.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
HEIR

NOTARY/CLERK OF PROBATE COURT \_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
HEIR

NOTARY/CLERK OF PROBATE COURT \_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
HEIR

NOTARY/CLERK OF PROBATE COURT \_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
HEIR

NOTARY/CLERK OF PROBATE COURT \_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
HEIR

NOTARY/CLERK OF PROBATE COURT \_\_\_\_\_  
Printed Name

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

(Above space to be used for filing in Superior Court Clerk's Office Deeds and Records)

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN THE MATTER OF:	)	ESTATE NO. _____
	)	
ESTATE OF	)	RE: PETITION FOR ORDER
	)	DECLARING NO
_____	)	ADMINISTRATION NECESSARY
DECEASED	)	

**FINAL ORDER**

A Petition stating that no administration is necessary on the above estate has been duly filed. It appearing that the decedent died intestate domiciled in this county or died intestate owning real property in this county if the decedent was not domiciled in this state; that all of the heirs of said decedent have agreed upon a division of the estate as evidenced by the Agreement attached to the petition and incorporated herein by reference; that the estate of said decedent owes no debts, except to creditors, if any, including any security deed holders, who have consented or been served in this matter; (that notice was issued and published once a week for four weeks in the newspaper in this county in which sheriff's advertisements appear); and that no written objections to the granting of an Order Declaring No Administration Necessary in said estate have been filed within the time required by law; now, therefore,

IT IS ORDERED AND DECREED that No Administration is Necessary on the above estate and by agreement of the parties the following interest is hereby vests as follows:

GRANTOR: (NAME OF DECEDENT) \_\_\_\_\_

ADDRESS OF THE DECEDENT \_\_\_\_\_

GRANTEES: (For each person to receive an interest in any property according to the agreement and hereby Ordered by this Court)

\_\_\_\_\_  
Name of individual to receive interest Full

SUPREME COURT.

\_\_\_\_\_  
Complete address including zip code of individual to receive interest

\_\_\_\_\_  
Date of Birth or Majority Status      Interest or percentage received pursuant to this Order

\_\_\_\_\_  
Name of individual to receive interest Full

\_\_\_\_\_  
Complete address including zip code of individual to receive interest

\_\_\_\_\_  
Date of Birth or Majority Status      Interest or percentage received pursuant to this Order

\_\_\_\_\_  
Name of individual to receive interest Full

\_\_\_\_\_  
Complete address including zip code of individual to receive interest

\_\_\_\_\_  
of Birth or Majority Status      Interest or percentage received pursuant to this Order Date

Legal Description and location of any Real Property:

IT IS FURTHER ORDERED that the Clerk shall send a certified copy of this Order to the Clerk(s) of the Superior Court(s) for recording on the deed records of the following Count(y)(ies) in which real property is located \_\_\_\_\_, Count(y)(ies).

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

Probate Court Return Mailing Address:  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATION OF ORDER OF NO ADMINISTRATION NECESSARY**

I do hereby certify that I have this day mailed by first-class mail a copy of this Certification along with a certified copy of the Order of No Administration Necessary and the Agreement of the Parties in the No Administration Necessary to each of the above named count(y)(ies) properly addressed and with adequate postage thereon, and deposited in the United States Mail, with the return address of this Court thereon.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

# SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

## Petition for Year's Support

### INSTRUCTIONS

#### I. Specific Instructions

1. This form is to be used for filing a petition for year's support pursuant to O.C.G.A. §53-3-1 et seq.
2. The amount set apart shall be an amount sufficient to maintain the standard of living that the surviving spouse and each minor child had prior to the death of the testator or intestate, for a period of 12 months, taking into consideration the following: (1) the support available to the individual for whom the property or money is to be set apart, from sources other than year's support, including but not limited to any separate estate and earning capacity of that individual; and (2) such other relevant criteria as the court deems equitable and proper, including the solvency of the estate.
3. This petition must be filed within 24 months after decedent's death.
4. The Petitioner or his/her/their attorney must prepare and file with the Court, no later than the date of the Final Order, a Georgia Department of Revenue Form PT-61 for each parcel of real property located in the State of Georgia shown on Exhibit "A."
5. Exhibit "B" requires that a definitive statement be made to show to the court that all of the heirs of the decedent are named herein and that there are no heirs of the same or closer degree according to O.C.G.A. §53-2-1. Provide the date of death for any deceased heirs. NOTE: If you are uncertain how to determine the heirs of a decedent, please refer to the "Heirs Determination Sheet" available from the probate court or at [www.gaprobate.org](http://www.gaprobate.org). Examples of such statement would be: (a) "decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein"; (b) "decedent had no other siblings half or whole other than those listed herein"; (c) "the decedent's brother who died previously, had no other children born, adopted, living or deceased, other than listed herein."
6. Exhibit "B" also requires that the Tax Commissioner be listed for each county in which there is real property owned by the decedent.
7. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 8 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

#### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
DECEASED \_\_\_\_\_, )  
 )  
 )  
 )  
 )

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The Petition of \_\_\_\_\_,  
First Middle Last Name  
whose mailing address is \_\_\_\_\_, shows that:

1.

The petitioner is:

\_\_\_\_\_ A. The surviving spouse.  
\_\_\_\_\_ B. A guardian or other individual acting on behalf of the surviving spouse or minor  
child(ren) (state specific relationship): \_\_\_\_\_

2.

The decedent, \_\_\_\_\_, whose domicile was  
\_\_\_\_\_  
(State full street address of decedent, including County of domicile)  
departed this life on \_\_\_\_\_, 20 \_\_\_\_\_.

3.

(Initial one:)

\_\_\_\_\_ A. There is not a Will.  
\_\_\_\_\_ B. There is a Will, which has been offered for probate.  
\_\_\_\_\_ C. There is a Will, which will be offered for probate.  
\_\_\_\_\_ D. There is a Will, which will not be offered for probate but is attached to this Petition  
or is on file with this Court.

4.

The decedent's estate consists of real and/or personal property of the probable value of \_\_\_\_\_  
dollars.

SUPREME COURT.

5.

Petitioner shows that the following named minor child \_\_\_ of said decedent , to wit:

\_\_\_\_\_  
Name of Minor Child    D.O.B.            Name, Address of Parent or Guardian

\_\_\_\_\_  
Name of Minor Child    D.O.B.            Name, Address of Parent or Guardian

\_\_\_\_\_  
Name of Minor Child    D.O.B.            Name, Address of Parent or Guardian

\_\_\_\_\_  
Name of Minor Child    D.O.B.            Name, Address of Parent or Guardian

\_\_\_\_\_  
Name of Minor Child    D.O.B.            Name, Address of Parent or Guardian

(and \_\_\_\_\_ (Full Name of Surviving Spouse, if applicable)  
(is) (are) entitled, before the payment of debts of the decedent, to an allowance called Year's Support, which  
petitioner hereby claims for the individual(s) named above.

6.

A schedule of the property or a statement of the amount of money or both which the petitioner  
proposes to have set aside to the individuals listed in paragraph 5. above as year's support is attached hereto  
as "Exhibit A" and made a part hereof.

7.

(Select "A" or "B", and strike inapplicable words:)

\_\_\_\_\_ A. (There is no executor or administrator of this estate) (The petitioner is the executor  
or administrator of this estate) and therefore petitioner has set forth below by  
affidavit marked "Exhibit B" and made a part hereof a list of all interested persons,  
who must be mailed a copy of the notice not less than 21 days prior to the deadline  
shown in the notice by which objections, if any, must be filed.

\_\_\_\_\_ B. \_\_\_\_\_ (is) (are) the  
acting executor(s) or administrator(s) of this estate and must receive 21 days' notice  
by mail as described above. Note: "Exhibit B" is not required.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

8.

In addition to all taxes and tax liens on real property accrued for years prior to the year of the decedent's death, petitioner elects to have property taxes on any real property set apart as year's support divested as follows: (must select one)

- \_\_\_\_\_ 1. Real property taxes accrued in the year of decedent's death;
- \_\_\_\_\_ 2. Real property taxes accrued in the year in which this petition is filed; or
- \_\_\_\_\_ 3. Real property taxes accrued in the year following the filing of this petition if this petition is filed in the year of the decedent's death.

9.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission.

WHEREFORE, petitioner prays:

- 1. That this petition be accepted and filed.
- 2. That notice issue and be published and served as described above.
- 3. That any interested person who is a minor or an incapacitated adult have a guardian ad litem appointed for him or her, except for any minor child of decedent on whose behalf this petition has been filed by a guardian who is not the spouse of the decedent.
- 4. That this Court grant such other and further relief as it deems proper under the circumstances.

\_\_\_\_\_  
Signature of petitioner

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

SUPREME COURT.

VERIFICATION

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF )  
 ) ESTATE NO. \_\_\_\_\_  
 )  
\_\_\_\_\_, ) PETITION FOR YEAR'S SUPPORT  
DECEASED )  
 )

EXHIBIT A

SCHEDULE OF PROPERTY

[NOTE: If the petitioner proposes to have set aside any interest in real property, then the complete legal (metes and bounds) description of the real property and the interest therein must appear in full on this schedule and on the proposed Certificate of Order of Year's Support (page 8).]

The following is a schedule of the property or a statement of the amount of money or both which the petitioner proposes to have set aside as year's support:

\_\_\_\_\_  
Petitioner

SUPREME COURT.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_
)
) PETITION FOR YEAR'S SUPPORT
DECEASED )
)

EXHIBIT B

LIST OF INTERESTED PERSONS

(To be completed if (1) there is no appointed executor or administrator of the estate, or (2) if the petitioner has been appointed the executor or administrator of the decedent's estate)

Petitioner hereby certifies that petitioner has made reasonable inquiry to ascertain the names, last known addresses, and ages (if under 18) of all the interested persons with respect to the within matter. Petitioner understands that, for purposes of this affidavit, the term "interested person" refers to the above-named decedent's children, spouse, other heirs, beneficiaries, creditors, and any others having a property right or claim against the estate which may be affected by the above Year's Support proceeding, including but not limited to the Tax Commissioner for each county in which there is real property owned by the decedent. Petitioner hereby certifies that the following are all of the interested persons known to Petitioner with respect to this matter and that any incapacitated adults are identified as such:

Provide a definitive statement to show to the court that all heirs of the decedent have been named herein and that there are no heirs of similar or higher degree according to O.C.G.A. §53-2-1. Provide the names of any deceased heirs and include the date of death for each. (See instructions for further clarification.)

Table with 4 columns: Name, Last Known Address, Age (or over 18), Relationship to Decedent. Includes multiple blank rows for entry.

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Petitioner

Notary Public, or Clerk, Probate Court

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**ACKNOWLEDGMENT OF SERVICE  
AND CONSENT TO  
AWARD OF YEAR'S SUPPORT**

GEORGIA, \_\_\_\_\_ COUNTY

IN RE: PETITION OF \_\_\_\_\_  
FOR YEAR'S SUPPORT

ESTATE OF \_\_\_\_\_, DECEASED

We, the undersigned, being over 18 years of age, laboring under no legal disability and being interested persons with respect to the within matter, hereby acknowledge service of the petition for year's support and notice, waive copies of same, waive all further service and notice, and hereby consent to the award of year's support as proposed in the petition.

SIGNATURE(S) OF INTERESTED PARTIES

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Print Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Print Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Print Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Print Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Print Name  
My Commission Expires \_\_\_\_\_

SUPREME COURT.

Probate Court Return Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATE OF ORDER OF YEAR'S SUPPORT**

(Pursuant to Ga. Code Ann. §53-3-11)

GEORGIA, \_\_\_\_\_ COUNTY

DATE ORDER GRANTED: \_\_\_\_\_

GRANTOR: (NAME OF DECEDENT) \_\_\_\_\_

GRANTEE: (FULL NAME OF SURVIVING SPOUSE, AND EACH MINOR CHILD, AND DATE OF BIRTH OF EACH MINOR)

\_\_\_\_\_  
\_\_\_\_\_

ADDRESS OF GRANTEE: \_\_\_\_\_

Legal Description of Real Property and Interest Therein:

Also land in \_\_\_\_\_, Count(y)(ies).

Original Certificate delivered or mailed to Clerk of Superior Court of \_\_\_\_\_  
\_\_\_\_\_ County on \_\_\_\_\_, 20\_\_\_\_\_.

Certificate prepared by:

I do hereby certify that the above information is based on the order of the Probate Court issued on the date set out above and that the above information is true and correct.

\_\_\_\_\_  
SIGNATURE OF ATTORNEY

By: \_\_\_\_\_

State Bar #: \_\_\_\_\_

PROBATE CLERK/DEPUTY CLERK

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition for Year's Support**

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT. SEE PROBATE COURT RULE 22 (A).**

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
DECEASED \_\_\_\_\_, ) PETITION FOR YEAR'S SUPPORT  
 )

**ORDER FOR NOTICE AND APPOINTMENT OF GUARDIAN AD LITEM, WHERE NECESSARY**

The Petition for Year's Support having been filed in this office, let notice issue and be published once a week for four weeks as required by law.

Further, it appearing that the estate (is) (is not) represented by a person other than the petitioner, let the clerk of this Court mail a copy of the notice in this matter to (such representative other than the petitioner) (all interested persons listed in "Exhibit B" to the petition).

Further ordered that the clerk of this Court must mail a copy of the petition within five days of its filing to the tax commissioner or tax collector of any county in this state in which real property proposed to be set apart is located.

Further Ordered, that any minors or incapacitated adults included in the petition or on Exhibit B shall have a guardian ad litem appointed for them, except when a guardian files on behalf of a minor or incapacitated adult and the guardian is not the surviving spouse.

(Note: Appoint more than one guardian ad litem if necessary to represent parties who are not sui juris and who may have adverse interests).

Further Ordered, that \_\_\_\_\_ be appointed guardian ad litem for \_\_\_\_\_ and that said guardian ad litem be duly served with a copy of the foregoing petition, Notice and notice of this appointment, and upon said guardian ad litem's acceptance of same, said guardian ad litem make answer hereto. This appointment is limited to this proceeding only and it shall cease when a final order is entered on this petition.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

NOTICE

GEORGIA, \_\_\_\_\_ COUNTY PROBATE COURT

TO: \_\_\_\_\_  
\_\_\_\_\_

The petition of \_\_\_\_\_, for a year's support from the estate of \_\_\_\_\_, deceased, for decedent's (surviving spouse) (and) (minor child \_\_\_\_\_), having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before \_\_\_\_\_, 20\_\_\_\_\_, why said petition should not be granted.

All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_ in the Probate Court of \_\_\_\_\_ County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

SUPREME COURT.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
DECEASED \_\_\_\_\_ ) PETITION FOR YEAR'S SUPPORT  
 )

CERTIFICATE OF MAILING

I do hereby certify that I have this day mailed a copy of the above notice in this matter to (initial one)

\_\_\_\_\_ the personal representative of the estate

\_\_\_\_\_ the tax commissioner of the following counties in which the decedent owed property:

\_\_\_\_\_

\_\_\_\_\_ (all interested persons as listed by the petitioner on "Exhibit B" attached to the petition,) as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

in an envelope supplied by the petitioner for each person to be notified, properly addressed and with adequate postage thereon, and deposited in the United States Mail, with the return address of this Court thereon.

A copy was not sent to the following individuals or entities as they signed an acknowledgment and consent to the award of the Year's Support:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK





## AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

### **Petition for the Appointment of an Emergency Guardian and/or Conservator for a Proposed Ward**

#### **INSTRUCTIONS**

##### **I. Specific Instructions**

1. This form is to be used for filing a Petition for the Appointment of an Emergency Guardian and/or Conservator for a Proposed Ward pursuant to O.C.G.A. §29-4-14 and/or §29-5-14.
2. Regarding the need for the pre-hearing appointment of an Emergency Guardian and/or Conservator, O.C.G.A. §29-4-15(c)(5) and 29-5-15 (c)(5) provide as follows: If the court determines that there is probable cause to believe that the proposed ward is in immediate need of an emergency guardian, the court shall appoint an emergency guardian to serve until the emergency hearing, with or without prior notice to the proposed ward, but only if the threatened risk is so immediate and the potential harm so irreparable that any delay is unreasonable and the existence of the threatened risk and potential for irreparable harm is certified by the affidavit of a physician licensed to practice medicine under Chapter 34 of Title 43, a psychologist licensed to practice under Chapter 39 of Title 43, or a licensed clinical social worker.

If the court determines that there is probable cause to believe that the proposed ward is in immediate need of an emergency conservator, the court shall appoint an emergency conservator to serve until the emergency hearing, with or without prior notice to the proposed ward, but only if the threatened risk is so immediate and the potential harm so irreparable that any delay is unreasonable and the existence of the threatened risk and potential for irreparable harm is certified by the affidavit of a physician licensed to practice medicine under Chapter 34 of Title 43, a psychologist licensed to practice under Chapter 39 of Title 43, or licensed clinical social worker; provided, however, that, pending the emergency hearing, the court shall order that no withdrawals may be made from any account on the authority of the proposed ward's signature without the court's prior approval and that the emergency conservator shall not expend any funds of the proposed ward without prior court approval.

3. Further, if a pre-hearing emergency guardian and/or conservator is appointed to serve until the emergency hearing, then such guardian and/or conservator shall, prior to the issuance of Letters of Emergency Guardianship and/or Conservatorship, take an oath and post such bond as the court may require.

## SUPREME COURT.

4. The burden of proof is on the petitioner to prove by clear and convincing evidence that the proposed ward lacks sufficient capacity to make or communicate significant responsible decisions concerning his/her health or safety and is in need of a guardian **AND** there is an immediate, clear, and substantial risk of death or serious physical injury, illness, or disease unless an emergency guardian is appointed and/or that the proposed ward lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property and is in need of a conservator **AND** there is an immediate, substantial risk of irreparable waste or dissipation of the estate unless an emergency conservator is appointed.
5. In any case involving the appointment of a conservator when the proposed ward owns real property in Georgia, a certificate of creation of conservatorship will be completed by the clerk of the probate court and filed with the clerk of the superior court of each county in which the proposed ward owns real property.
6. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 13 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.



SUPREME COURT.

2.

The proposed ward, age \_\_\_\_\_, date of birth \_\_\_\_\_, social security no. \_\_\_\_\_, is domiciled at (address) \_\_\_\_\_ County, State of \_\_\_\_\_, and is presently located at \_\_\_\_\_, which is a (type of facility, if applicable) \_\_\_\_\_ and can be contacted at (telephone number): \_\_\_\_\_.

(initial if applicable)

\_\_\_\_\_ It is anticipated that the proposed ward will be moved within the next 3 days to the following address: \_\_\_\_\_, telephone number \_\_\_\_\_.

\_\_\_\_\_ The proposed ward is a citizen of a foreign country, being \_\_\_\_\_

(if a guardianship or conservatorship is granted, pursuant to The Vienna Convention, the Probate Court must notify the consul).

3.

The proposed ward is in need of an emergency guardian and/or conservator by reason of the following incapacity: \_\_\_\_\_

\_\_\_\_\_ to the extent that the proposed ward: (initial all applicable)

\_\_\_\_\_ a. (for emergency guardianship:) lacks sufficient capacity to make or communicate significant responsible decisions concerning his/her health or safety, and there is an immediate, and substantial risk of death or serious physical injury, illness, or disease unless an emergency guardian is appointed,

\_\_\_\_\_ b. (for emergency conservatorship:) lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property and there is an immediate, substantial risk of irreparable waste or dissipation of the estate unless an emergency conservator is appointed.

The facts which support the claim of the need for an emergency guardian and/or conservator are as follows:

(NOTE: pursuant to O.C.G.A. §29-4-15(b) and 29-5-14(b), the Court shall dismiss the petition if the petitioner does not allege facts which cause the Court to believe that the proposed ward is in need of an emergency guardian and/or conservator as stated above. The Petition cannot be granted unless sufficient facts are presented which support the claim for the need for the appointment of an emergency guardian and/or conservator. While an attached physician's/psychologist's/social worker's affidavit is permissible, the Petitioner(s) MUST specifically allege sufficient facts to support the granting of this Petition.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

4.

It is in the best interest of the proposed ward that \_\_\_\_\_  
\_\_\_\_\_ be appointed emergency guardian and \_\_\_\_\_  
\_\_\_\_\_ appointed emergency conservator.

5.

(Initial if applicable)

\_\_\_\_\_ a. In addition to the appointment of an emergency guardian after notice and a hearing, the  
Court immediately should appoint a pre-hearing emergency guardian for the following  
reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: the court cannot appoint a pre-hearing emergency guardian unless the petition alleges sufficient specific facts showing that any delay is unreasonable and the existence of the threatened risk and potential for irreparable harm is certified by an affidavit of a physician, psychologist, or social worker.

and, the pre-hearing guardian should be granted the following specific powers and duties  
which do not exceed those absolutely necessary to respond to the immediate threatened  
risk(s) described above: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ b. In addition to the appointment of an emergency conservator after notice and a hearing, the  
Court immediately should appoint a pre-hearing emergency conservator for the following  
reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: the court cannot appoint a pre-hearing emergency conservator unless the petition alleges sufficient specific facts showing that any delay is unreasonable and the existence of the threatened risk and potential for irreparable harm is certified by an affidavit of a physician, psychologist, or social worker.

and, the pre-hearing conservator should be granted the following specific powers and  
duties which do not exceed those absolutely necessary to respond to the immediate  
threatened risk(s) described above: \_\_\_\_\_  
\_\_\_\_\_

SUPREME COURT.

6.

The reason(s) why the procedures for the appointment of a non-emergency (permanent) guardianship and/or conservatorship are inadequate to protect the proposed ward and/or his/her property is/are: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(initial applicable)

\_\_\_\_\_ A Petition for permanent guardianship/conservatorship was/is being/will be filed in conjunction with this Petition.

\_\_\_\_\_ No Petition for permanent guardianship/conservatorship has been/will be filed, and a summary description of all known assets, income, other sources of funds, liabilities, and expenses of the proposed ward is shown on page 10.

7.

The foreseeable duration of the proposed ward's incapacity will be: \_\_\_\_\_ and the Court should grant the emergency guardian/conservator the following powers and duties which do not exceed those absolutely necessary to respond to the immediate threatened risk(s) described above: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

8.

(initial one:)

\_\_\_\_\_ a. No other person has authority to act in the circumstances, whether under a power of attorney, trust, or otherwise.

\_\_\_\_\_ b. The following individual(s) with the authority to act under a power of attorney, trust, or otherwise, appear(s) unwilling or unable to act: (name, address, and telephone number): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

WHEREFORE, petitioner(s) pray(s):

1. that service be perfected as required by law;
2. that the court appoint legal counsel and an evaluator for the proposed ward and order an evaluation as required by law;
3. that the court order an emergency hearing to be conducted not sooner than 3 days nor later than 5 days after the filing of this petition;
4. that an emergency guardian and/or conservator be appointed for the proposed ward; and
5. that, if requested, the Court immediately appoint a pre-hearing emergency guardian and/or conservator with such powers and duties as the Court shall direct.

\_\_\_\_\_  
Signature of first petitioner

\_\_\_\_\_  
Signature of second petitioner, if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

SUPREME COURT.

VERIFICATION

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

-----  
Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**CONSENT TO SERVE AS EMERGENCY GUARDIAN AND/OR CONSERVATOR**

RE: Petition for the appointment of an emergency guardian and/or conservator for \_\_\_\_\_, a proposed ward.

I/We, \_\_\_\_\_, having been nominated as emergency guardian(s) and I/we, \_\_\_\_\_, having been nominated as emergency conservator(s) of the above-named proposed ward, do hereby consent to serve as emergency guardian(s)/conservator(s) and pre-hearing emergency guardian(s)/conservator(s) if so appointed.

_____ Proposed Emergency Guardian/Conservator	_____ Proposed Emergency Guardian/Conservator
_____ Print Name	_____ Print Name
_____ Address	_____ Address
_____	_____
_____ Telephone	_____ Telephone

\_\_\_\_\_  
Proposed Emergency Guardian/Conservator

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_  
Telephone

SUPREME COURT.

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: Petition for appointment of an emergency guardian and/or conservator for \_\_\_\_\_

**AFFIDAVIT OF PHYSICIAN, PSYCHOLOGIST, OR CLINICAL SOCIAL WORKER FOR EMERGENCY GUARDIANSHIP/CONSERVATORSHIP**

I, being first duly sworn, depose and say that I am a physician licensed to practice under Chapter 34 of Title 43 of the Official Code of Georgia Annotated or a psychologist licensed to practice under Chapter 39 of Title 43 of the Official Code of Georgia Annotated, or a licensed clinical social worker; that my office address is \_\_\_\_\_

\_\_\_\_\_, Georgia, and that I have examined the above-named proposed ward on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. **NOTE: The examination on which this affidavit is based must occur WITHIN FIFTEEN DAYS prior to the filing of the petition.** I found him/her to be incapacitated by reason of : \_\_\_\_\_

to the extent that said proposed ward (initial all applicable):

\_\_\_\_\_ a. (re: emergency guardianship:) lacks sufficient capacity to make or communicate significant responsible decisions concerning his/her health or safety and there is an immediate and substantial risk of death or serious physical injury, illness, or disease unless an emergency guardian is appointed, and (if applicable)

\_\_\_\_\_ i. **the threatened risk is so immediate and the potential harm so irreparable that any delay is unreasonable and a pre-hearing guardian should be appointed.**

\_\_\_\_\_ b. (re: emergency conservatorship:) lacks sufficient capacity to make or communicate significant, responsible decisions concerning the management of his/her property and there is an immediate, substantial risk of irreparable waste or dissipation of the estate unless an emergency conservator is appointed, and (if applicable)

\_\_\_\_\_ i. **the threatened risk is so immediate and the potential harm so irreparable that any delay is unreasonable and a pre-hearing conservator should be appointed.**

The following facts support my opinion of incapacity and the existence of immediate threat(s) or risk(s) to the proposed ward:

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

The foreseeable limits on the duration of such incapacity are:

Based on available data, the proposed ward should retain the following rights which would be lost with the appointment of a guardian/conservator: (initial all applicable)

- \_\_\_\_\_ a. contract marriage
- \_\_\_\_\_ b. make, modify, or terminate other contracts
- \_\_\_\_\_ c. consent to medical treatment
- \_\_\_\_\_ d. establish a residence or dwelling place
- \_\_\_\_\_ e. change domicile
- \_\_\_\_\_ f. revoke a revocable trust established by the ward
- \_\_\_\_\_ g. bring or defend any action at law or equity, except an action relating to the guardianship/conservatorship
- \_\_\_\_\_ h. buy sell, or otherwise dispose of or encumber property
- \_\_\_\_\_ i. enter into or conduct other business or commercial transactions
- \_\_\_\_\_ j. none of the above

Optional: Affiant's opinions as to any other limitations on the emergency guardianship/conservatorship are:

WITNESS MY HAND AND SEAL this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Sworn to and subscribed before me this  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Physician/Psychologist/Social Worker

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name of Evaluator

My commission expires on the \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_.  
(NOTARIAL SEAL AFFIXED)

SUPREME COURT.

NOTE: If the appointment of an emergency conservator is sought and no petition for permanent conservatorship is being filed simultaneously, this form must be completed

ASSETS, INCOME, OTHER SOURCES OF FUNDS, LIABILITIES, AND EXPENSES OF PROPOSED WARD

PROPOSED WARD: \_\_\_\_\_

REAL PROPERTY

(Indicate if property is jointly owned and with whom)

Description	County	State	Approximate equity
Parcel 1	_____	_____	\$ _____
Parcel 2	_____	_____	\$ _____
Parcel 3	_____	_____	\$ _____

INCOME FROM ALL SOURCES

	Yearly Total
Social Security per year	\$ _____
SSI (Supplemental Security Income) per year	\$ _____
Retirement benefits per year	\$ _____
VA benefits per year	\$ _____
Other income per year, including, e.g., alimony, annuity, or trust distributions	\$ _____
Interest, dividend, or investment income	\$ _____
<b>YEARLY TOTAL OF ALL INCOME</b>	<b>\$ _____</b>

PERSONAL AND INTANGIBLE PROPERTY

(Indicate if property is jointly owned and with whom)

Approximate Current Value

1. Checking/Savings/Money Market/Certificates of Deposit/Liquid Accounts:

Bank/Financial Institution/Broker	Acct. No.	Joint Owner (if any)	
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

2. Stocks/Bonds/Investments (including retirement and profit-sharing accounts):

a. Held by brokers:

Brokerage Firm or Institution	Acct. No.	Joint Owner (if any)	
_____			\$ _____
_____			\$ _____
_____			\$ _____
_____			\$ _____
_____			\$ _____

b. Privately held:

Company/Issuer	No. of Shares	Joint Owner (if any)	
_____			\$ _____
_____			\$ _____

3. Automobiles:

Year/Make/Model	V.I.N.	Joint owner (if any)	
_____			\$ _____
_____			\$ _____

4. Other assets of significant value:

Description	Joint owner (if any)	
_____		\$ _____
_____		\$ _____
_____		\$ _____
<b>TOTAL VALUE OF PERSONAL AND INTANGIBLE PROPERTY</b>		<b>\$ _____</b>

SUPREME COURT.

**DEBTS AND OTHER LIABILITIES**

The proposed ward owes the following debts/liabilities:

1. Secured debts:

Obligor/Payee	Collateral	Solely/Jointly Owed	Approx. Current Balance
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

2. Unsecured debts:

Obligor/Payee	Acct. No.	Solely/Jointly Owed	Approx. Current Balance
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
<b>TOTAL DEBTS AND OTHER LIABILITIES OF PROPOSED WARD</b>			<b>\$ _____</b>

**AVERAGE MONTHLY LIABILITIES AND EXPENSES**

Household:

Care Facility/Rent/Mortgage payments:	\$ _____
Property taxes/Insurance	\$ _____
Utilities/Lawn Care/Pest Control	\$ _____
Miscellaneous household food	\$ _____
Total credit account and other debt payments	\$ _____
Other (specify)	\$ _____

Automotive/Transportation

Fuel and Repairs	\$ _____
Tags and license fees, Insurance	\$ _____
Bus/Train/Taxi fares	\$ _____

Minors or Other Dependents of the Proposed Ward

Child Care	\$ _____
School Tuition/Supplies/Expenses/Lunches	\$ _____
Clothing/Diapers /Grooming/Hygiene	\$ _____
Medical/Dental/Prescription	\$ _____

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

Entertainment/Activities \$ \_\_\_\_\_

Other Insurance

Health \$ \_\_\_\_\_

Life/Disability \$ \_\_\_\_\_

Other (specify) \$ \_\_\_\_\_

Proposed Ward's Other Expenses

Laundry/Clothing/Grooming/Hygiene \$ \_\_\_\_\_

Medical/Dental/Prescriptions/Medications \$ \_\_\_\_\_

Entertainment/Vacations/Subscriptions/Dues \$ \_\_\_\_\_

Personal Caretakers/Cleaning personnel \$ \_\_\_\_\_

Other (specify) \$ \_\_\_\_\_

Total Expenses \$ \_\_\_\_\_

Payments to Creditors:

Is the proposed ward behind in any debt payments? (yes) (no)

If so, payee and amount: \_\_\_\_\_

---

**SUMMARY**

1. Average Monthly Income \$ \_\_\_\_\_

2. Average Monthly Expenses <\$ \_\_\_\_\_ >

SUPREME COURT.

**Petition for the Appointment of an Emergency Guardian and/or Conservator for a Proposed Ward**

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT. SEE PROBATE COURT RULE 22 (A).**

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NUMBER _____
	)	
_____ ,	)	PETITION FOR APPOINTMENT OF
PROPOSED WARD	)	AN EMERGENCY GUARDIAN AND/OR
	)	CONSERVATOR FOR A
	)	PROPOSED WARD

**ORDER FOR EVALUATION, APPOINTMENT OF COUNSEL, APPOINTMENT OF SPECIAL  
PROCESS SERVER, AND NOTICE OF HEARING**

The above petition having been read and considered, and it appearing that there is probable cause to believe that the proposed ward is in need of an emergency guardian and/or emergency conservator within the meaning of O.C.G.A. §29-4-14 and/or §29-5-14, it is hereby ordered that \_\_\_\_\_, (physician) (psychologist) (licensed clinical social worker), is appointed to evaluate the above-named proposed ward at \_\_\_\_\_ o'clock \_\_\_\_M., on \_\_\_\_\_ at (location) \_\_\_\_\_, telephone number \_\_\_\_\_. In compliance with Georgia law and federal law, including HIPAA, healthcare providers shall permit the above evaluator to have access to the proposed ward's medical records.

IT IS FURTHER ORDERED that \_\_\_\_\_ is hereby appointed special agent to serve \_\_\_\_\_, proposed ward, with a copy of the petition for appointment of emergency guardian and/or conservator and this Order/Notice.

IT IS FURTHER ORDERED that the above-named proposed ward shall submit to an evaluation at the time and place stated above and that a written report shall be furnished to the Court and made available to the parties within 72 hours after this order being issued;

SUPREME COURT.

IT IS FURTHER ORDERED that an emergency hearing shall be conducted (in the Probate Court of \_\_\_\_\_ County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia) (at the following location: \_\_\_\_\_) at \_\_\_\_\_ o'clock \_\_\_\_M., on \_\_\_\_\_ (which is not sooner than three days nor later than five days after the filing of the petition);

IT IS FURTHER ORDERED that the evaluator shall explain the purpose of the evaluation to the proposed ward;

IT IS FURTHER ORDERED that \_\_\_\_\_, attorney at law, telephone number \_\_\_\_\_ is hereby appointed to represent the proposed ward;

IT IS FURTHER ORDERED that the Clerk /Deputy Clerk shall mail by first-class mail copies of the petition and this order to all interested individuals identified in paragraph 8 of the Petition, if any.

\_\_\_\_\_ a. IT IS FURTHER ORDERED that, based on the affidavit filed with the Petition, it appears that the threatened risk of death or serious physical injury, illness, or disease of the proposed ward is so immediate and the potential harm so irreparable that any delay is unreasonable, and \_\_\_\_\_ is named as pre-hearing emergency guardian of the proposed ward, to serve pending the hearing as scheduled above. Emergency Letters of Guardianship shall issued upon said emergency guardian taking the oath.

\_\_\_\_\_ b. IT IS FURTHER ORDERED that, based on the affidavit filed with the Petition, it appears that the threatened risk of waste or dissipation of the proposed ward's property is so immediate and the potential harm so irreparable that any delay is unreasonable, and \_\_\_\_\_ is named as pre-hearing emergency conservator of the proposed ward, to serve pending the hearing as scheduled above. Emergency Letters of Conservatorship shall issued upon said emergency conservator posting a surety bond in the amount of \$\_\_\_\_\_ and taking the oath.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

(initial if applicable)

\_\_\_\_\_ (i) IT IS FURTHER ORDERED THAT, pending the emergency hearing, the court hereby orders that no withdrawals may be made from any account on the authority of the proposed ward's signature without the court's prior approval and that the emergency conservator shall not expend any funds of the proposed ward without prior court approval.

**NOTICE TO PROPOSED WARD:**

This is to notify you of a proceeding initiated in this court by \_\_\_\_\_  
\_\_\_\_\_ seeking to appoint (initial one or both)

- a. \_\_\_\_\_ an emergency guardian for your person
- b. \_\_\_\_\_ an emergency conservator for your property

BY THIS ORDER, THE COURT HAS APPOINTED AN ATTORNEY TO REPRESENT YOU AND HAS SCHEDULED A HEARING. YOU AND YOUR ATTORNEY HAVE THE RIGHT TO ATTEND ANY HEARING HELD ON THIS MATTER.

IF A GUARDIAN IS APPOINTED FOR YOU, YOU MAY LOSE IMPORTANT RIGHTS TO CONTROL AND MANAGE YOUR PERSON.

IF A CONSERVATOR IS APPOINTED FOR YOU, YOU MAY LOSE IMPORTANT RIGHTS TO CONTROL AND MANAGE YOUR PROPERTY.

ALTHOUGH YOU MUST ATTEND THE EVALUATION, YOU DO NOT HAVE TO RESPOND TO QUESTIONS.

So ordered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

SUPREME COURT.

**CERTIFICATE OF MAILING OF ORDER FOR EVALUATION; APPOINTMENT OF  
COUNSEL; APPOINTMENT OF SPECIAL PROCESS SERVER; AND NOTICE OF HEARING**

ESTATE NO. \_\_\_\_\_

This is to certify that I have this day served the persons named in paragraph 8 of the petition, who were ordered to be served by first-class mail, with a copy of the foregoing petition and order, by placing a copy of same in an envelope addressed to each and depositing same in the U.S. Mail, first-class, with adequate postage thereon.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

**CERTIFICATE OF MAILING OF ORDER OF DISMISSAL**

ESTATE NO. \_\_\_\_\_

This is to certify that I have this day served the proposed ward with a copy of the (petition, the medical affidavit, and) order for dismissal by placing a copy of same in an envelope addressed to the proposed ward and depositing same in the U.S. Mail, first-class, with adequate postage thereon. I have also served a copy of the order for dismissal in the same manner upon the persons required in said order to be so served.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\* not necessary if dismissal is after evaluation.



SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NUMBER _____
	)	
_____ ,	)	PETITION FOR APPOINTMENT OF
PROPOSED WARD	)	AN EMERGENCY GUARDIAN AND/OR
	)	CONSERVATOR FOR A
	)	PROPOSED WARD

RETURN OF SHERIFF/SPECIAL AGENT

I have this day served the proposed ward, \_\_\_\_\_, personally with a copy of the petition for appointment of emergency guardian and/or conservator and Order for Evaluation, Appointment of Counsel, Appointment of Special Process Server, and Notice of Hearing.

This \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Deputy Sheriff \_\_\_\_\_ County, Georgia

\_\_\_\_\_  
Special Agent

\_\_\_\_\_  
Print Name

(If return is by special agent:  
Sworn to and subscribed before me, this  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public/Clerk, Probate Court  
My commission expires \_\_\_\_\_.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**EVALUATOR'S REPORT AND RETURN OF SPECIAL AGENT, IF APPLICABLE**  
EMERGENCY GUARDIANSHIP AND/OR CONSERVATORSHIP PROCEEDINGS

ESTATE NO. \_\_\_\_\_

PETITIONER(S) \_\_\_\_\_

PROPOSED WARD \_\_\_\_\_

In compliance with the Order of the Probate Court of \_\_\_\_\_  
County dated \_\_\_\_\_ 20\_\_\_\_\_, I performed an evaluation of the above-named  
proposed ward on \_\_\_\_\_ 20\_\_\_\_\_. This evaluation took place at \_\_\_\_\_  
\_\_\_\_\_ beginning at  
\_\_\_\_\_. The evaluation continued for \_\_\_\_\_ minutes. I explained the purpose of  
the evaluation to the proposed ward.

The following questions and tests were utilized in the evaluation:

Below is a list of all persons and other sources of information consulted in evaluating the proposed ward:

The following is a description of the proposed ward's mental and physical state and condition, including all observed facts considered by me:

The following is a description of the overall social condition of the proposed ward, including support, care, education, and well-being, and the functional capabilities of the proposed ward, if determined by the evaluator:

SUPREME COURT.

The following are my findings as to the needs of the proposed ward and their foreseeable duration:

(initial all applicable)

\_\_\_\_\_ a. I find the proposed ward to be incapacitated by reason of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

to the extent that said proposed ward (initial all applicable):

- \_\_\_\_\_ (i) (for emergency guardianship:) lacks sufficient capacity to make or communicate significant responsible decisions concerning his/her health or safety and there is an immediate, clear, and substantial risk of death or serious physical injury, illness, or disease unless an emergency guardian is appointed,
- \_\_\_\_\_ (ii) (for emergency conservatorship:) lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property and there is an immediate, substantial risk of irreparable waste or dissipation of the proposed ward's estate unless an emergency conservator is appointed,

\_\_\_\_\_ b. I do not find that the proposed ward meets the standards for emergency guardianship set out in a. (i) above.

\_\_\_\_\_ c. I do not find that the proposed ward meets the standards for emergency conservator set out in a. (ii) above.

\_\_\_\_\_  
Physician licensed under Chapter 34 of Title 43 of the  
Official Code of Georgia Annotated or  
Psychologist licensed under Chapter 39 of Title 43 of the  
Official Code of Georgia Annotated or  
Licensed Clinical Social Worker

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public/Clerk, Probate Court  
My Commission Expires \_\_\_\_\_

**NOTE: This report must be filed with the Probate Court no later than 72 hours after this order being issued.**

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

STIPULATION AND WAIVER BY PROPOSED WARD'S ATTORNEY

GEORGIA, \_\_\_\_\_ COUNTY ESTATE NO. \_\_\_\_\_

TO THE PROBATE COURT OF SAID STATE AND COUNTY

IN RE: PETITION FOR THE APPOINTMENT OF AN EMERGENCY GUARDIAN AND/OR CONSERVATOR FOR \_\_\_\_\_, PROPOSED WARD

The undersigned, as the attorney representing the above-named proposed ward in these proceedings, (initial all applicable:)

- \_\_\_\_\_ a. does hereby stipulate into evidence the affidavit prepared by (name of affiant evaluator) \_\_\_\_\_, being the evaluation report Ordered by the Court in this matter, and hereby waives the appearance of such affiant at any hearing concerning the said petition
- \_\_\_\_\_ b. does hereby stipulate into evidence the affidavit(s) prepared by (name of affiant evaluator) \_\_\_\_\_, which is the affidavit referred to in Paragraph 1(b) of the petition, and hereby waives the appearance of such affiant at any hearing concerning the said petition.
- \_\_\_\_\_ c. does further waive the appearance of my client the proposed ward at said hearing.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Attorney

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____	)	
PROPOSED WARD	)	PETITION FOR APPOINTMENT
	)	OF AN EMERGENCY GUARDIAN
	)	AND/OR CONSERVATOR FOR A
	)	PROPOSED WARD

FINAL ORDER

A hearing was held on the above-referenced petition on \_\_\_\_\_ 20\_\_\_\_, and after considering the pleadings, the evaluation report and the evidence taken at the hearing, the Court makes the following:

FINDINGS OF FACT

1.

All procedural requirements of O.C.G.A. §29-4-14 and/or O.C.G.A. §29-5-15 have been met.

2.

The above-named proposed ward is in need of a guardian/conservator by reason of \_\_\_\_\_  
\_\_\_\_\_.  
Such need appears to be (permanent)(limited to the following number of days: \_\_\_\_\_).

3.

The current value of the personal property of the proposed ward is approximately \$\_\_\_\_\_. The proposed ward has an interest in real property in the following locations:

- a. \_\_\_\_\_ County, (state) \_\_\_\_\_;
- b. \_\_\_\_\_ County, (state) \_\_\_\_\_;
- c. \_\_\_\_\_ County, (state) \_\_\_\_\_.

The proposed ward has outstanding debts of \$\_\_\_\_\_ and average expenditures of \$\_\_\_\_\_ per month.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

4.

Petitioner(s) moved the Court to appoint \_\_\_\_\_ as  
emergency guardian and \_\_\_\_\_  
as emergency conservator asserting those individual(s) should serve because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(initial if applicable:)

\_\_\_\_\_ a. Another individual, being \_\_\_\_\_ was  
nominated/designated by the proposed ward to serve as guardian,  
\_\_\_\_\_ (i) and no good cause was shown to override such preference.  
\_\_\_\_\_ (ii) but good cause was shown not to appoint said individual, being: \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_ b. Another individual with higher preference, being \_\_\_\_\_  
\_\_\_\_\_ was nominated/designated to serve as guardian by  
someone other than the proposed ward, and/but it (is) (is not) in the best interest of  
the proposed ward to appoint him/her guardian because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_ c. Another individual, being \_\_\_\_\_ was  
nominated/designated by the proposed ward to serve as conservator,  
\_\_\_\_\_ (i) and no good cause was shown to override such preference.  
\_\_\_\_\_ (ii) but good cause was shown not to appoint said individual, being: \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_ d. Another individual with higher preference, being \_\_\_\_\_  
\_\_\_\_\_ was nominated/designated to serve as conservator by  
someone other than the proposed ward, and/but it (is) (is not) in the best interest of  
the proposed ward to appoint him/her conservator because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

SUPREME COURT.

5.

The Petitioner asserted that the following additional powers pursuant to O.C.G.A. §29-4-23 (b) and O.C.G.A. §29-5-23(c) were absolutely necessary to respond to the immediate and threatened risks alleged in the petition: for the emergency guardian: \_\_\_\_\_  
\_\_\_\_\_  
for the emergency conservator: \_\_\_\_\_  
\_\_\_\_\_

**CONCLUSIONS OF LAW**

The Court finds, by clear and convincing evidence, that the above-named proposed ward (hereinafter referred to as "the ward") is in need of:

- \_\_\_\_\_ a. an emergency guardian because the ward lacks sufficient capacity to make or communicate significant responsible decisions concerning his/her health or safety and there is an immediate and substantial risk of death or serious physical injury, illness, or disease unless an emergency guardian is appointed .
- \_\_\_\_\_ b. an emergency conservator because the ward lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property and there is an immediate, substantial risk of irreparable waste or dissipation of the ward's property unless an emergency conservator is appointed.

The duration of the emergency guardianship/ conservatorship is for: (initial one)

- \_\_\_\_\_ a. 60 days, or until the effective date of the appointment of permanent guardianship/conservatorship, or until the emergency guardian(s) and/or conservator(s) are removed, or the dismissal of a petition for the appointment of a guardian and/or conservator, whichever occurs first.
- \_\_\_\_\_ b. a date certain prior to the time identified in (a) above, being \_\_\_\_\_, 20 \_\_\_\_\_.

Therefore it is

ORDERED that \_\_\_\_\_ should be, and hereby is/are, appointed emergency guardian(s) and \_\_\_\_\_ should be, and hereby is/are, appointed emergency conservator(s) of the ward. Letters of emergency guardianship and/or emergency conservatorship shall

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

issue to such guardian(s) and/or conservator(s) upon taking the required oath and upon the emergency conservator's(s') posting bond in the amount of \$\_\_\_\_\_. **The appointed emergency guardian(s)/conservator(s) shall have no authority to act on behalf of the ward until Letters of Emergency Guardianship/Conservatorship have issued.**

IT IS FURTHER ORDERED that the emergency guardian(s) shall have only the following powers and duties determined by the Court to be absolutely necessary to respond to the immediate threatened risk:

\_\_\_\_\_  
\_\_\_\_\_  
IT IS FURTHER ORDERED that the emergency conservator(s) shall have only the following powers and duties determined by the Court to be absolutely necessary to respond to the immediate threatened risk: \_\_\_\_\_

\_\_\_\_\_  
IT IS FURTHER ORDERED that the emergency guardian(s) shall file the following reports with the Court: \_\_\_\_\_

\_\_\_\_\_  
IT IS FURTHER ORDERED that the emergency conservator(s) shall file the following reports with the Court: \_\_\_\_\_

\_\_\_\_\_  
IT IS FURTHER ORDERED that a copy of this Order shall be hand delivered or mailed by first class mail to the ward, the ward's attorney; the guardian ad litem, if any; the guardian and/or conservator, the petitioner(s), and his/her/their attorney(s), if any.

IT IS FURTHER ORDERED that the ward's legal counsel shall make reasonable efforts to explain to the ward this Order and the ward's rights under this Order.

IT IS FURTHER ORDERED that, within 30 days of the date hereof, the clerk/deputy clerk shall file the certificate of creation of conservatorship in accordance with O.C.G.A. §29-5-13(d) with the Clerk of Superior Court of each county in this state in which the ward owns real property.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge/Hearing Officer exercising the  
jurisdiction of the Probate Court pursuant  
to O.C.G.A. §29-4-12(d)(7) and/or §29-5-12(d)(7)

SUPREME COURT.

**CERTIFICATE OF MAILING OF FINAL ORDER**

I have this date mailed (or handed) a copy of the Final Order Appointing Emergency Guardian and/or Conservator to the ward, his/her attorney, (his/her guardian ad litem), (his/her representatives,) the guardian(s), the conservator(s), the petitioner(s) and petitioner's attorney(s).

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK /DEPUTY CLERK

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**CERTIFICATE OF FILING CERTIFICATE OF CREATION OF CONSERVATORSHIP**

ESTATE NO. \_\_\_\_\_

I have this date hand-delivered and/or mailed for filing a Certificate of Creation of Conservatorship to the Clerk of the Superior Court of each of the following counties, together with payment of any recording costs: \_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

SUPREME COURT.

Probate Court Return Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATE OF CREATION OF EMERGENCY CONSERVATORSHIP**

(Pursuant to O.C.G.A. § 29-5-13(d))

GEORGIA, \_\_\_\_\_ County  
PROBATE ESTATE NO. \_\_\_\_\_

DATE ORDER ISSUED: \_\_\_\_\_

GRANTOR: (NAME OF WARD) \_\_\_\_\_

GRANTEE: (NAME OF EMERGENCY CONSERVATOR(S) OF ABOVE WARD)

\_\_\_\_\_  
\_\_\_\_\_

An Emergency conservatorship of the property has been created for the above-named ward. Said emergency conservatorship expires (initial)

\_\_\_\_\_ a. in 60 days, or on the effective date of the appointment of a permanent conservator, or when the emergency conservator(s) is/are removed, or the dismissal of a petition for the appointment of a conservator, whichever occurs first.

\_\_\_\_\_ b. on a date certain, being \_\_\_\_\_, 20\_\_\_\_\_.

Original Certificate delivered or mailed to Clerk of Superior Court of \_\_\_\_\_  
County on \_\_\_\_\_, 20\_\_\_\_\_.

I do hereby certify that the above information is based on the Order of the Probate Court issued on the date set out above and that the above information is true and correct.

By: \_\_\_\_\_  
PROBATE CLERK /DEPUTY CLERK

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**LETTERS OF EMERGENCY GUARDIANSHIP OF ADULT WARD**

From the Judge of the Probate Court of said County.

Date of Birth \_\_\_\_\_

TO: \_\_\_\_\_, Guardian(s)

RE: \_\_\_\_\_, Adult Ward

This Court has found that the above-named ward is in need of an emergency guardian and has designated you as such guardian, and you have taken your oath. Your powers and duties as such emergency guardian which were declared by the Court to be those absolutely necessary to respond to the immediate threatened risk are \_\_\_\_\_

These letters expire

- \_\_\_\_\_ a. in 60 days, or on the effective date of the appointment of a permanent guardian, or when the emergency guardian(s) is/are removed, or upon the dismissal of a petition for the appointment of a permanent guardian, whichever occurs first.
- \_\_\_\_\_ b. on a date certain, being \_\_\_\_\_, 20\_\_\_\_\_.

Given under my hand and official seal, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK /DEPUTY CLERK (Seal)

Effective 7/09

GPCSF 11 Court

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**LETTERS OF EMERGENCY CONSERVATORSHIP OF ADULT WARD**

From the Judge of the Probate Court of said County.

Date of Birth \_\_\_\_\_

TO: \_\_\_\_\_, Conservator(s)

RE: \_\_\_\_\_, Adult Ward

This Court has found that the above-named ward is in need of an emergency conservator and has designated you as such conservator, and you have posted bond and taken your oath. Your powers and duties as such emergency conservator which were declared by the Court to be those absolutely necessary to respond to the immediate threatened risk are \_\_\_\_\_

These letters expire (initial)

\_\_\_\_\_ a. in 60 days, or on the effective date of the appointment of a permanent conservator, or when the emergency conservator(s) is/are removed, or upon the dismissal of a petition for the appointment of a permanent guardian, whichever occurs first.

\_\_\_\_\_ b. on a date certain, being \_\_\_\_\_, 20\_\_\_\_\_. Given under my hand and official seal, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK /DEPUTY CLERK (Seal)

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

**LETTERS OF EMERGENCY GUARDIANSHIP AND CONSERVATORSHIP OF ADULT WARD**

From the Judge of the Probate Court of said County. Date of Birth \_\_\_\_\_

TO: \_\_\_\_\_, Guardian(s) and Conservator(s)

RE: \_\_\_\_\_, Adult Ward

This Court has found that the above-named ward is in need of an emergency guardian and conservator and has designated you as such guardian and conservator, and you have posted bond and taken your oath. Your powers and duties as such emergency guardian and conservator which were declared by the Court to be those absolutely necessary to respond to the immediate threatened risk are \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ These letters expire (initial)

\_\_\_\_\_ a. in 60 days, or on the effective date of the appointment of a permanent guardian and conservator, or when the emergency guardian(s) and conservator(s) is/are removed, or upon the dismissal of a petition for the appointment of a permanent guardian, whichever occurs first.

\_\_\_\_\_ b. on a date certain, being \_\_\_\_\_, 20\_\_\_\_\_.

Given under my hand and official seal, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document.

Issued by:

\_\_\_\_\_ (Seal)  
PROBATE CLERK /DEPUTY CLERK

# SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

## **Petition for the Appointment of a Guardian and/or Conservator for a Proposed Ward**

### INSTRUCTIONS

#### I. Specific Instructions

1. This form is to be used for filing a Petition for the Appointment of a Guardian and/or Conservator for a Proposed Ward pursuant to O.C.G.A. §29- 4-10 and O.C.G.A. §29-5-10.
2. In any case involving the creation of a conservatorship when the proposed ward owns real property, a certificate of creation of conservatorship will be completed by the clerk of the probate court and filed with the clerk of the superior court of each county of this state in which the proposed ward owns real property within 30 days of the date of such order.
3. The burden of proof is on the petitioner to present clear and convincing evidence that the proposed ward lacks sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety and is in need of a guardianship and/or that the proposed ward lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his or her property and is in need of a conservatorship.
4. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 15 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

#### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____	)	PETITION FOR APPOINTMENT OF
PROPOSED WARD	)	A GUARDIAN AND/OR
	)	CONSERVATOR FOR A
	)	PROPOSED WARD

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

[NOTE: Unless there are two or more petitioners, the affidavit on page 9 must be completed by a physician, psychologist, or licensed clinical social worker based upon an examination within 15 days prior to the filing of this petition.]

1.

Petitioner, \_\_\_\_\_, is the  
 (relationship) \_\_\_\_\_ of the proposed ward, and is domiciled  
 at (address) \_\_\_\_\_  
 \_\_\_\_\_ County of \_\_\_\_\_, State of  
 \_\_\_\_\_, telephone number \_\_\_\_\_, and

(Initial either a. or b. below):

\_\_\_ a. (Second Petitioner, if any) \_\_\_\_\_, is  
 the (relationship) \_\_\_\_\_ of the proposed ward, and is domiciled at  
 (address) \_\_\_\_\_  
 \_\_\_\_\_, County of \_\_\_\_\_, State  
 of \_\_\_\_\_ telephone number \_\_\_\_\_, show that:

or

\_\_\_ b. attached hereto as page 9 and made a part of this petition is the completed affidavit of  
 \_\_\_\_\_, a physician or  
 psychologist licensed to practice in Georgia or a licensed clinical social worker, who has  
 examined the proposed ward within fifteen days prior to the filing of this petition, show that:

2.

The proposed ward, age \_\_\_\_\_, date of birth \_\_\_\_\_, social security no.

SUPREME COURT.

\_\_\_\_\_, is domiciled at (address) \_\_\_\_\_  
\_\_\_\_\_, County, State of \_\_\_\_\_, and is presently located at \_\_\_\_\_,  
which is a (type of facility, if applicable) \_\_\_\_\_  
and can be contacted at (telephone number): \_\_\_\_\_.

(initial if applicable)

\_\_\_\_\_ It is anticipated that the proposed ward will be moved within the next \_\_\_\_\_  
days to the following address: \_\_\_\_\_, telephone number \_\_\_\_\_.

\_\_\_\_\_ The proposed ward is a citizen of a foreign country, being \_\_\_\_\_ (if  
a guardianship or conservatorship is granted, pursuant to The Vienna Convention,  
the Probate Court must notify the consul).

3.

The proposed ward is in need of a guardian and/or conservator by reason of the following incapacity:  
\_\_\_\_\_ to the  
extent that the proposed ward (initial one or both):

- \_\_\_\_\_ a. (for guardianship:) lacks sufficient capacity to make or communicate significant  
responsible decisions concerning his/her health or safety.
- \_\_\_\_\_ b. (for conservatorship:) lacks sufficient capacity to make or communicate significant  
responsible decisions concerning the management of his/her property.

The facts which support the claim of the need for a guardian and/or conservator are as follows:

(NOTE: the Petition cannot be granted unless sufficient facts are presented which support the claim for the need for the  
appointment of a guardian or conservator. While an attached physician's/psychologist's/social worker's affidavit is  
permissible, the Petitioner(s) MUST specifically allege sufficient facts to support the granting of this Petition.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4.

It is in the best interest of the proposed ward that \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

\_\_\_\_\_ be appointed guardian and \_\_\_\_\_  
\_\_\_\_\_ appointed conservator.

5.

The foreseeable duration of the incapacity will be: \_\_\_\_\_ and the Court  
should allow the proposed ward to retain the following rights and powers: \_\_\_\_\_

\_\_\_\_\_

6.

(NOTE: The law requires notice to be given to the spouse, if any, and to all living children, if any, whose addresses are known. If there are no living adult children whose addresses are known, then list at least two adults in the following order of priority: lineal descendants of the proposed ward; parents and siblings of the proposed ward; and friends of the proposed ward. In determining the persons to whom notice is required to be given according to the foregoing rules, the petitioner(s) should not be counted as persons receiving notice.)

Pursuant to law, the names, addresses, telephone numbers and relationships of the persons to be notified are as follows:

NAME	AGE (or over 18)	ADDRESS	TELEPHONE	RELATIONSHIP
_____				
_____				
_____				
_____				
_____				
_____				
_____				
_____				
_____				

7.

- a. As to the guardianship, prior to the filing of this Petition, to the best of my/our knowledge, the following individual(s) has/have been nominated to serve under a living will, durable power of attorney for healthcare, order relating to cardiopulmonary resuscitation, or other instrument that deals with the management of the person of the proposed ward in the event of incapacity. If any, please provide their name(s), addresses(es), indicate the nature of their interest, whether they are

SUPREME COURT.

willing to act or have failed to act under said appointment: \_\_\_\_\_

b. As to the guardianship, prior to the filing of this Petition, to the best of my/our knowledge, the following individual(s) has/have been nominated in writing to serve as guardian by the proposed ward, his/her spouse, adult child, or parent. If any, please provide their name(s), addresses(es), indicate the nature of their interest, whether they are willing to act under said appointment, and whether the individual(s) is/are an owner, operator, or employee of a caregiving institution in which the proposed ward currently is receiving care: \_\_\_\_\_

8.

a. As to the conservatorship, prior to the filing of this Petition, to the best of my/our knowledge, the following individual(s) has/have been nominated to serve under a power of attorney, trust, or other instrument that deals with the management of the property of the proposed ward in the event of incapacity. If any, please provide their name(s), addresses(es), the nature of their interest, and indicate whether they are willing to act or have failed to act under said appointment: \_\_\_\_\_

b. As to the conservatorship, prior to the filing of this Petition, to the best of my/our knowledge, the following individual(s) has/have been nominated in writing to serve as conservator by the proposed ward, his/her spouse, adult child, or parent. If any, please provide their name(s), addresses(es), the nature of their interest, and indicate whether they are willing to act under said appointment, and whether the individual(s) is/are an owner, operator, or employee of a caregiving institution in which the proposed ward currently is receiving care : \_\_\_\_\_

(initial if applicable)

\_\_\_\_\_ The above individual(s) may have the following ownership or financial conflict of interest in serving as conservator: NOTE: A CONFLICT OF INTEREST MAY EXIST IF THE PROPOSED CONSERVATOR IS A CO-OWNER OF A JOINT ACCOUNT OR REAL PROPERTY WITH THE PROPOSED WARD. (list) \_\_\_\_\_

9.

Regarding other petitions for guardianship and/or conservatorship, (initial if applicable)

\_\_\_\_\_ a. (Name) \_\_\_\_\_, residing at \_\_\_\_\_, has been appointed as an emergency or permanent guardian/conservator for the proposed

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

ward in the following county and state: \_\_\_\_\_.

\_\_\_\_\_ b. A ruling on a Petition for the appointment of an emergency or permanent guardian/conservator is pending in the following county and state: \_\_\_\_\_

\_\_\_\_\_ c. A petition for emergency or permanent guardianship/conservatorship has been denied or dismissed within the two years prior to this filing by a court in the following county and state: \_\_\_\_\_

\_\_\_\_\_ d. A petition for emergency or permanent guardianship/conservatorship has been denied or dismissed within the two years prior to this filing by a court in this state; however, there has been a significant change in the condition or circumstances of the proposed ward as shown by the affidavit or evaluation, attached as Exhibit "A."

10.

All known income and assets of the proposed ward are shown on page 11 attached hereto.

11.

A guardian ad litem should be appointed, because the following additional powers pursuant to O.C.G.A. §29-4-23 (b) and O.C.G.A. §29-5-23(c) are requested, with the reasons for seeking such powers: \_\_\_\_\_

SUPREME COURT.

12.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission.

13.

It is in the best interest of the proposed ward that the within nominated guardian and/or conservator be appointed.

WHEREFORE, petitioner(s) pray(s):

1. that service be perfected as required by law;
2. that the court appoint legal counsel and an evaluator for the proposed ward and order an evaluation as required by law;
3. that upon receipt of the evaluation report, the court order a hearing to determine the need for a guardian and/or conservator for the proposed ward; and
4. that a guardian and/or conservator be appointed for the proposed ward.

\_\_\_\_\_  
Signature of first petitioner

\_\_\_\_\_  
Signature of second petitioner, if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**VERIFICATION**

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

-----  
Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

SUPREME COURT.

**CONSENT TO SERVE AS GUARDIAN/CONSERVATOR**

RE: Petition for the appointment of guardian and/or conservator for \_\_\_\_\_  
\_\_\_\_\_.

I/We, \_\_\_\_\_ having been nominated as guardian  
and I/we, \_\_\_\_\_, having been nominated as  
conservator of the above-named proposed ward, do hereby consent to serve as such.

_____ Proposed Guardian/Conservator	_____ Proposed Guardian/Conservator
_____ Print Name	_____ Print Name
_____ Address	_____ Address
_____	_____
_____ Telephone	_____ Telephone

\_\_\_\_\_  
Proposed Guardian/Conservator

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_  
Telephone

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: Petition for appointment of a guardian and/or conservator for \_\_\_\_\_.

**AFFIDAVIT OF PHYSICIAN, PSYCHOLOGIST, OR LICENSED CLINICAL SOCIAL WORKER**

I, being first duly sworn, depose and say that I am a physician licensed to practice under Chapter 34 of Title 43 of the Official Code of Georgia Annotated, a psychologist licensed to practice under Chapter 39 of Title 43 of the Official Code of Georgia Annotated, or a Licensed Clinical Social Worker; that my office

address is \_\_\_\_\_, Georgia,

and that I have examined the above-named proposed ward on the \_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_\_. **NOTE: The examination on which this affidavit is based must occur WITHIN FIFTEEN DAYS prior to the filing of the petition.** I found him/her to be incapacitated by reason of: \_\_\_\_\_

\_\_\_\_\_ to the extent that said proposed ward

(initial all applicable):

- \_\_\_\_\_ a. (for guardianship:) lacks sufficient capacity to make or communicate significant responsible decisions concerning his/her health or safety.
- \_\_\_\_\_ b. (for conservatorship:) lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.

The following facts support said diagnosis:

The foreseeable limits on the duration of such incapacity are:

WITNESS MY HAND AND SEAL this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

SUPREME COURT.

Sworn to and subscribed before me this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of (Physician)(Psychologist)(Social Worker)

\_\_\_\_\_  
Notary Public

My commission expires on the \_\_\_\_ day

Typed Name \_\_\_\_\_

of \_\_\_\_\_, 20\_\_\_\_.  
(NOTARIAL SEAL AFFIXED)

**NOTE: The examination on which this affidavit is based must occur WITHIN FIFTEEN DAYS prior to the filing of the petition.**

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**ASSETS, INCOME, OTHER SOURCES OF FUNDS, LIABILITIES, AND EXPENSES OF PROPOSED WARD**

PROPOSED WARD: \_\_\_\_\_

**REAL PROPERTY**

(Indicate if property is jointly owned and with whom)

Description	County	State	Approximate equity and interest as to proposed ward.
Parcel 1 _____			\$ _____
Parcel 2 _____			\$ _____
Parcel 3 _____			\$ _____

**INCOME FROM ALL SOURCES**

	Yearly Total
Social Security per year	\$ _____
SSI (Supplemental Security Income) per year	\$ _____
Retirement benefits per year	\$ _____
VA benefits per year	\$ _____
Other income per year, including, e.g., alimony, annuity, or trust distributions	\$ _____
Interest, dividend, or investment income	\$ _____
<b>YEARLY TOTAL OF ALL INCOME</b>	<b>\$ _____</b>

SUPREME COURT.

**PERSONAL AND INTANGIBLE PROPERTY**

(Indicate if property is jointly owned and with whom)

**Approximate Current Value**

1. Checking/Savings/Money Market/Certificates of Deposit/Liquid Accounts: Value of proposed ward's interest.

Bank/Financial Institution/Broker	Acct. No.	Joint Owner (if any)	
_____			\$ _____
_____			\$ _____
_____			\$ _____
_____			\$ _____

2. Stocks/Bonds/Investments (including retirement and profit-sharing accounts):

a. held by brokers:

Brokerage Firm or Institution	Acct. No.	Joint Owner (if any)	
_____			\$ _____
_____			\$ _____
_____			\$ _____
_____			\$ _____
_____			\$ _____

b. privately held:

Company/Issuer	No. of Shares	Joint Owner (if any)	
_____			\$ _____
_____			\$ _____
_____			\$ _____

3. Automobiles:

Year/Make/Model	V.I.N.	Joint owner (if any)	
_____			\$ _____
_____			\$ _____

4. Other assets of significant value:

Description	Joint owner (if any)	
_____		\$ _____
_____		\$ _____
_____		\$ _____

**TOTAL VALUE OF PERSONAL AND INTANGIBLE PROPERTY**

**\$ \_\_\_\_\_**

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**DEBTS AND OTHER LIABILITIES**

The proposed ward owes the following debts/liabilities:

1. Secured debts:

Obligor/Payee	Collateral	Solely/Jointly Owed	Approx. Current Balance as to proposed ward.
_____			\$ _____
_____			\$ _____
_____			\$ _____

2. Unsecured debts:

Obligor/Payee	Acct. No.	Solely/Jointly Owed	Approx. Current Balance
_____			\$ _____
_____			\$ _____
_____			\$ _____
<b>TOTAL DEBTS AND OTHER LIABILITIES OF PROPOSED WARD</b>			<b>\$ _____</b>

**AVERAGE MONTHLY LIABILITIES AND EXPENSES  
AS TO PROPOSED WARD**

Household:

Care Facility/Rent/Mortgage payments:	\$ _____
Property taxes/Insurance	\$ _____
Utilities/Lawn Care/Pest Control	\$ _____
Miscellaneous household/food	\$ _____
Total credit account and other debt payments	\$ _____
Other (specify)	\$ _____

Automotive/Transportation

Fuel and Repairs	\$ _____
Tags and license fees, Insurance	\$ _____
Bus/Train/Taxi fares	\$ _____

Minors or Other Dependents of the Proposed Ward

Child Care	\$ _____
School Tuition/Supplies/Expenses/Lunches	\$ _____
Clothing/Diapers /Grooming/Hygiene	\$ _____

SUPREME COURT.

Medical/Dental/Prescription \$ \_\_\_\_\_  
Entertainment/Activities \$ \_\_\_\_\_  
Other Insurance  
Health \$ \_\_\_\_\_  
Life/Disability \$ \_\_\_\_\_  
Other (specify) \$ \_\_\_\_\_  
Proposed Ward's Other Expenses  
Laundry/Clothing/Grooming/Hygiene \$ \_\_\_\_\_  
Medical/Dental/Prescriptions/Medications \$ \_\_\_\_\_  
Entertainment/Vacations/Subscriptions/Dues \$ \_\_\_\_\_  
Personal Caretakers/Cleaning personnel \$ \_\_\_\_\_  
Other (specify) \$ \_\_\_\_\_  
  
Total Expenses \$ \_\_\_\_\_

Payments to Creditors:

Is the proposed ward behind in any debt payments? (yes) (no)

If so, payee and amount: \_\_\_\_\_

---

**SUMMARY**

1. Average Monthly Income \$ \_\_\_\_\_  
2. Average Monthly Expenses <\$ \_\_\_\_\_>

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**ACKNOWLEDGMENT OF SERVICE**

PROPOSED WARD \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

Due and legal service of the Petition for Appointment of a Guardian and/or Conservator is hereby acknowledged by the following interested persons as shown in paragraph 6, in addition to any nominated guardian(s) and/or conservator(s). The undersigned acknowledges that he/she has received a copy of the Petition and all further service and notice is waived.

SIGNATURE(S)

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition for the Appointment of a Guardian and/or Conservator for a Proposed Ward**

NOTICE:

1. As to the Certificate to the Secretary of State, this page is to **only** be used when a determinative finding has been made that voting rights should be removed due to the lack of capacity of the ward. The Order must be amended to reflect this right was removed. The certificate must be mailed to the Secretary of State.
2. As to the Certificate to the GBI, this page should be used in all cases where a Guardianship/Conservatorship is established. Individuals so listed in this data base will be prohibited from obtaining a firearm permit. In the event the ward's rights are restored, such restoration of rights **must** be sent to the GBI, so the database can be updated. The Certificate only needs to be sent to the GBI and not the Guardianship Order.

**NOTICE:**

**THE FOLLOWING FORMS ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT. SEE PROBATE COURT RULE 22 (A).**

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____ ,	)	<b>PETITION FOR APPOINTMENT OF</b>
<b>PROPOSED WARD</b>	)	<b>A GUARDIAN AND/OR</b>
	)	<b>CONSERVATOR FOR A</b>
	)	<b>PROPOSED WARD</b>

**ORDER FOR EVALUATION**

The above and foregoing petition having been read and considered, and it appearing that there is sufficient evidence to believe that the proposed ward is in need of a guardian and/or conservator within the meaning of O.C.G.A. §29-4-1 and/or O.C.G.A. §29-5-1, it is hereby ordered that \_\_\_\_\_, (physician) (psychologist) (licensed clinical social worker), is appointed to evaluate the above-named proposed ward at \_\_\_\_\_ o'clock \_\_.M., on \_\_\_\_\_ 20\_\_\_\_ at (location) \_\_\_\_\_, telephone number \_\_\_\_\_. In compliance with Georgia law and federal law, including HIPAA, healthcare providers shall permit the above evaluator to have access to the proposed ward's medical records.

IT IS FURTHER ORDERED that the above-named proposed ward shall submit to an evaluation at the time and place stated above;

IT IS FURTHER ORDERED that the evaluator shall explain the purpose of the evaluation to the proposed ward;

IT IS FURTHER ORDERED that a Clerk/deputy clerk shall immediately notify the proposed ward of these proceedings by having all pleadings, as well as this order and the notice of proceedings to appoint guardian and/or conservator, personally served on the proposed ward;

IT IS FURTHER ORDERED that a Clerk/deputy clerk shall mail by first-class mail copies of the petition, this order and the notice of evaluation to all interested individuals identified in paragraphs 6, 7, and 8 of the Petition.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

SUPREME COURT.

**CERTIFICATE OF MAILING OF ORDER AND NOTICE OF PROCEEDINGS**

ESTATE NO. \_\_\_\_\_

This is to certify that I have this day served the petitioner(s); the proposed ward's guardian ad litem (if any) and attorney; the spouse, family, and/or friends of the proposed ward as found in paragraphs 6, 7, and 8 of the Petition, who were ordered to be served by first-class mail, with a copy of the petition, order, and notice of proceedings to appoint guardian/conservator, by placing a copy of same in an envelope addressed to each and depositing same in the U.S. Mail, first-class, with adequate postage thereon.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

**CERTIFICATE OF MAILING OF ORDER FOR DISMISSAL**

ESTATE NO. \_\_\_\_\_

This is to certify that I have this day served the proposed ward with a copy of the (petition and) order for dismissal by placing a copy of same in an envelope addressed to the proposed ward and depositing same in the U.S. Mail, first-class, with adequate postage thereon. I have also served a copy of the order for dismissal in the same manner upon the persons required in said order to be so served.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
PROBATE CLERK /DEPUTY CLERK

\* not necessary if dismissal is after evaluation.

**CERTIFICATE OF MAILING OF ORDER AND NOTICE OF HEARING**

ESTATE NO. \_\_\_\_\_

This is to certify that I have this day served the persons shown above in paragraphs 6, 7, and 8 of the Petition with a copy of the Order and Notice of Hearing and a copy of the evaluation report by placing copies of same in an envelope addressed to each and depositing same in the U.S. Mail, first-class, with adequate postage thereon.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_
)
)
PROPOSED WARD ) PETITION FOR APPOINTMENT
) OF A GUARDIAN AND/OR
) CONSERVATOR FOR A PROPOSED
) WARD

NOTICE TO PROPOSED WARD OF PROCEEDINGS TO APPOINT GUARDIAN AND/OR CONSERVATOR

TO: \_\_\_\_\_: this is to notify you of a proceeding initiated in this court by \_\_\_\_\_

\_\_\_\_\_ seeking to appoint (initial one or both)

- a. \_\_\_\_\_ a guardian for your person
b. \_\_\_\_\_ a conservator for your property

and to inform you of your right to independent counsel. If you wish to retain your own attorney, you must notify this court within two days; otherwise, an attorney will be appointed for you by the court.

You are further notified that \_\_\_\_\_ has been appointed by the Court to evaluate you. You must submit to an evaluation by being present at: (location) \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_M. on \_\_\_\_\_, 20\_\_\_\_\_ which is not sooner than the fifth day after the service of notice on you.

Failure to present yourself for evaluation at the time and place above will authorize the court to order you transported directly to and from a medical facility or the office of the physician, psychologist, or licensed clinical social worker for the court-ordered evaluation.

YOU ARE FURTHER NOTIFIED:

YOU AND YOUR ATTORNEY HAVE THE RIGHT TO ATTEND ANY HEARING HELD ON THIS MATTER.

IF A GUARDIAN IS APPOINTED FOR YOU, YOU MAY LOSE IMPORTANT RIGHTS TO CONTROL AND MANAGE YOUR PERSON.

IF A CONSERVATOR IS APPOINTED FOR YOU, YOU MAY LOSE IMPORTANT RIGHTS TO CONTROL AND MANAGE YOUR PROPERTY.

ALTHOUGH YOU MUST ATTEND THE EVALUATION, YOU DO NOT HAVE TO RESPOND TO QUESTIONS.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PROBATE CLERK/DEPUTY CLERK





SUPREME COURT.

**CERTIFICATE OF MAILING OF ORDER APPOINTING ATTORNEY  
AND/OR GUARDIAN AD LITEM**

ESTATE NO. \_\_\_\_\_

This is to certify that I have this day served the petitioner(s); the proposed ward's guardian ad litem (if any) and attorney; the spouse, family, and/or friends of the proposed ward as found in paragraphs 6, 7, and 8 of the Petition, who were ordered to be served by first-class mail, with a copy of the above order, by placing a copy of same in an envelope addressed to each and depositing same in the U.S. Mail, first-class, with adequate postage thereon.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

EVALUATOR'S REPORT

GUARDIANSHIP/CONSERVATORSHIP PROCEEDINGS      ESTATE NO. \_\_\_\_\_

PETITIONER(S) \_\_\_\_\_  
\_\_\_\_\_

PROPOSED WARD \_\_\_\_\_

In compliance with the Order of the Probate Court of \_\_\_\_\_  
County dated \_\_\_\_\_, 20\_\_\_\_\_, I performed an evaluation of the above-named  
proposed ward on \_\_\_\_\_, 20\_\_\_\_\_. This evaluation took place at (location) \_\_\_\_\_  
\_\_\_\_\_ beginning at \_\_\_\_\_ o'clock. The evaluation continued for \_\_\_\_\_ minutes. I explained the  
purpose of the evaluation to the proposed ward.

The following questions, instruments, or tests were utilized in the evaluation:

Below is a list of all persons and other sources of information consulted in evaluating the proposed ward:

The following is a description of the proposed ward's mental and physical state and condition, including all  
observed facts considered by me:

The following is a description of the overall social condition of the proposed ward, including support, care,  
education, and well-being:

SUPREME COURT.

The following are my findings as to the needs of the proposed ward and their foreseeable duration:

(initial all applicable)

\_\_\_\_\_ a. I find the proposed ward lacks sufficient capacity by reason of: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

to the extent that said proposed ward:

\_\_\_\_\_ (i) (for guardianship:) lacks sufficient capacity to make or communicate significant responsible decisions concerning his/her health and safety.

\_\_\_\_\_ (ii) (for conservatorship:) lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.

\_\_\_\_\_ b. I do not find that the proposed ward meets the standards for guardianship set out in a. (i) above.

\_\_\_\_\_ c. I do not find that the proposed ward meets the standards for conservatorship set out in a. (ii). above.

\_\_\_\_\_  
Physician licensed under Chapter 34 of Title 43 of the  
Official Code of Georgia Annotated  
or  
Psychologist licensed under Chapter 39 of Title 43 of the  
Official Code of Georgia Annotated  
or  
Licensed Clinical Social Worker

Sworn to and subscribed before me  
This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public/Clerk, Probate Court  
My Commission Expires \_\_\_\_\_

**NOTE: This report must be filed with the Probate Court no later than (7) days after the date of examination.**

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____ ,	)	PETITION FOR APPOINTMENT OF
<b>PROPOSED WARD</b>	)	<b>A GUARDIAN AND/OR</b>
	)	<b>CONSERVATOR FOR A</b>
	)	<b>PROPOSED WARD</b>

ORDER FOR DISMISSAL

The above and foregoing petition having been read and considered pursuant to O.C.G.A. §29-4-11 and/or O.C.G.A. §29-5-11, and (initial one):

\_\_\_\_\_ a. Based on the allegations made in the petition and prior to the court-ordered evaluation, it appears that there is not probable cause to believe that the proposed ward is in need of a guardian or conservator within the meaning of O.C.G.A. §29-4-1 and/or O.C.G.A. §29-5-1, therefore, it is

ORDERED that the petition is dismissed.

IT IS FURTHER ORDERED that a copy of the petition, the affidavit, if any, and this order be served on the proposed ward by first-class mail, and a copy of this order be served in the same manner upon the petitioner(s) or his/her/their attorney, if any.

\_\_\_\_\_ b. Based on the allegations made in the petition and after review and consideration of the court-ordered evaluation report filed with this court, this court finds that there is not probable cause to support a finding that the proposed ward is in need of a guardian or a conservator within the meaning of O.C.G.A. §29-4-1 and/or O.C.G.A. §29-5-1; therefore, it is

ORDERED that the petition is dismissed.

IT IS FURTHER ORDERED that a copy of this order and the court-ordered evaluation report be served on the proposed ward, his attorney, his guardian ad litem, if any, and to the petitioner(s) or her/her/their attorney, if any, by first class mail.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_
)
) PETITION FOR APPOINTMENT OF
PROPOSED WARD ) A GUARDIAN AND/OR
) CONSERVATOR FOR A
) PROPOSED WARD

ORDER AND NOTICE OF HEARING

After review and consideration of the petition and the court-ordered evaluation report filed with this court, the court finds that there is probable cause to support a finding that the proposed ward is in need of a guardian and/or conservator within the meaning of O.C.G.A. §29-4-1 and/or O.C.G.A. §29-5-1.

THEREFORE, it is ordered and adjudged that:

- 1. A hearing shall be set for \_\_\_\_\_ o'clock \_\_M. on \_\_\_\_\_, 20\_\_\_\_, which is not less than 10 days from the date that this notice is mailed, to determine the need for the appointment of a (guardian) (and/or) (conservator) for the above-named proposed ward, to be held (in the Probate Court of \_\_\_\_\_ County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia) (at the following location: \_\_\_\_\_). The proposed ward shall be represented by \_\_\_\_\_, attorney, at such hearing.
2. A copy of this order and a copy of the evaluation report shall be sent to the proposed ward, his/her attorney and guardian ad litem, if any, to the interested persons shown in paragraphs 6, 7, and 8 of the petition, and to the petitioner(s) and his/her/their attorney, if any. These copies shall be sent by a Clerk/deputy clerk, first-class mail, as soon as practicable after the signing of this order.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**STIPULATION AND WAIVER BY PROPOSED WARD'S ATTORNEY**

GEORGIA, \_\_\_\_\_ COUNTY ESTATE NO. \_\_\_\_\_

TO THE PROBATE COURT OF SAID STATE AND COUNTY

IN RE: PETITION FOR THE APPOINTMENT OF A GUARDIAN AND/OR CONSERVATOR FOR  
\_\_\_\_\_, PROPOSED WARD

The undersigned, as the attorney representing the above-named proposed ward in these proceedings, (initial all applicable:)

\_\_\_\_ a. does hereby stipulate into evidence the affidavit prepared by (name of affiant/evaluator) \_\_\_\_\_, being the evaluation report Ordered by the Court in this matter, and hereby waives the appearance of such affiant at any hearing concerning the said petition.

\_\_\_\_ b. does hereby stipulate into evidence the affidavit prepared by (name of affiant/evaluator) \_\_\_\_\_, which is the affidavit referred to in Paragraph 1(b) of the petition), and hereby waives the appearance of such affiant at any hearing concerning the said petition.

\_\_\_\_ c. does further waive the appearance of my client the proposed ward at said hearing.

This \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Attorney

Typed/printed name of Attorney: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_
)
) PETITION FOR APPOINTMENT
PROPOSED WARD ) OF A GUARDIAN AND/OR
) CONSERVATOR FOR A PROPOSED
) WARD

FINAL ORDER

A hearing was held on the above-referenced petition on \_\_\_\_\_,
20\_\_\_\_, and after considering the pleadings, the evaluation report and the evidence taken at the hearing,
the Court makes the following:

FINDINGS OF FACT

1.

All procedural requirements of O.C.G.A. §29-4-11 and/or O.C.G.A. §29-5-11 have been met.

2.

The above-named proposed ward is in need of a guardian and/or conservator by reason of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Such need appears to be (permanent) (\_\_\_\_\_).

3.

The approximate current value of the personal property of the proposed ward is \$\_\_\_\_\_

The proposed ward has an interest in real property in the following locations:

- a. \_\_\_\_\_ County, (state) \_\_\_\_\_
b. \_\_\_\_\_ County, (state) \_\_\_\_\_
c. \_\_\_\_\_ County, (state) \_\_\_\_\_

The proposed ward has outstanding debts of \$\_\_\_\_\_ and average expenditures of
\$\_\_\_\_\_ per month.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

4.

Petitioner(s) moved the Court to appoint \_\_\_\_\_  
guardian and \_\_\_\_\_ conservator for the proposed  
ward asserting that/those individual(s) should serve because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(initial if applicable:)

\_\_\_\_\_ a. Another individual, being \_\_\_\_\_ was  
nominated/designated by the proposed ward to serve as guardian,  
\_\_\_\_\_ (i) and no good cause was shown to override such preference.  
\_\_\_\_\_ (ii) but good cause was shown not to appoint said individual, being: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ b. Another individual with higher preference, being \_\_\_\_\_  
\_\_\_\_\_ was nominated/designated to serve as guardian by  
someone other than the proposed ward, and/but it (is) (is not) in the best interest  
of the proposed ward to appoint him/her guardian because \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ c. Another individual, being \_\_\_\_\_ was  
nominated/designated by the proposed ward to serve as conservator,  
\_\_\_\_\_ (i) and no good cause was shown to override such preference.  
\_\_\_\_\_ (ii) but good cause was shown not to appoint said individual, being: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ d. Another individual with higher preference, being \_\_\_\_\_  
\_\_\_\_\_ was nominated/designated to serve as conservator by  
someone other than the proposed ward, and/but it (is) (is not) in the best interest of  
the proposed ward to appoint him/her conservator because \_\_\_\_\_  
\_\_\_\_\_

5.

The Petitioner(s) requested that the guardian(s)/conservator(s) be granted the following additional  
powers pursuant to O.C.G.A. §29-4-23 (b) and/or O.C.G.A. §29-5-23(b) and/or (c): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SUPREME COURT.

CONCLUSIONS OF LAW

The Court finds, by clear and convincing evidence, that the above-named proposed ward (hereinafter referred to as "the ward") is in need of (initial all applicable):

- \_\_\_\_\_ a. a guardian because the ward lacks sufficient capacity to make or communicate significant responsible decisions concerning his/her health or safety. The duration of the guardianship is (permanent) (\_\_\_\_\_).
- \_\_\_\_\_ b. a conservator because the ward lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property. The duration of the conservatorship is (permanent) (\_\_\_\_\_).

Therefore it is

ORDERED that \_\_\_\_\_ should be, and hereby is, appointed guardian(s) and \_\_\_\_\_ should be, and hereby is, appointed conservator(s) of the ward because \_\_\_\_\_

Letters of guardianship and/or conservatorship shall issue to such guardian(s) and/or conservator(s) upon taking the required oath and upon the conservator(s) posting bond in the amount of \$\_\_\_\_\_.

**The appointed guardian(s)/conservator(s) shall have no authority to act on behalf of the ward until Letters of Guardianship and/or Conservatorship have issued.**

IT IS FURTHER ORDERED that due to the appointment of a guardian, this Order REMOVES from the ward the power to (initial all that are applicable):

- \_\_\_\_\_ a. Contract marriage;
- \_\_\_\_\_ b. Make, modify, or terminate other contracts;
- \_\_\_\_\_ c. Consent to medical treatment;
- \_\_\_\_\_ d. Establish a residence or dwelling place;
- \_\_\_\_\_ e. Change domicile;
- \_\_\_\_\_ f. Revoke a revocable trust established by the ward;
- \_\_\_\_\_ g. Bring or defend any action at law or equity, except an action relating to the guardianship.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

IT IS FURTHER ORDERED that due to the appointment of a conservator, this Order REMOVES from the ward the power to (initial all that are applicable):

- \_\_\_\_\_ a. Make, modify, or terminate contracts, other than the power to contract marriage;
- \_\_\_\_\_ b. To buy, sell, or otherwise dispose of or encumber property;
- \_\_\_\_\_ c. Enter into or conduct other business or commercial transactions;
- \_\_\_\_\_ d. Revoke a revocable trust established by the ward;
- \_\_\_\_\_ e. Bring or defend any action at law or equity, except an action relating to the conservatorship.

IT IS FURTHER ORDERED that the guardian(s) and/or conservator(s) shall have the following additional powers as set forth in O.C.G.A. §29-4-23(b) and O.C.G.A. §29-5-23(b)(1) and (c): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

IT IS FURTHER ORDERED that, if only a guardian is appointed for the ward, or if different individuals are appointed guardian and conservator, the following reasonable sums of property shall be provided to the guardian to provide adequately for the ward's support, care, education, health, and welfare, until further Order of the Court: \$ \_\_\_\_\_ per \_\_\_\_\_.

IT IS FURTHER ORDERED that the guardian shall file, in addition to the personal status report, the following supplemental report: \_\_\_\_\_ (monthly) (annually).

IT IS FURTHER ORDERED that a copy of this Order shall be served by first class mail on the ward, the ward's attorney; the guardian ad litem, if any; the guardian(s) and/or conservator(s); the petitioner(s); his/her/their attorney(s); and the individuals listed in paragraphs 6, 7, and 8 of the Petition.

IT IS FURTHER ORDERED that the ward's legal counsel shall make reasonable efforts to explain to the ward this Order and the ward's rights under this Order.

IT IS FURTHER ORDERED that, within 30 days of the date hereof, the clerk/deputy clerk shall file the certificate of creation of conservatorship in accordance with O.C.G.A. §29-5-13(d) with the Clerk of Superior Court of each county in this state in which the ward owns real property.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge/Hearing Officer exercising the jurisdiction of the Probate Court pursuant to O.C.G.A. §29-4-12(d)(7) and/or §29-5-12(d)(7)

SUPREME COURT.

**CERTIFICATE OF MAILING OF FINAL ORDER**

ESTATE NO. \_\_\_\_\_

I have this date mailed (or handed) a copy of the above Order to the ward, his/her attorney, (his/her guardian ad litem), (his/her representatives,) the guardian(s), the conservator(s), the interested persons shown in paragraphs 6, 7, and 8 of the petition, the petitioner(s), and (petitioner's attorney).

\_\_\_\_\_  
Date

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

**CERTIFICATE OF FILING CERTIFICATE OF CREATION OF CONSERVATORSHIP**

ESTATE NO. \_\_\_\_\_

I have this date hand-delivered and/or mailed for filing a Certificate of Creation of Conservatorship to the Clerk of the Superior Court of each of the following counties, together with payment of any recording costs: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

(Above space to be used for filing in Superior Court Clerk's Office Deeds and Records)

Probate Court Return Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATE OF CREATION OF CONSERVATORSHIP**

(Pursuant to O.C.G.A. §29-5-13(d))

GEORGIA, \_\_\_\_\_ County

PROBATE ESTATE NO. \_\_\_\_\_

DATE ORDER ISSUED: \_\_\_\_\_

GRANTOR: (NAME OF WARD) \_\_\_\_\_

GRANTEE: (NAME OF CONSERVATOR(S) OF ABOVE WARD)  
\_\_\_\_\_  
\_\_\_\_\_

A Conservatorship has been created for the above-named ward.

\_\_\_\_\_ a. The Conservatorship is permanent.

\_\_\_\_\_ b. The expiration date set by court order is \_\_\_\_\_, 20\_\_\_\_\_.

Original Certificate delivered or mailed to Clerk of Superior Court of \_\_\_\_\_  
\_\_\_\_\_ County on \_\_\_\_\_, 20\_\_\_\_\_.

I do hereby certify that the above information is based on the order of the Probate Court issued on the date set out above and that the above information is true and correct.

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**LETTERS OF GUARDIANSHIP OF ADULT WARD**

From the Judge of the Probate Court of said County.

Date of Birth: \_\_\_\_\_

TO: \_\_\_\_\_, Guardian(s)

RE: \_\_\_\_\_, Adult Ward

The above-named adult ward has been found by this Court to be in need of a guardian, and this Court has entered an order designating you as such guardian(s). You have assented to this appointment by taking your oath. In general, your duties as guardian are to protect and maintain the person of the ward.

Special Instructions:

1. It is your duty to see that the ward is adequately fed, clothed, sheltered and cared for, and that the ward receives all necessary medical attention.
2. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and your ward.
3. Within 60 days after appointment and within 60 days after each anniversary date of appointment, you must file with the probate court a personal status report concerning your ward which shall include:
  - (a) A description of the ward's general condition, changes since the last report, and needs;
  - (b) Your recommendations for any alteration in the guardianship order;
  - (c) All addresses of the ward during the reporting period and the living arrangements of the ward for all addresses;
  - (d) A description of the amount of any funds received and expended by the guardian for the support of the ward.
4. Please consult your attorney if you have any questions.
5. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK (Seal)

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA  
COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

LETTERS OF CONSERVATORSHIP OF ADULT WARD

From the Judge of the Probate Court of said County.

Date of Birth: \_\_\_\_\_

TO: \_\_\_\_\_, Conservator(s)

RE: \_\_\_\_\_, Adult Ward

The above-named adult ward has been found by this Court to be in need of a conservator, and this Court has entered an order designating you as such conservator(s). You have assented to this appointment by taking your oath and posting a bond. In general, your duties as conservator are to protect and maintain the property of the ward.

Special Instructions:

1. You must keep your ward's funds separate from your own. You should put your ward's funds in a separate checking or savings account, as appropriate, and make all payments by check.
2. You may not sell, mortgage, give away, or otherwise dispose of any of your ward's property without a court order.
3. You may not spend any of your ward's funds for any purpose except as set forth in the court approved budget without a court order.
4. You must file within two months of your appointment an inventory showing the ward's property and a plan for managing, expending, and distributing the property. Further, you must file, within 60 days of each anniversary date of these Letters an annual return, showing all receipts and disbursements, accompanied by an affidavit certifying that the original vouchers (checks) have been compared with the items listed on the return, and that the return is correct, together with an updated inventory and plan for managing the property. A copy of said return shall be sent by first class mail to the surety, the ward, and the guardian, if any.
5. The regular commissions allowed a conservator are 2.5% on all sums of money received, and 2.5% on all sums paid out, as shown by the annual or final return. There are special rules concerning commissions for property delivered in kind, interest earned, extraordinary services, and market value of property held as of the last day of your reporting period.
6. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and your ward.
7. You should inform the Court of any change of location of your ward.
8. Please consult your attorney if you have any questions.
9. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not  
sign the original of this document:  
Issued by:

\_\_\_\_\_  
PROBATE CLERK /DEPUTY CLERK (Seal)

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA  
COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**LETTERS OF GUARDIANSHIP AND CONSERVATORSHIP OF ADULT WARD**

From the Judge of the Probate Court of said County. Date of Birth: \_\_\_\_\_  
TO: \_\_\_\_\_, Guardian(s) and Conservator(s)  
RE: \_\_\_\_\_, Adult Ward

The above-named adult ward has been found by this Court to be in need of a guardian and conservator, and this Court has entered an order designating you as such guardian(s) and conservator(s). You have assented to this appointment by taking your oath and posting a bond. In general, your powers and duties are to protect and maintain the person and property of the ward.

Special Instructions:

1. It is your duty to see that your ward is adequately fed, clothed, sheltered and cared for, and that your ward receives all necessary medical attention.
2. You must keep your ward's funds separate from your own. You should put your ward's funds in a separate checking or savings account, as appropriate, and make all payments by check.
3. You may not sell, mortgage, give away, or otherwise dispose of any of your ward's property without a court order.
4. You may not spend any of your ward's funds for any purpose, except as set forth in the court approved budget, without a court order.
5. You must file within two months of your appointment an inventory showing the ward's property and a plan for managing, expending, and distributing the property. Further, you must file, within 60 days of each anniversary date of these Letters an annual return, showing all receipts and disbursements, accompanied by an affidavit certifying that the original vouchers (checks) have been compared with the items listed on the return, and that the return is correct, together with an updated inventory and plan for managing the property. A copy of said return shall be sent by first class mail to the surety, the ward, and the guardian, if any.
6. The regular commissions allowed a conservator are 2.5% on all sums of money received, and 2.5% on all sums paid out, as shown by the annual or final return. There are special rules concerning commissions for property delivered in kind, interest earned, extraordinary services, and market value of property held as of the last day of your reporting period.
7. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and your ward.
8. Within 60 days after appointment and within 60 days after each anniversary date of appointment, you must file with the probate court a personal status report concerning your ward which shall include:
  - (a) A description of your ward's general condition, changes since the last report, and needs;
  - (b) Your recommendations for any alteration in the guardianship/conservatorship order;
  - (c) All addresses of the ward during the reporting period and the living arrangements of the ward for all addresses.
9. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

NOTE: The following must be signed if the judge does not sign the original of this document  
Issued by: \_\_\_\_\_ Probate Judge  
\_\_\_\_\_  
(Seal)  
PROBATE CLERK/DEPUTY CLERK

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**CERTIFICATE OF VOTING RIGHTS REMOVED**

DATE \_\_\_\_\_, 20\_\_

TO: Secretary of State  
Election Division  
1104 West Tower  
2 Martin Luther King, Jr. Dr., SE  
Atlanta, Ga. 30334

From: \_\_\_\_\_

Judge of Probate Court of \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

The following individual has been adjudicated to lack sufficient mental capacity and his/her voting rights have been removed:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_

DATE OF ORDER REMOVING RIGHT TO VOTE \_\_\_\_\_

**CERTIFICATE OF FILING OF VOTING RIGHTS REMOVED**

ESTATE NO. \_\_\_\_\_

I have this date mailed for filing a Certificate of Voting Rights Removed and enclosed a copy of the Order removing such voting rights to the Office of the Secretary of State by placing a copy of same in an envelope addressed as set forth above and depositing same in the U.S. Mail, first-class, with adequate postage thereon.

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

**CERTIFICATE OF GUADIANSHIP/CONSERVATORSHIP ESTABLISHED**

DATE \_\_\_\_\_, 20\_\_

TO: G.B.I/7CJIS Operations Unit  
P.O. Box 370748  
Decatur, Ga. 30037-0748

FROM \_\_\_\_\_  
(Judge's Name)

JUDGE OF PROBATE COURT OF \_\_\_\_\_ COUNTY, GEORGIA

ESTATE NO \_\_\_\_\_

PROBATE COURT ORI NUMBER \_\_\_\_\_

THE FOLLOWING INDIVIDUAL HAS BEEN ADJUDICATED TO LACK SUFFICIENT  
MENTAL CAPACITY AND GUARDIANSHIP/CONSERVATORSHIP HAS BEEN ESTABLISHED.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_

DATE OF ORDER DECLARING PERSON TO LACK SUFFICIENT MENTAL CAPACITY  
\_\_\_\_\_

RACE \_\_\_\_\_ SEX \_\_\_\_\_  
(Please list Asian, Black, Indian, White or Other)

**CERTIFICATE OF FILING**

ESTATE NO. \_\_\_\_\_

I hereby certify that the above stated information is true and correct and that I have this date  
mailed this Certificate of Guardianship/Conservatorship Established to the Georgia Bureau of  
Investigation by placing copies of same in an envelope addressed as set forth above and depositing same  
in the U.S. Mail, first-class, with adequate postage thereon.

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

## AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

### **Petition of Personal Representative for Leave to Sell Property**

#### INSTRUCTIONS

##### I. Specific Instructions

1. This form is to be used when a personal representative or temporary administrator petitions for leave to sell real or personal property pursuant to O.C.G.A. §53-8-13. If the petition is by a temporary administrator, this form should be altered as follows: The term "temporary administrator" should be placed wherever the term "Personal Representative" or "Administrator" appears throughout the entire form.
2. With regard to paragraph 4 of the petition, a recent appraisal should be used if available; otherwise, a copy of the most recent ad valorem tax statement should be provided. If the appraised value or tax value is higher than the selling price, explain the discrepancy on an additional sheet, and add a reference to this in paragraph 4 of the petition.
3. In the event the assets are to be distributed according to a will, only the beneficiaries need to be listed in Paragraph 2. In the event the Decedent died Intestate (without a will) Paragraph 2 requires that a definitive statement be made to show to the court that the persons named in paragraph 1 constitutes all of the heirs of the decedent and that there are no heirs of the same or closer degree according to O.C.G.A §53-2-1. Provide the date of death for any deceased heirs. NOTE: If you are uncertain how to determine the heirs of a decedent, please refer to the "Heirs Determination Sheet" available from the probate court or at [www.gaprobate.org](http://www.gaprobate.org). Examples of such statement would be: (a) "decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein"; (b) "decedent had no other siblings half or whole other than those listed herein"; (c) "the decedent's brother who died previously, had no other children born, adopted, living or deceased, other than listed herein."

##### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.



AMENDMENTS TO UNIFORM PROBATE COURT RULES.

3.

Petitioner(s) desire(s) to sell certain real and/or personal property of said estate. The property and the estate's interest in said property are described as follows (give metes and bounds description, and street address if known, if real property):

4.

The specific purpose of said sale of said property is (check all which apply):

- a. to pay the debts of the estate and/or
- b. to make distributions to the (heirs)(beneficiaries)
- c. other: \_\_\_\_\_

5.

The petitioner(s) desire(s) to sell said real and/or personal property upon the following terms and conditions [explain the proposed date, place and method of sale, including any minimum sales prices, and attach and label copies of any applicable contracts]: \_\_\_\_\_

\_\_\_\_\_ Attached hereto as Exhibit A is a copy of (the most recent ad valorem tax statement)(a recent appraisal) showing the current value of the property to be \$ \_\_\_\_\_.

6.

At present, the petitioner(s) has/have a bond on file in this Court in the amount of \$ \_\_\_\_\_. The net proceeds to the estate from the sale of the subject property will be approximately \$ \_\_\_\_\_. An additional bond in the amount of \$ \_\_\_\_\_ to cover the amount by which the net proceeds from the sale, plus the amount of personal property currently in the estate, will exceed the current bond amount will be posted prior to the deadline for objections set forth in the notice.

7.

The following (heirs)(beneficiaries) are not sui juris and require the appointment of a guardian ad litem to represent their interests in this matter:

\_\_\_\_\_  
\_\_\_\_\_

SUPREME COURT.

8.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission.

WHEREFORE, petitioner(s) pray(s)

1. an order directing notice be issued and served as the law requires, and
2. if no cause be shown to the contrary, your petitioner(s) be granted leave to sell said property as set forth above.

\_\_\_\_\_  
Signature of first petitioner

\_\_\_\_\_  
Signature of second petitioner if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

VERIFICATION

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

SUPREME COURT.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_
)
) PETITION OF PERSONAL
DECEASED ) REPRESENTATIVE FOR
) LEAVE TO SELL PROPERTY

ORDER FOR SERVICE OF NOTICE AND APPOINTING
GUARDIAN AD LITEM IF NECESSARY

The foregoing petition of personal representative for leave to sell property having been filed, it is
ordered that: (Initial any and all of the following which apply:)

\_\_\_\_\_ Notice must be served personally, together with a copy of the petition, at least ten days
before the deadline for objections on the following (heirs)(beneficiaries) who reside in Georgia and have
not acknowledged service:

\_\_\_\_\_
\_\_\_\_\_

\_\_\_\_\_ Notice must be served by registered or certified mail, return receipt requested, together
with a copy of the petition, upon nonresident (heirs)(beneficiaries) whose current residence addresses are
known:

\_\_\_\_\_
\_\_\_\_\_

\_\_\_\_\_ Notice must be published once a week for four weeks in the newspaper in which sheriff's
advertisements are published in this county, before \_\_\_\_\_, 20\_\_\_\_\_ in order
to serve by publication the following (heirs)(beneficiaries) whose current residence addresses are
unknown or who are unknown:

\_\_\_\_\_
\_\_\_\_\_

IT IS ORDERED that \_\_\_\_\_ is
appointed guardian ad litem for \_\_\_\_\_, and
that said guardian ad litem be duly served with a copy of the foregoing petition, Notice and notice of this
appointment, and that upon said guardian ad litem's acceptance of same, said guardian ad litem shall
make answer hereto. This appointment is limited to this proceeding only and it shall cease when a final
order is entered on this petition.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

NOTICE

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: PETITION OF \_\_\_\_\_ FOR  
LEAVE TO SELL PROPERTY OF ESTATE OF \_\_\_\_\_, DECEASED.

(Strike the following paragraph if not applicable:)

TO: \_\_\_\_\_  
(List here all interested parties having known addresses in the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirteenth (13th) day after \_\_\_\_\_, 20\_\_\_\_ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 13 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

TO: \_\_\_\_\_  
(List here all interested parties having known addresses outside the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirtieth (30th) day after \_\_\_\_\_, 20\_\_\_\_ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 30 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

This is further to notify \_\_\_\_\_,  
(List here all interested parties who reside in Georgia to be served personally)  
who are required to be served personally, to file objection, if there is any, to the above referenced petition, in this Court on or before the tenth (10th) day after the date you are personally served.

**BE NOTIFIED FURTHER:** All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_ 20\_\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

SUPREME COURT.

NOTICE

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: PETITION OF \_\_\_\_\_ FOR  
LEAVE TO SELL PROPERTY OF ESTATE OF \_\_\_\_\_, DECEASED.

(For use if an interested party is required to be served by publication:)

TO: \_\_\_\_\_

(List here all unknown interested parties and known interested parties having unknown addresses to be served by publication)

All interested parties and to whom it may concern: This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before \_\_\_\_\_, 20\_\_\_\_\_.

**BE NOTIFIED FURTHER:** All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_ 20\_\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**CERTIFICATE OF MAILING**

This is to certify that I have this date forwarded by registered or certified mail, return receipt requested, in a stamped, addressed envelope, a copy of the foregoing petition and the notice, to the (heirs)(beneficiaries) who reside out of state at known current residence addresses.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK





SUPREME COURT.

ACKNOWLEDGMENT OF SERVICE AND CONSENT TO PETITION

GEORGIA, \_\_\_\_\_ COUNTY

IN RE: PETITION OF \_\_\_\_\_ FOR LEAVE  
TO SELL PROPERTY OF THE ESTATE OF \_\_\_\_\_ DECEASED

We, the undersigned, being over 18 years of age, laboring under no legal disability and being heirs or beneficiaries of the above-named decedent, hereby acknowledge service of a copy of the petition and notice, waive copies of same, waive further service and notice, and hereby consent to the petition.

SIGNATURE(S) OF  
(HEIRS)(BENEFICIARIES)

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_  
Print Name \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_  
Print Name \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_  
Print Name \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_  
Print Name \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_  
Print Name \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
DECEASED \_\_\_\_\_, ) PETITION OF PERSONAL  
 ) REPRESENTATIVE FOR LEAVE  
 ) TO SELL PROPERTY

FINAL ORDER

The petition of \_\_\_\_\_, as Personal Representative of the estate of the above-named decedent, to sell certain property described as \_\_\_\_\_

\_\_\_\_\_ owned by said Estate for the purpose stated in the petition, coming on regularly to be heard; and

IT APPEARING that each (heir)(beneficiary) has been lawfully served with proper notice or has acknowledged service; and

IT APPEARING that the purpose of the transaction is lawful and that the proposed transaction is fair and is in the best interest of the Estate (and the guardian ad litem having filed an answer approving said transaction);

IT IS HEREBY ORDERED that the said Petitioner, as Personal Representative of said Estate, is authorized to sell the property described in the petition upon the terms set forth in said petition.

IT IS FURTHER ORDERED that a report of the sale authorized by this Order shall be furnished to this Court by the Petitioner. Said report shall specify the property sold, the purchasers, the amounts received, and the terms of the sale.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

# SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORMS

## **Petition of Conservator for Leave to Sell Property or Rent, Lease, or Otherwise Dispose of Property**

### INSTRUCTIONS

#### I. Specific Instructions

1. This form is to be used when a conservator requests leave to sell, rent, lease, or otherwise dispose of real or personal property at public or private sale pursuant to O.C.G.A. §29-3-35(c) or §29-5-35(c).
2. With regard to paragraph 3 of the petition, a recent appraisal should be used if available; otherwise, a copy of the most recent ad valorem tax statement should be provided. If the appraised value or tax value is higher than the selling price, explain the discrepancy on an additional sheet, and add a reference to this in paragraph 3 of the petition.
3. This petition is to be filed by the conservator and not by a guardian. A guardian ad litem must be appointed for the minor/ward.
4. Service of the Petition and Notice on the minor/ward and guardian ad litem must be by personal service. If requested by the Petitioner(s) and approved by the Court, service may be made by registered or certified mail or statutory overnight delivery with return receipt requested and with delivery restricted to addressee only. See O.C.G.A. §29-9-4(e) and/or O.C.G.A. §15-9-17.
5. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 4 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

#### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____	)	<b>PETITION OF CONSERVATOR</b>
<b>MINOR/WARD</b>	)	<b>FOR LEAVE TO SELL REAL</b>
	)	<b>OR PERSONAL PROPERTY</b>
_____	)	<b>OR RENT, LEASE, OR OTHERWISE</b>
<b>CONSERVATOR(S)</b>	)	<b>DISPOSE OF SAID PROPERTY</b>

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_,  
 Conservator(s) of the above minor/ward, whose address is: \_\_\_\_\_  
 \_\_\_\_\_ shows that:

1.

Conservator(s) desire(s) to (initial one):

_____ a. sell	_____ d. exchange
_____ b. rent	_____ e. dispose of
_____ c. lease	_____ f. other: describe _____

\_\_\_\_\_ certain property belonging to the minor/ward's estate. The minor/ward owns a \_\_\_\_\_ %  
 interest in said property, described as follows (if real property, give metes and bounds description, and street  
 address if known):

SUPREME COURT.

2.

The purpose of said disposition of said property is: \_\_\_\_\_

\_\_\_\_\_

3.

Said transaction is believed to be in the best interest of the minor/ward, and

- \_\_\_\_\_ a. The conservator(s) desire(s) to sell the property at public sale for no less than \$ \_\_\_\_\_.
- \_\_\_\_\_ b. the conservator(s) desire(s) to sell the property at private sale for the sum of \$ \_\_\_\_\_ because it is the belief of conservator(s) that said property will not bring that amount if sold at public sale. A copy of the contract for sale is attached to this petition as Exhibit "B."
- \_\_\_\_\_ c. the conservator(s) desire to rent or lease the property for \$ \_\_\_\_\_ per month. The property currently has mortgage payments of \$ \_\_\_\_\_ per month. A copy of the contract to rent or lease the property is attached to this petition as Exhibit "B."
- \_\_\_\_\_ d. the conservator(s) desire to dispose of the property otherwise as follows: \_\_\_\_\_

Attached as Exhibit "A" is a copy of (a recent appraisal) (the most recent ad valorem tax statement) showing the current value of the property to be \$ \_\_\_\_\_.

4.

At present, the conservator(s) has/have a bond on file in this Court in the amount of \$ \_\_\_\_\_. The net proceeds to the minor's/ward's estate from the sale of the subject property will be approximately \$ \_\_\_\_\_. An additional bond in the amount of \$ \_\_\_\_\_ to cover the amount by which the net proceeds from the sale, plus the amount of personal property currently in the estate, will exceed the current bond amount will be posted prior to the deadline for objections set forth in the citation.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

5.

Conservator(s) request(s) that the minor/ward and guardian ad litem be personally served with citation and a copy of this petition.

6.

There is no relationship or connection between the Conservator(s) or members of their immediate family and the purchaser(s) except as follows: \_\_\_\_\_.

WHEREFORE, conservator(s) pray(s) that a guardian ad litem be appointed for said minor/ward, and prays for an order directing that citation be issued and personally served, together with a copy of this petition, upon the minor/ward and guardian ad litem, and if no cause be shown to the contrary, your conservator(s) be granted leave to sell, rent, lease, or otherwise dispose of said property as set forth above.

\_\_\_\_\_  
Signature of conservator

\_\_\_\_\_  
Signature of co-conservator, if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

SUPREME COURT.

VERIFICATION

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned conservator(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Conservator

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Co-Conservator, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORMS

**Petition of Conservator for Leave to Sell Property or Rent, Lease, or Otherwise Dispose of Property**

Pages after 4 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT. SEE PROBATE COURT RULE 22 (A).**

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORMS

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____ ,	)	PETITION FOR LEAVE TO
MINOR/WARD	)	SELL PROPERTY OR RENT,
	)	LEASE, OR OTHERWISE DISPOSE
_____ ,	)	OF SAID PROPERTY
CONSERVATOR(S)	)	

**ORDER FOR NOTICE, APPOINTING GUARDIAN AD LITEM, AND REQUIRING AN INCREASE IN BOND**

The petition of \_\_\_\_\_ as conservator(s), requesting an Order from this Court authorizing the sale, rent, lease, or other disposition of certain real and/or personal property of the above-named minor/ward having been read and considered,

IT IS ORDERED that Citation issue and that a copy of the Petition, Citation and this Order be personally served on the minor/ward.

IT IS FURTHER ORDERED that \_\_\_\_\_ is appointed guardian ad litem for the minor/ward, and that said guardian ad litem be served personally with a copy of the foregoing petition, Citation, and this Order, and that upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer hereto. This appointment is limited to this proceeding only and it shall cease when a final order is entered on this petition.

(initial if applicable:)

\_\_\_\_\_ IT IS FURTHER ORDERED that said conservator(s) shall increase his/her/their bond by \$ \_\_\_\_\_ within \_\_\_\_\_ days of the date of this Order.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Probate Judge

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

NOTICE

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: PETITION OF CONSERVATOR(S) FOR LEAVE TO SELL PROPERTY OR RENT, LEASE, OR OTHERWISE DISPOSE OF SAID PROPERTY

TO: \_\_\_\_\_, Minor/Ward ESTATE NO. \_\_\_\_\_

Your conservator(s), has/have filed a petition to sell, rent, lease, or otherwise dispose of certain real and/or personal property from your estate. This is to notify you that objections to the petition, if any, must be filed within 30 days following the mailing of notice or service upon your guardian ad litem. All objections to the petition must be in writing, setting forth the grounds of any such objections and all pleadings must be signed before a notary public or probate court clerk. If any objections are filed, a hearing will be (held in the Probate Court of \_\_\_\_\_ County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia on \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_ o'clock \_\_.m.) (scheduled for a later date). If no objection is filed, the petition may be granted without a hearing.

TO: \_\_\_\_\_, guardian ad litem

The conservator(s) of the above ward has/have filed a petition to sell, rent, lease, or otherwise dispose of certain real and/or personal property from the minor/ward's estate. This is to notify you that you must file your response to the petition with the Court within 30 days following the mailing of notice or service upon you. All objections to the petition must be in writing, setting forth the grounds of any such objections and all pleadings must be signed before a notary public or probate court clerk. If any objections are filed, a hearing will be (held in the Probate Court of \_\_\_\_\_ County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia on \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_ o'clock \_\_.m.) (scheduled for a later date). If no objection is filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

SUPREME COURT.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____ ,	)	PETITION FOR LEAVE TO
MINOR/WARD	)	SELL PROPERTY OR RENT,
	)	LEASE, OR OTHERWISE DISPOSE
_____ ,	)	OF SAID PROPERTY
CONSERVATOR(S)	)	

ANSWER OF GUARDIAN AD LITEM

I hereby accept the foregoing appointment, acknowledge service and notice of said proceeding as provided by law, and for answer say:

\_\_\_\_\_  
GUARDIAN AD LITEM

\_\_\_\_\_  
Date

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**CERTIFICATE OF MAILING**

This is to certify that I have this date mailed copies of the foregoing, order for notice, appointing guardian ad litem, and requiring an increase in bond, and this certificate to the conservator(s) by first-class mail.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____ ,	)	<b>PETITION FOR LEAVE TO</b>
<b>MINOR/WARD</b>	)	<b>SELL PROPERTY OR RENT,</b>
	)	<b>LEASE, OR OTHERWISE DISPOSE</b>
_____ ,	)	<b>OF SAID PROPERTY</b>
<b>CONSERVATOR(S)</b>	)	

FINAL ORDER

The petition of \_\_\_\_\_, as Conservator(s) of the above-named minor/ward, to sell at private sale, rent, lease, or otherwise dispose of certain property owned by said minor/ward described as:

for the purpose stated in the petition, coming on regularly to be heard; and

IT APPEARING that citation was duly issued and that copies of the petition and citation were duly served upon the minor/ward and guardian ad litem, and

IT APPEARING that the purpose of the transaction is lawful and that the proposed transaction is fair and is in the best interest of the minor/ward, and the guardian ad litem having filed an answer raising no objection to said transaction;

IT IS HEREBY ORDERED that the said Petitioner(s), as Conservator(s) of said minor/ward, is/are authorized to sell, rent, lease, or otherwise dispose of the property described above upon the terms set forth in said petition.

\_\_\_\_\_ (initial if applicable:) Said authorization is conditioned upon the Conservator(s) having on file with this Court a surety bond in the amount of \$\_\_\_\_\_.

IT IS FURTHER ORDERED that a return specifying the property sold, the purchasers, the amounts received, and the terms of the sale, or other terms of disposition of the property shall be furnished to this Court by the Conservator(s) within 30 days of the sale.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

## AMENDMENTS TO UNIFORM PROBATE COURT RULES.

### **Petition for Presumption of Death of Missing Individual Believed to be Dead**

#### INSTRUCTIONS

##### I. Specific Instructions

1. This form is to be used for petition for presumption of death of missing individual believed to be dead pursuant to O.C.G.A. § 53-9-1 et seq.
2. This form may be used in conjunction with a petition for letters of administration, a petition to probate will in common or solemn form, a petition for a year's support or a petition for an order that no administration is necessary. Any of these other petitions may be granted at any time after the presumption of death is established, provided that all legal requirements for the granting of the other petition have been met.
3. Paragraph 5 requires that a definitive statement be made to show to the court that the persons named in paragraph 4 constitute all of the heirs of the decedent and that there are no heirs of the same or closer degree according to O.C.G.A. §53-2-1. Provide the date of death for any deceased heirs. NOTE: If you are uncertain how to determine the heirs of a decedent, please refer to the "Heirs Determination Sheet" available from the probate court or at [www.gaprobate.org](http://www.gaprobate.org). Examples of such statement would be: (a) "decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein"; (b) "decedent had no other siblings half or whole other than those listed herein"; (c) "the decedent's brother who died previously, had no other children born, adopted, living or deceased, other than listed herein."
4. The attached form consists of 7 pages.

##### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

**PETITION FOR PRESUMPTION OF DEATH  
OF MISSING INDIVIDUAL BELIEVED TO BE DEAD**

GEORGIA, \_\_\_\_\_ COUNTY

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_, whose mailing address is \_\_\_\_\_,  
respectfully shows to the Court:

1.

\_\_\_\_\_ hereinafter referred to as the "missing individual"),

who was domiciled at \_\_\_\_\_

in \_\_\_\_\_, Georgia, is missing.

(County)

2.

(Check one:)

\_\_\_ The missing individual has been missing from his/her last known place of domicile for a continuous period of four years or longer.

\_\_\_ The missing individual has been missing from his/her last known place of domicile for a continuous period of twelve months or longer.

\_\_\_ The missing individual was exposed to a specific peril or tragedy resulting in probable death under circumstances which may be proved by clear and convincing evidence. The specific peril or tragedy and the circumstances proving the death of the missing individual are fully explained in paragraph 7.

3.

The missing individual was last heard from on \_\_\_\_\_,  
(Date)

at which time he/she was at \_\_\_\_\_,  
(Location or Address)

4.

Listed below are the names of all the missing individual's heirs with the age or majority status, address, and relationship to the missing individual set opposite the name of each:

Name	Age (Or over 18)	Address	Relationship
_____			
_____			
_____			
_____			
_____			

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

5.

Make a definitive statement which will show to the court that those persons named in Paragraph 4 constitute all of the heirs of the decedent and that there are no heirs of similar or higher degree according to O.C.G.A. §53-2-1. Provide the names of any deceased heirs and include the date of death for each. (See instructions for further clarification.)

6.

\_\_\_ Petitioner (has simultaneously filed) (will file) a petition concerning this estate for (check one):

- \_\_\_ administration of the estate.
- \_\_\_ probate of will in (common) (solemn) form.
- \_\_\_ a year's support.
- \_\_\_ an order that no administration is necessary.

OR \_\_\_ Petitioner does not presently intend to file any other proceedings.

7.

To the knowledge of the petitioner, no other proceedings with respect to this estate are pending, or have been completed, in any other probate court in this state.

8.

The petitioner shows the following facts in support of the belief that the missing individual is deceased [If death is to be proved as a result of a specific peril or tragedy, please fully describe the specific peril or tragedy and the circumstances proving the decedent's exposure thereto and death as a result thereof]:

\_\_\_\_\_

Wherefore petitioner prays:

- (a) that necessary notice be issued and served according to law; and
- (b) that an order establishing a presumption of death be entered.

\_\_\_\_\_  
 Signature of Attorney  
 (or petitioner if pro se)  
 Printed Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 State Bar #: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Attorney  
 (or petitioner if pro se)  
 Printed Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 State Bar #: \_\_\_\_\_

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

VERIFICATION

Georgia, \_\_\_\_\_ County

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

_____ Petitioner Printed Name: _____	_____ Petitioner Printed Name: _____
Address: _____ _____	Address: _____ _____
Telephone: _____	Telephone: _____

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk of Probate Court or Notary Public

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

ACKNOWLEDGMENT OF SERVICE  
AND ASSENT TO PETITION

GEORGIA, \_\_\_\_\_ COUNTY

IN RE: PETITION OF \_\_\_\_\_ FOR THE  
PRESUMPTION OF DEATH OF \_\_\_\_\_  
MISSING INDIVIDUAL BELIEVED TO BE DEAD

We, the undersigned, being over 18 years of age, laboring under no legal disability and being those who would be heirs if the missing individual were known to be dead, hereby acknowledge service of a copy of the petition for presumption of death of missing individual believed to be dead and notice, waive copies of same, waive further service and notice, and hereby assent to the petition without further delay,

SIGNATURE(S) OF WOULD BE HEIRS

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Print Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Print Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Print Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Print Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Print Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Print Name

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN THE MATTER OF \_\_\_\_\_ ) ESTATE NUMBER \_\_\_\_\_  
 )  
 ) RE: PETITION FOR PRESUMPTION OF  
MISSING INDIVIDUAL BELIEVED DEAD ) DEATH OF MISSING INDIVIDUAL  
 ) BELIEVED TO BE DEAD  
 )

**ORDER FOR SERVICE OF NOTICE  
(AND SEARCH FOR MISSING INDIVIDUAL)**

[Note: If desired, the following Order for Service of Notice and Notice of Hearing may be combined with any other such Order and Notice required for the issuance of letters or an order for year's support or that no administration is necessary.]

On \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ filed this petition to establish the presumption of death of the above-named missing individual believed to be dead (and a petition on the estate of such individual).

IT IS ORDERED that notice be published once a week for four weeks, in the official newspaper in this county in which sheriff's advertisements are published, giving notice that on a day stated, which must be at least 90 days after the first publication, evidence will be heard by this Court concerning the alleged absence of the missing individual and the circumstances and duration thereof.

IT IS FURTHER ORDERED that the notice be (initial any and all of the following which apply):

\_\_\_\_\_ served personally, together with a copy of the petition, upon the following individuals who would be heirs if the missing individual were known to be dead, who reside within this state, who have not acknowledged service:

\_\_\_\_\_ served by registered or certified mail, return receipt requested, together with a copy of the petition, upon nonresident individuals who would be heirs if the missing individual were known to be dead, whose current residence addresses are known and who have not acknowledged service:

\_\_\_\_\_ served by publication upon the following individuals who would be heirs if the missing individual were known to be dead, whose current residence addresses are unknown and who have not acknowledged service:

\_\_\_\_\_ (Optional) IT IS FURTHER ORDERED that the petitioner search for the missing individual in the following manner:

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE OF THE PROBATE COURT

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN THE MATTER OF \_\_\_\_\_ ) ESTATE NUMBER \_\_\_\_\_  
 )  
 )  
MISSING INDIVIDUAL BELIEVED DEAD ) RE: PETITION FOR PRESUMPTION OF  
 ) DEATH OF MISSING INDIVIDUAL  
 ) BELIEVED TO BE DEAD

NOTICE OF HEARING

A petition for presumption of death of \_\_\_\_\_,  
a missing individual believed dead, has been filed by \_\_\_\_\_.  
(in conjunction with a petition for \_\_\_\_\_). Notice is  
hereby given that at \_\_\_\_\_ o'clock \_\_\_\_\_m., on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, evidence will be heard by the probate court concerning the alleged absence of said missing  
individual and the circumstances and duration thereof. The missing individual, if alive, or any other  
individual having evidence that the missing individual is alive, is required to produce and present to the  
court evidence that the missing individual is still in life.

This \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Judge of the Probate Court

By: \_\_\_\_\_  
Clerk of the Probate Court

Publication dates: \_\_\_\_\_

CERTIFICATE OF MAILING

This is to certify that I have this date forwarded by registered or certified mail, return receipt  
requested, in a stamped, addressed envelope, a copy of the foregoing petition and the notice, to each of  
the following heirs-apparent who reside out of state at known current residence addresses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CLERK, PROBATE COURT

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN THE MATTER OF \_\_\_\_\_ ) ESTATE NUMBER \_\_\_\_\_  
 )  
 )  
MISSING INDIVIDUAL BELIEVED DEAD ) RE: PETITION FOR PRESUMPTION OF  
 ) DEATH OF MISSING INDIVIDUAL  
 ) BELIEVED TO BE DEAD

ORDER ESTABLISHING PRESUMPTION OF DEATH AND DATE THEREOF

The petition of \_\_\_\_\_, for  
presumption of death of \_\_\_\_\_, a missing  
individual believed to be dead, having come before the Court for hearing on  
\_\_\_\_\_, 20\_\_\_\_, and it appearing that notice of such hearing was duly  
published and served as required by law, and after hearing evidence in said case, it is the finding of the  
Court that a diligent and reasonable effort has been made to locate the missing individual and that a legal  
presumption of death of said missing individual has been established

\_\_\_\_\_ by a preponderance of the evidence because the presumption of death has been proved by  
showing the at the individual has been missing from his or her last known place of domicile for a  
continuous period of four years,

OR

\_\_\_\_\_ by a preponderance of the evidence because presumption of death has been proved by  
showing that the individual has been missing from his or her last known place of domicile for a continues  
period of twelve months or more,

OR

\_\_\_\_\_ by clear and convincing evidence, because the presumption of death has been proved by  
showing that the individual was exposed to a specific peril or tragedy resulting in probable death,

and this Court concludes that such missing individual may be declared dead.

WHEREUPON, IT IS ORDERED that \_\_\_\_\_ be  
and is hereby declared dead and the date of death is hereby established as \_\_\_\_\_.

SO ORDERED on \_\_\_\_\_.

\_\_\_\_\_  
Judge of the Probate Court

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition to Establish Custodial Account for Minor or Incapacitated Adult**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when petitioning the court for authority to establish a custodial account for a minor or incapacitated adult pursuant to O.C.G.A. §29-6-1et seq.
2. It may be necessary for the petitioner to provide a social security number or taxpayer identification number to be used in connection with the bank account. Contact the appropriate probate court to determine whether this information is needed from petitioner.
3. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility; it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 2 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____,	)	PETITION TO ESTABLISH CUSTODIAL
MINOR/INCAPACITATED ADULT	)	ACCOUNT FOR MINOR OR
	)	INCAPACITATED ADULT

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_ shows to the Court:

1.

\_\_\_\_\_ is a  
minor/incapacitated adult who has no legal and qualified conservator.

2.

The minor/incapacitated adult is a resident of this County, residing at \_\_\_\_\_

3.

The minor's/incapacitated adult's age is \_\_\_\_\_ and date of birth is \_\_\_\_\_.

4.

The minor/incapacitated adult is entitled to the sum of \_\_\_\_\_ arising from \_\_\_\_\_

5.

The (parents of the minor, if any) (guardian(s) of the incapacitated adult, if any) are:

Name	Address	Telephone Number
------	---------	------------------

_____	_____	_____
_____	_____	_____

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

6.

The names and addresses of two people other than those listed in paragraph 5 who will likely be aware of the minor's/incapacitated adult's whereabouts in the future are:

\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE petitioner(s) pray(s) that the minor's/incapacitated adult's parents/guardian(s), if any, be served in accordance with Chapter 9 of Title 29 with a copy of this Petition and Notice, and that the petitioner(s) be allowed to pay over to the Judge of the Probate Court, as custodian, the money due and owing to the minor/incapacitated adult.

\_\_\_\_\_  
Signature of first petitioner

\_\_\_\_\_  
Signature of second petitioner, if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

VERIFICATION

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition to Establish Custodial Account for Minor or Incapacitated Adult**

Pages after 2 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE  
COMPLETED BY THE PETITIONER (MOVING  
PARTY) UNLESS OTHERWISE DIRECTED BY THE  
COURT. SEE PROBATE COURT RULE 22 (A).**

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____	)	PETITION TO ESTABLISH CUSTODIAL
MINOR/INCAPACITATED ADULT	)	ACCOUNT FOR MINOR OR
	)	INCAPACITATED ADULT

ORDER CONCERNING NOTICE

The above Petition being filed, it is hereby  
 ORDERED that the probate clerk/deputy clerk shall serve a copy of the Petition, this Order, and  
 Notice of the filing of the above petition by first class mail, if domiciled outside Georgia, and by personal  
 service, if domiciled in Georgia, on (initial applicable):

- \_\_\_\_\_ a. the parents of the minor
- \_\_\_\_\_ b. the guardian(s) of the incapacitated adult.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 Probate Judge

SUPREME COURT.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_, ) PETITION TO ESTABLISH CUSTODIAL  
MINOR/INCAPACITATED ADULT ) ACCOUNT FOR MINOR OR  
 ) INCAPACITATED ADULT

NOTICE

To: \_\_\_\_\_  
(the parents of the minor)(the guardian(s) of the incapacitated adult):

The Petitioner(s), \_\_\_\_\_, has/have filed the above Petition. If you have an objection, it must be filed on or before the tenth (10th) day after the date you are personally served with this Notice, or within 14 days from the date of mailing if you have been served by mail. All objections to the petition must be in writing, setting forth the grounds of any such objections, and all pleadings/objections must be signed before a notary public or before a Georgia probate court clerk. Filing fees must be tendered with your pleadings/objection, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_, 20\_\_\_\_ in the Probate Court of \_\_\_\_\_ County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia)(scheduled for a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE NUMBER



# SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

## Petition for Temporary Letters of Guardianship of Minor

### INSTRUCTIONS

#### I. Specific Instructions

1. This form is to be used for filing a Petition for Temporary Letters of Guardianship of a minor pursuant to O.C.G.A. §29-2-5.
2. Notice of the Petition must be given to the “parents” of the minor. If an objection to the establishment of the temporary guardianship is filed by a parent who is also a “natural guardian,” the Court will dismiss the Petition without a hearing. If a parent who is not a natural guardian objects, a hearing on the matter will be scheduled.  
  
A “parent” is defined as the biological or adoptive father or mother whose parental rights have not been surrendered or terminated, except that in the case of a child born out of wedlock, the father shall be considered a “parent” only if he has legitimated the minor.  
  
A father of a child born out of wedlock has legitimated the minor if he took some legal action to be recognized as the legal or lawful father.  
  
A “natural guardian” is defined as each parent, unless the parents are divorced. If one parent has sole legal custody, that parent is the sole “natural guardian.” If both parents have joint legal custody, then both parents are “natural guardians.”
3. A temporary guardianship will be deemed to be a permanent guardianship for the purposes of obtaining medical insurance coverage for the minor if the guardian assumes in writing the obligation to support the minor while the guardianship is in effect to the extent that no other sources of support are available.
4. Unless otherwise permitted by the Probate Court in which filed, a separate Petition must be filed for each minor. Contact the Probate Court in which the Petition will be filed for its policy. If the filing of one petition for more than one minor is permitted by the Probate Court, modify the Petition accordingly.
5. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility; it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 6 which are labeled “Court” are to be completed by the moving party, unless otherwise directed by the court.

#### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.



SUPREME COURT.

4.

(initial either a., b or c:)

\_\_\_\_\_ a. The minor was born during a marriage. The father of the minor,  
 \_\_\_\_\_, (initial all that apply)

\_\_\_\_\_ (i) is not a natural guardian of the minor because his parental rights have  
 been terminated or he has surrendered them;

\_\_\_\_\_ (ii) has sole legal custody of the minor;

\_\_\_\_\_ (iii) has joint legal custody of the minor;

\_\_\_\_\_ (iv) has selected petitioner to serve as temporary guardian (see attached  
 notarized acknowledgment and consent);

\_\_\_\_\_ (v) is deceased, and a copy of his death certificate is attached as exhibit "C;"

\_\_\_\_\_ (vi) has not consented to the creation of the temporary guardianship and his  
 (current physical address is \_\_\_\_\_,  
 \_\_\_\_\_, located in \_\_\_\_\_  
 \_\_\_\_\_ County) (current address is unknown).

\_\_\_\_\_ b. The minor was born out of wedlock. The biological father of the minor,  
 \_\_\_\_\_, has not legitimated the minor.

\_\_\_\_\_ c. The minor was born out of wedlock AND the father of the minor legitimated the  
 minor. The father of the minor, \_\_\_\_\_,  
 (initial all that apply)

\_\_\_\_\_ (i) is not a natural guardian of the minor because his parental rights have  
 been terminated or he has surrendered them;

\_\_\_\_\_ (ii) has sole legal custody of the minor;

\_\_\_\_\_ (iii) has joint legal custody of the minor;

\_\_\_\_\_ (iv) has selected petitioner to serve as temporary guardian (see attached  
 notarized acknowledgment and consent);

\_\_\_\_\_ (v) is deceased, and a copy of his death certificate is attached as exhibit "C;"

\_\_\_\_\_ (vi) has not consented to the creation of the temporary guardianship and his  
 (current physical address is \_\_\_\_\_,  
 \_\_\_\_\_, located  
 in \_\_\_\_\_ County) (current address is  
 unknown).

5.

(initial if applicable)

\_\_\_\_\_ a. The minor, being over fourteen years of age, has selected the petitioner(s) to act  
 as temporary guardian(s) as shown by the attached selection.

6.

NOTE: complete the following unless both parents have signed the attached notarized acknowledgment  
 and consent:

The temporary guardianship is needed because \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

7.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission. Also, state here all pertinent facts which may govern the method of giving notice to any party and which may determine whether or not a guardian ad litem should be appointed for any party.

WHEREFORE, petitioner(s) pray(s) that

- 1. service be perfected as provided by law and
2. petitioner(s) be appointed temporary guardian(s) of the minor named above.

Signature of first petitioner, Signature of second petitioner, if any, Printed Name, Address, Telephone Number, Signature of Attorney, Typed/printed name of Attorney, Address, Telephone, State Bar #

VERIFICATION

GEORGIA, COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before me this day of, 20.

First Petitioner

NOTARY/CLERK OF PROBATE COURT My Commission Expires

Printed Name

Sworn to and subscribed before me this day of, 20.

Second Petitioner, if any

NOTARY/CLERK OF PROBATE COURT My Commission Expires

Printed Name



AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**ACKNOWLEDGMENT AND CONSENT TO CREATION OF TEMPORARY GUARDIANSHIP AND APPOINTMENT OF INDIVIDUAL(S) AS TEMPORARY GUARDIAN(S)**

IN RE: ESTATE OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

I/We, \_\_\_\_\_, the mother/father of \_\_\_\_\_, minor, do hereby consent to the creation of a temporary guardianship and the appointment of (list all parties to whom you wish to grant temporary guardianship) \_\_\_\_\_, and also acknowledge service of the petition for appointment of a temporary guardian for said minor, and waive any and all further service and notice concerning said petition.

I/We further understand that pursuant to O.C.G.A. §29-2-8(b), upon application by a natural guardian (as defined in said statute; see Instructions), the court will remove the temporary guardian and dissolve the temporary guardianship unless an objection is timely filed by the temporary guardian. If an objection is timely filed to such an application, the juvenile court or the probate court shall determine, after notice and hearing, whether a continuation or dissolution of the temporary guardianship is in the best interest of the minor. I/We understand that nothing herein, including any optional assumption by the guardian of the obligation to support the minor to the extent that no other sources of support are available, affects my/our legal obligation to support and maintain said minor.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public/Clerk, Probate Court  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Mother

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public/Clerk, Probate Court  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Father

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

SUPREME COURT.

ASSUMPTION OF OBLIGATION TO SUPPORT (OPTIONAL)

IN RE: ESTATE OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

The undersigned, if appointed temporary guardian(s) of \_\_\_\_\_,  
minor, assume(s) the obligation to support the minor while the guardianship is in effect to the extent that no  
other sources of support are available.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Clerk, Probate Court/Notary Public  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Co-Petitioner

\_\_\_\_\_  
Clerk, Probate Court/Notary Public  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition for Temporary Letters of Guardianship of Minor**

Pages after 6 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE  
COMPLETED BY THE PETITIONER (MOVING  
PARTY) UNLESS OTHERWISE DIRECTED BY THE  
COURT. SEE PROBATE COURT RULE 22 (A).**

SUPREME COURT.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
_____	)	
_____	)	
MINOR	)	PETITION FOR TEMPORARY LETTERS OF GUARDIANSHIP OF MINOR

ORDER FOR SERVICE

- \_\_\_\_\_ a. It appearing that the mother of the minor named in the petition has not acknowledged and consented to the Petition and that (initial):
  - \_\_\_\_\_ (i) she resides at a known address in the State of Georgia, she must therefore be served by personal service.
  - \_\_\_\_\_ (ii) she resides at a known address outside the State of Georgia, she must therefore be served by first class mail.
  - \_\_\_\_\_ (iii) her current address is unknown, she must therefore be served by publication once a week for two weeks.
  
- \_\_\_\_\_ b. It appearing that the father of the minor named in the petition has not acknowledged and consented to the Petition and that (initial):
  - \_\_\_\_\_ (i) he resides at a known address in the State of Georgia, he must therefore be served by personal service.
  - \_\_\_\_\_ (ii) he resides at a known address outside the State of Georgia, he must therefore be served by first class mail.
  - \_\_\_\_\_ (iii) his current address is unknown, he must therefore be served by publication once a week for two weeks.

THEREFORE, IT IS ORDERED that citation issue and be served as indicated above and in accordance with law.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

CITATION

GEORGIA, \_\_\_\_\_ COUNTY ESTATE NO. \_\_\_\_\_

IN RE: PETITION OF \_\_\_\_\_  
FOR TEMPORARY LETTERS OF GUARDIANSHIP

ESTATE OF \_\_\_\_\_, MINOR

DATE OF MAILING, IF ANY \_\_\_\_\_

DATE OF SECOND PUBLICATION, IF ANY \_\_\_\_\_

TO: \_\_\_\_\_

You are hereby notified that a petition for the appointment of a temporary guardian has been filed regarding the above-named minor. All objections to the Petition described above either to the appointment of a temporary guardian or the appointment of the petitioner(s) as temporary guardian(s), must be in writing, setting forth the grounds of any such objections, and must be filed with this Court no later than 14 days after this notice is mailed, or 10 days after this notice is personally served upon you, or ten days after the second publication of this notice if you are served by publication. All pleadings must be signed before a notary public or Georgia probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/telephone number for the required amount of filing fees.

\*\*\*\*\* NOTE: If a natural guardian files an objection to the creation of the temporary guardianship, the Petition will be dismissed. If a natural guardian files an objection to the appointment of the petitioner(s) as guardian(s), or if a parent who is not a natural guardian files an objection to the petition, a hearing on the matter (shall be held on \_\_\_\_\_ at \_\_\_\_\_m. in the Probate Court of \_\_\_\_\_ County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia) (shall be scheduled at a later date).

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

SUPREME COURT.

**CERTIFICATE OF MAILING**

I do hereby certify that I have this day mailed a copy of the above citation, petition and order for service to each party to whom the citation is directed who resides outside the State of Georgia at a known current address, in a properly addressed and stamped envelope, by first class mail.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF	)	ESTATE NO. _____
_____	)	
	)	PETITION FOR TEMPORARY LETTERS
	)	OF GUARDIANSHIP OF MINOR
MINOR	)	
_____	)	
TEMPORARY GUARDIAN(S)	)	

ORDER

Upon reading and considering the foregoing petition (and selection) and it appearing that each parent has acknowledged and consented to the Petition or been properly served with notice of this proceeding, and no objection having been filed,

IT IS ORDERED that the petitioner(s) be, and hereby is/are, appointed temporary guardian(s) of the above minor, and that temporary letters of guardianship issue to said petitioner(s) upon taking the oath as required by law.

(Initial if applicable:)

\_\_\_\_\_ IT IS FURTHER ORDERED that the temporary guardian(s) shall file a personal status report with the Court sixty (60) days from the date of this Order and on the anniversary date of this Order each year thereafter.

\_\_\_\_\_ IT IS FURTHER ORDERED that this guardianship shall be deemed to be a permanent guardianship for the purposes of the guardian's(s') obtaining medical insurance coverage for the minor because the guardian(s) has/have assumed in writing the obligation to support the minor while the guardianship is in effect to the extent that no other sources of support are available.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF _____	)	ESTATE NO. _____
	)	
MINOR _____	)	PETITION FOR TEMPORARY LETTERS
	)	OF GUARDIANSHIP OF MINOR
	)	
_____	)	
TEMPORARY GUARDIAN(S)	)	

OATH

I/We do solemnly swear (or affirm) that I/we will well and truly perform the duties required of me/us as temporary guardian(s) of the minor named above.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Temporary Guardian

\_\_\_\_\_  
JUDGE /CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Co-Temporary Guardian, if any

\_\_\_\_\_  
JUDGE /CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

**TEMPORARY LETTERS OF GUARDIANSHIP OF MINOR**

From the Judge of the Probate Court of said County.

TO: \_\_\_\_\_, Guardian(s)

RE: \_\_\_\_\_, Minor

The above-named minor has been found by this Court to be in need of a guardian, and this Court has entered an order appointing you as such guardian. You have assented to this appointment by taking your oath. In general, your duties as guardian are to protect and maintain the person of the minor.

Special Instructions:

1. It is your duty to see that the minor is adequately fed, clothed, sheltered, educated and cared for, and that the minor receives all necessary medical attention.
2. You must keep the Court informed of any change in your name or address.
3. You should inform the Court of any change of location of the minor.
4. If the Order appointing you requires, you must file an annual Personal Status Report concerning the minor.
5. Please consult your attorney if you have any questions. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

(initial if applicable)

\_\_\_\_\_ If initialed, the guardianship shall be deemed a permanent guardianship for the purposes of the guardian's(s') obtaining medical insurance coverage for the minor.

Given under my hand and official seal, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:  
Issued by:

PROBATE CLERK/DEPUTY CLERK (Seal)

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition for Letters of Permanent Guardianship of Minor**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for filing a Petition for Letters of Guardianship of a minor by a person, pursuant to O.C.G.A. §29-2-14 when the minor has no natural guardian, testamentary guardian, or permanent guardian.
2. The minor's biological father (father of a minor born out of wedlock who has not legitimated the minor and whose rights regarding the minor have not been surrendered or terminated) is entitled to notice of the filing of the petition and is entitled to object to the Petition and request a continuance in order to legitimate the minor. If he objects, then legitimates the minor, the Petition will be dismissed. If he fails to legitimate the minor, the biological father will have no further rights to receive notice or object to the Petition. O.C.G.A. §29-2-15.
3. The petition should be filed in the county in which a minor is found or in which the proposed permanent guardian is domiciled. In its discretion, the probate court in which the petition is filed may transfer the case to another county in this state, if such transfer would serve the best interest of the minor.
4. The court may require the petitioner to submit additional information concerning the petitioner's qualifications to serve as guardian, in addition to the information required on this standard form.
5. As used in this form, a testamentary guardian is an individual named in a deceased parent's will. A nominated guardian is an individual nominated by a minor's parent to serve as guardian of the minor. A natural guardian, defined pursuant to O.C.G.A. §29-2-3, is each parent, unless the parents are divorced and one parent has sole custody of the minor, in which case the sole custodian is the sole natural guardian. If the parents have joint legal custody, both parents are the natural guardians of the minor.
6. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility; it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 7 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.



SUPREME COURT.

5.

The Petitioner(s) is/are related to the minor as follows: The Petitioner(s) is/are the minor's:

---

6.

The mother of said minor, \_\_\_\_\_, (initial selection):

\_\_\_\_ a. has had her parental rights terminated by court order, a copy of which is attached as exhibit "B," and is domiciled at \_\_\_\_\_

\_\_\_\_ b. is deceased, and a copy of her death certificate is attached as exhibit "B."

7.

(initial and complete either a. or b.)

\_\_\_\_ a. The minor was born during a marriage. The father of the minor, \_\_\_\_\_, (initial selection):

\_\_\_\_ (i) has had his parental rights terminated by court order, a copy of which is attached as exhibit "C," and is domiciled at: \_\_\_\_\_

\_\_\_\_ (ii) is deceased, and a copy of his death certificate is attached as exhibit "C."

\_\_\_\_ b. The minor was born out of wedlock. The biological father of the minor is \_\_\_\_\_ and his address is: \_\_\_\_\_

and he (initial all applicable)

\_\_\_\_ (i) has had his parental rights terminated by Court order, a copy of which is attached as exhibit "C."

\_\_\_\_ (ii) has not legitimated the minor.

\_\_\_\_ (iii) is deceased.

\_\_\_\_ (iv) is a registrant on the putative father registry who has acknowledged paternity; has indicated possible paternity of the minor's sibling born two years prior to this minor's date of birth; or has lived with the minor, contributed to the minor's support, made an attempt to legitimate the minor, or provided support or medical care for the minor's mother during her pregnancy or hospitalization during delivery.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

8.

(initial if applicable)

\_\_\_\_\_ There is a notarized or witnessed document, attached as exhibit "\_\_\_\_\_", executed by a parent of the minor which addresses guardianship of the minor. That document nominates \_\_\_\_\_, whose address is \_\_\_\_\_ County, as guardian.

9.

Regarding a conservator appointed for the minor (initial all that apply):

- \_\_\_\_\_ a. No conservator has been appointed for the minor.
- \_\_\_\_\_ b. There has been a conservator appointed for the minor, being \_\_\_\_\_ whose address is \_\_\_\_\_
- \_\_\_\_\_ c. There is a Petition for Conservatorship of the minor pending before the \_\_\_\_\_ County Probate Court.

10.

The minor has (initial relevant paragraph):

- \_\_\_\_\_ a. the following adult siblings (list up to three)  
Name                      Address                      Telephone No.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_ b. if no adult siblings, the following grandparents (list up to three)  
Name                      Address                      Telephone No.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_ c. if no adult siblings or grandparents, the following three nearest adult relatives of the minor:  
Name                      Address                      Telephone No.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SUPREME COURT.

11.

The minor is entitled to personal property with a value of \_\_\_\_\_ and real property with a value of \_\_\_\_\_ by reason of \_\_\_\_\_. The following reasonable sums of property are needed for the minor's support: \$\_\_\_\_\_ per month.

12.

The Petitioner(s) (initial a. or b.)

- \_\_\_\_\_ a. is/are seeking expanded powers under O.C.G.A. §29-2-22, and therefore moves the Court to appoint a guardian ad litem for the minor and set a hearing on the matter.
- \_\_\_\_\_ b. is/are not seeking expanded powers under O.C.G.A. §29-2-22.

13.

If there is: (1) a court-appointed temporary guardian or a petition to appoint one pending; (2) another individual with court-ordered custody or guardianship; or (3) another individual with physical custody of the minor, provide the individual's(s') name(s), age(s) (or over 18), telephone number(s), address(es), nature of nomination or appointment, and court: \_\_\_\_\_

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---

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14.

Additional Data: Where full particulars are lacking, state the reasons for any such omission. Also, state all pertinent facts which may govern the method of giving notice to any party and which may determine whether or not a guardian ad litem should be appointed for any party.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

WHEREFORE, petitioner(s) pray(s) that

1. any required service be perfected and
2. petitioner(s) be appointed guardian(s) of the minor named above.

Signature of first petitioner	Signature of second petitioner, if any
Printed Name	Printed Name
Address	Address
Telephone Number	Telephone Number
Signature of Attorney:	
Typed/printed name of Attorney:	
Address:	
Telephone:	
	State Bar #

**VERIFICATION**

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name



AMENDMENTS TO UNIFORM PROBATE COURT RULES.

ACKNOWLEDGMENT OF SERVICE

IN RE: ESTATE OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

We the undersigned being adult relatives and/or nominated designees as guardian(s) of the above minor hereby acknowledge service of a copy of the petition; waive further service and notice; and hereby consent to the appointment of the petitioner(s) as permanent guardian(s) of said minor.

SIGNATURE(S)

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition for Permanent Letters of Guardianship of Minor**

Pages after 7 which are labeled "court" are to be completed by the moving party, unless otherwise directed by the court.

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT. SEE PROBATE COURT RULE 22 (A).**

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM  
COUNTY

PROBATE COURT OF \_\_\_\_\_

STATE OF GEORGIA

IN RE: \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
MINOR \_\_\_\_\_ )  
PETITIONER(S) \_\_\_\_\_ )  
PETITION FOR THE APPOINTMENT OF  
A GUARDIAN OF A MINOR

ORDER FOR SERVICE, HEARING, AND APPOINTMENT OF GUARDIAN AD LITEM  
(INITIAL ONE OR MORE OF THE FOLLOWING:)

\_\_\_\_\_ a. It appearing that the minor being born out of wedlock, the biological father of the minor is entitled to notice, therefore, IT IS ORDERED that citation issue and be served personally, if he resides in Georgia, by first class mail if he resides outside Georgia, or by publication if his address is unknown once per week for two weeks in the newspaper in this county in which sheriff's advertisements are published, together with a copy of the petition and this order, on said biological father.

\_\_\_\_\_ b. It appearing that one or more of the nearest adult relatives of the minor or one or more of the nominated guardian(s) residing in Georgia listed in the petition has/have not acknowledged service, IT IS ORDERED that citation issue and be served personally, together with a copy of the petition and this order, on each of the nearest adult blood relatives or nominated testamentary or permanent guardian(s) listed in the petition who has not acknowledged service.

\_\_\_\_\_ c. It appearing that one or more of the nearest adult relatives of the minor or one or more of the nominated testamentary or permanent guardian(s) residing outside Georgia listed in the petition has not acknowledged service, IT IS ORDERED that citation issue and be served by first class mail, together with a copy of the petition and this order, on each of the nearest adult blood relatives or nominated testamentary or permanent guardian(s) listed in the petition who has not acknowledged service.

\_\_\_\_\_ d. It appearing that the address of one or more of the adult relative(s) of the minor is unknown, IT IS ORDERED that citation issue and be published once per week for two weeks in the newspaper in this county in which sheriff's advertisements are published.

\_\_\_\_\_ e. The petitioner(s) seeking enhanced powers pursuant to O.C.G.A. §29-2-22(b), IT IS ORDERED that \_\_\_\_\_ is appointed guardian ad litem for the above minor. The clerk/deputy clerk shall serve said guardian ad litem with a copy of this Order and the above Petition. Upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer thereto.

IT IS FURTHER ORDERED that a hearing on the matter shall be held in this Probate Court in \_\_\_\_\_ County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia on \_\_\_\_\_,

20\_\_ at \_\_\_\_\_ o'clock \_\_\_\_m.  
SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

SUPREME COURT.

CITATION TO BIOLOGICAL FATHER

GEORGIA, \_\_\_\_\_ COUNTY ESTATE NO. \_\_\_\_\_

PROBATE COURT OF \_\_\_\_\_ COUNTY

Date of Mailing, or date of second publication: \_\_\_\_\_

TO: \_\_\_\_\_, biological father of  
\_\_\_\_\_, a minor:  
\_\_\_\_\_, Petitioner(s)

has/have applied to be appointed permanent guardian(s) of the above minor  
(initial if applicable)  
\_\_\_\_\_ and is/are seeking additional powers set forth in O.C.G.A. §29-2-22(b).

If you have any objection to the granting of this petition, you must: 1) file a written objection setting forth the grounds of any such objection with this Court within 14 days of the date you are personally served; the date that notice was mailed to you; or the day following the date of the second publication of this citation, AND you must 2) file a petition to legitimate the minor within 30 days of the hearing on your objection. If you fail to file a petition for legitimation within 30 days or your petition is dismissed for failure to prosecute, or if an order issues on your petition which does not name you as the father of the minor, you will have no further rights to receive notice or object to the appointment of a permanent guardian for the minor. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/telephone number for the required amount of filing fees. A hearing on this Petition shall be held in the Probate Court of \_\_\_\_\_ County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_ o'clock \_\_m.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

CITATION TO INTERESTED PARTIES

GEORGIA, \_\_\_\_\_ COUNTY ESTATE NO. \_\_\_\_\_

PROBATE COURT OF \_\_\_\_\_ COUNTY

TO: (WHOM IT MAY CONCERN) AND (\_\_\_\_\_)

\_\_\_\_\_, Petitioner(s) has/have applied to be appointed permanent guardian(s) of \_\_\_\_\_

\_\_\_\_\_, a minor:

Date of Second Publication, if any: \_\_\_\_\_ Date of Mailing, if any: \_\_\_\_\_

(initial if applicable)

\_\_\_\_\_ and is/are seeking additional powers set forth in O.C.G.A. §29-2-22(b).

If you have any objection to either the establishment of a permanent guardianship, or to the selection of the Petitioner(s) as permanent guardians, or both, you must file a written objection setting forth the grounds of any such objection with this Court within ten days of the date you are personally served; or within 14 days of the date that notice was mailed to you; or within 10 days following the date of the second publication of this citation. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/telephone number for the required amount of filing fees. A hearing on this Petition shall be held in this Probate Court in \_\_\_\_\_ County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia on \_\_\_\_\_, 20\_\_ at \_\_\_ o'clock \_\_m.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

SUPREME COURT.

**CERTIFICATE OF MAILING OF CITATION TO BIOLOGICAL FATHER**

ESTATE NO. \_\_\_\_\_

This is to certify that I have this day served the biological father of the minor who resides outside Georgia, who was ordered to be served by first-class mail, with a copy of the petition, order, and citation, by placing a copy of same in an envelope addressed to him and depositing same in the U.S. Mail, first-class, with adequate postage thereon.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

**CERTIFICATE OF MAILING OF CITATION TO INTERESTED PARTIES**

ESTATE NO. \_\_\_\_\_

This is to certify that I have this day served the interested party(ies) shown in paragraph 10 of the petitioner who reside(s) outside Georgia, who was/were ordered to be served by first-class mail, with a copy of the petition, order, and citation, by placing a copy of same in an envelope addressed to each and depositing same in the U.S. Mail, first-class, with adequate postage thereon.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
_____	)	
MINOR	)	PETITION FOR THE APPOINTMENT OF
	)	A GUARDIAN OF A MINOR
_____	)	
PETITIONER(S)	)	

ORDER

Upon reading and considering the foregoing petition and it appearing that:

1.

there is no guardian of the minor, and notice was served upon the required adult relatives of the minor, and the biological father of the minor, if any, according to law, and no interested party has objected, and that:

2.

the following individual(s), being \_\_\_\_\_, should be named as permanent guardian(s), who was/were selected because she/he/they petitioned to be appointed, and no objections to the appointment have been made, and it appears to be in the best interest of the minor that said individual(s) be appointed,

3.

(initial if applicable)

\_\_\_\_\_ and the minor, being fourteen years of age or older, selecting the petitioner(s) as guardian,

THEREFORE IT IS ORDERED that \_\_\_\_\_, be, and hereby is/are, appointed permanent guardian(s) of the minor named above and that letters of guardianship issue to him/her/them upon taking the oath (and posting bond in the amount of \_\_\_\_\_), as required by law.

SUPREME COURT.

(initial if applicable)

\_\_\_\_\_ a. IT IS FURTHER ORDERED that, no objection being filed by the guardian ad litem and notice being provided according to law, the guardian(s) shall have the following powers set forth in O.C.G.A. §29-2-22(b) (initial all applicable):

- \_\_\_\_\_ (i) to establish the minor's place of dwelling outside this state;
- \_\_\_\_\_ (ii) to change the jurisdiction of the guardianship to another Georgia county which is the county of the minor's place of dwelling;
- \_\_\_\_\_ (iii) to change the domicile of the minor to the minor's or guardian's place of dwelling based on the tax ramifications and the succession and inheritance rights of the minor and other parties;
- \_\_\_\_\_ (iv) to consent to the marriage of the minor;
- \_\_\_\_\_ (v) to receive reasonable compensation from the estate of the minor for services rendered to the minor;
- \_\_\_\_\_ (vi) if there is no conservator appointed for the minor, to disclaim or renounce property or interest in property of the minor in accordance with O.C.G.A. §53-1-20;

\_\_\_\_\_ b. IT IS FURTHER ORDERED that, since the permanent guardian is not the conservator or there is not a conservator; the guardian(s) shall be permitted to utilize from the ward's property \$\_\_\_\_\_ per month to provide adequately for the minor's support, care, education, health, and welfare, unless further Ordered by this Court.

IT IS FURTHER ORDERED that the guardian(s) shall promptly disclose to the Court any conflict of interest between himself/herself/themselves and the minor when such conflict of interest arises or becomes known to the guardian(s).

IT IS FURTHER ORDERED that the guardian(s) shall file personal status reports as required by law.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge



SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_  
**LETTERS OF PERMANENT GUARDIANSHIP OF MINOR**

From the Judge of the Probate Court of said County.

TO: \_\_\_\_\_, Guardian(s)

RE: \_\_\_\_\_, Minor

The above-named minor has been found by this Court to be in need of a guardian, and this Court has entered an order designating you as such guardian(s). You have assented to this appointment by taking your oath. In general, your duties as guardian are to protect and maintain the person of the minor and your power over the minor shall be the same as that of a parent over a child, the guardian(s) standing in place of the parent(s). A guardian shall at all times act as a fiduciary in the minor's best interest and exercise reasonable care, diligence, and prudence.

Special Instructions:

1. It is your duty to see that the minor is adequately fed, clothed, sheltered, educated, and cared for, and that the minor receives all necessary medical attention.
2. You must keep the Court informed of any change in your name or address.
3. You should inform the Court of any change of location of your minor.
4. You shall, within 60 days of appointment and within 60 days after each anniversary date of appointment, file with this Court and provide to the conservator of the minor, if any, a personal status report concerning the minor.
5. You shall promptly notify the court of any conflict of interest which may arise between you as guardian and the minor pursuant to O.C.G.A. §29-2-23.
6. The guardianship automatically terminates when the minor dies, reaches age 18, is adopted, or is emancipated.
7. You shall act in coordination and cooperation with the minor's conservator, if appointed, or if not, with others who have custody of the minor's property.
8. Please consult your attorney if you have any questions. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Give under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK (Seal)

## AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

### **Petition for Letters of Conservatorship of Minor**

#### INSTRUCTIONS

#### I. Specific Instructions

1. This form is to be used for filing a Petition for Letters of Conservatorship of Minor, with Bond, in the following situations:
  - (a) A doubtful claim is being compromised by a natural guardian and the net settlement amount is more than \$15,000.00. A natural guardian, defined pursuant to O.C.G.A. §29-2-3, is each parent, unless the parents are divorced and one parent has sole custody of the minor, in which case the sole custodian is the sole natural guardian. If the parents have joint legal custody, both parents are the natural guardians of the minor.
  - (b) All other cases where a minor is receiving property which requires management by a conservator.
2. The court may require the petitioner to submit additional information concerning the petitioner's qualifications to serve as conservator, in addition to the information required on this standard form.
3. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 6 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

#### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.



AMENDMENTS TO UNIFORM PROBATE COURT RULES.

5.

Excluding the petitioner(s) and nominated conservator(s), the minor's nearest relatives whose whereabouts are known are as follows: (show parents whose rights have not been terminated; if none, adult siblings of the minor; if none, the grandparents of the minor; if none, any nearest relatives of the minor so that three individuals are named)

Name	Address	Telephone No.	Relationship to Minor
a. _____	_____	_____	_____
b. _____	_____	_____	_____
c. _____	_____	_____	_____

6.

Other than the assets shown in paragraph 2, the minor currently has the following assets (or "none"): \_\_\_\_\_; has/will have the following income: \_\_\_\_\_; has/will have the following sources of funds: \_\_\_\_\_; and the following liabilities and expenses: \_\_\_\_\_. The minor has an interest in real property located in \_\_\_\_\_ County(ies), \_\_\_\_\_.

7.

The proposed conservator(s) has/have the following financial interest in relation to the minor's estate: \_\_\_\_\_; (i.e. joint ownership of property or any other type of financial interest in the minor's property or "n/a").

8.

The petitioner(s) request(s) that the proposed conservator(s) be granted the following powers pursuant to O.C.G.A. §29-3-22 (b) (initial those requested, and provide the reasons for the request below):

- \_\_\_\_\_ a. to invest the minor's property other than as authorized in Code Section 29-3-32 without further court approval in the following investments \_\_\_\_\_;
  - \_\_\_\_\_ b. to sell, rent, lease, exchange, or otherwise dispose of any or all of the minor's real or personal property without complying with the provisions of Code Section 29-3-35, other than the provisions for additional bond set forth in subsection (e) of Code Section 29-3-35;
  - \_\_\_\_\_ c. to continue the operation of any farm or business in which the minor has an interest.
- These powers are sought because \_\_\_\_\_.

SUPREME COURT.

9.

The petitioner(s) request(s) that a guardian ad litem be appointed because the following powers pursuant to O.C.G.A. §29-3-22 (c) are sought: \_\_\_\_\_

\_\_\_\_\_

10.

A surety bond in the amount of \$ \_\_\_\_\_ issued by (name of surety) \_\_\_\_\_ (agent's name, address, and telephone number)

\_\_\_\_\_ is being filed

as part of this Petition or will be provided to the Court prior to the issuance of Letters of Conservatorship.

11.

Regarding a guardian appointed for the minor (initial all that apply):

\_\_\_\_\_ a. No guardian has been appointed for the minor.

\_\_\_\_\_ b. There has been a guardian appointed for the minor, being \_\_\_\_\_ whose address is \_\_\_\_\_

\_\_\_\_\_ c. There is a Petition for Guardianship of the minor pending before the \_\_\_\_\_ County Probate Court.

12.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

WHEREFORE, petitioner(s) pray(s) that

1. said bond be duly filed, accepted and recorded,
2. service be perfected as required by law; and
3. the nominated conservator(s) be vested with authority as conservator(s) of said minor.

Signature of first petitioner	Signature of second petitioner, if any
Printed Name	Printed Name
Address	Address
Telephone Number	Telephone Number
Signature of Attorney: _____	
Typed/printed name of Attorney: _____	
Address: _____	
Telephone: _____ State Bar # _____	

**VERIFICATION**

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name



AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**ACKNOWLEDGMENT OF SERVICE  
AND ASSENT TO PETITION FOR APPOINTMENT OF CONSERVATOR**

IN RE: ESTATE OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

We, the undersigned, being over 18 years of age, laboring under no legal disability and being interested persons named in the foregoing Petition, hereby acknowledge service of a copy of the petition, waive further service and notice, and hereby assent to the appointment of the nominated conservator(s) for the above minor without further delay.

SIGNATURE OF INTERESTED PERSON

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition for Letters of Conservatorship of Minor**

Pages after 6 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT. SEE PROBATE COURT RULE 22 (A).**



SUPREME COURT.

NOTICE

PROBATE COURT OF \_\_\_\_\_ COUNTY ESTATE NO. \_\_\_\_\_

RE: PETITION FOR LETTERS OF CONSERVATORSHIP OF \_\_\_\_\_  
\_\_\_\_\_, A MINOR, WITH BOND

Date of Second Publication, if any: \_\_\_\_\_ Date of Mailing, if any: \_\_\_\_\_

(initial applicable):

\_\_\_\_ a. TO: (all interested persons having known addresses outside this state to be served by first class mail)  
\_\_\_\_\_

This is to notify you to file objection, if there is any, either to the establishment of the conservatorship or to the selection of the identified individual as conservator or both, in this Court on or before the fourteenth (14th) day after \_\_\_\_\_, 20\_\_\_\_ (the date of the mailing of this Notice to you by first class mail.

\_\_\_\_ b. TO: (all interested persons who reside in Georgia to be served personally) \_\_\_\_\_

This is to notify you to file objection, if there is any, either to the establishment of the conservatorship or to the selection of the identified individual as conservator or both, in this Court on or before the tenth (10th) day after the date you are personally served.

\_\_\_\_ c. TO: (all interested persons whose addresses are unknown) \_\_\_\_\_

This is to notify you to file objection, if there is any, either to the establishment of the conservatorship or to the selection of the identified individual as conservator or both, within 10 days following the date of the second publication of this citation.

**BE NOTIFIED FURTHER:** All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party.

Contact probate court personnel at the below address/telephone number for the required amount of filing fees. If an objection is filed, a hearing will be (held in the Probate Court of \_\_\_\_\_

County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia on \_\_\_\_\_ at \_\_\_\_\_

o'clock \_\_\_\_m.) (scheduled at a later date). If no objection is filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_

PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____	)	PETITION FOR LETTERS OF
MINOR	)	CONSERVATORSHIP OF
	)	MINOR
_____	)	
CONSERVATOR(S)	)	

ORDER

The petition for Letters of Conservatorship of Minor having been read and considered, and it appearing that the facts stated therein are true, and that it is in the best interest of the minor to appoint the above conservator(s),

IT IS ORDERED that \_\_\_\_\_ be vested with all the authority as Conservator(s) of said minor, to receive the minor's estate and manage it according to law and that Letters of Conservatorship issue upon the taking of the prescribed oath and upon the posting of bond in the amount of \$ \_\_\_\_\_. Said Conservator(s) should be appointed because \_\_\_\_\_.

\_\_\_\_\_. The appointed conservator(s) shall have no authority to act on behalf of the ward until Letters of Conservatorship have issued.

IT IS FURTHER ORDERED that the Conservator(s) requested and shall have the following powers pursuant to O.C.G.A. §29-3-22(b): (initial those applicable)

- \_\_\_\_\_ a. to invest the minor's property in the following investments, being investments other than those authorized in Code Section 29-3-32 without further court approval: \_\_\_\_\_;
- \_\_\_\_\_ b. to sell, rent, lease, exchange, or otherwise dispose of the minor's following real or personal property without complying with the provisions of Code Section 29-3-35, other than the provisions for additional bond set forth in subsection (e) of Code Section 2-3-35: \_\_\_\_\_;
- \_\_\_\_\_ c. to continue the operation of the following farm or business in which the minor has an interest: \_\_\_\_\_.

SUPREME COURT.

and after notice to the appointed guardian ad litem, the following powers pursuant to O.C.G.A. §29-3-22(c) (initial all applicable):

- \_\_\_\_\_ a. to make disbursements that exceed the annual income or, if applicable, the annual budget amount which has been approved by the court pursuant to Code Section 29-3-30 by no more than \$\_\_\_\_\_ per (month)(year) for the support, care, education, health, and welfare of the minor; subject to subsequent court order.
- \_\_\_\_\_ b. to enter into contracts for labor or services, being \_\_\_\_\_  
\_\_\_\_\_;  
for which the compensation payable under the contracts when combined with other disbursements from the estate exceeds the annual income or, if applicable, the annual budget amount which has been approved by the court pursuant to Code Section 29-3-30;
- \_\_\_\_\_ c. to compromise a contested or doubtful claim for or against the minor pursuant to the provisions of Code Section 29-3-3, being a claim made by/against \_\_\_\_\_  
\_\_\_\_\_;
- \_\_\_\_\_ d. to release \_\_\_\_\_  
\_\_\_\_\_;  
a debtor and compromise a debt when the collection of the debt is doubtful;
- \_\_\_\_\_ e. to establish or add the following property to a trust for the benefit of the minor pursuant to Code Section 29-3-22: \_\_\_\_\_;
- \_\_\_\_\_ f. to disclaim or renounce any property or interest in the following property of the minor in accordance with the provisions of Code Section 53-1-20 of the Revised Probate Code of 1998: \_\_\_\_\_;
- \_\_\_\_\_ g. to engage in estate planning for the minor pursuant to the provisions of Code Section 29-3-36.

(initial if applicable:)

\_\_\_\_\_ IT IS FURTHER ORDERED that, within 30 days of the date hereof, the clerk/deputy clerk shall file the certificate of creation of conservatorship in accordance with O.C.G.A. §29-3-10(b) with the Clerk of Superior Court of each county in this state in which the ward owns real property.

IT IS FURTHER ORDERED that the Conservator(s) shall:

- 1. keep the minor's funds separate from his/her/their own;
- 2. not sell or give away any of the minor's property without a court order;
- 3. not spend any of the minor's funds for any purpose except as set forth in the Court-approved budget;

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

4. file with this Court a management plan; an inventory of the minor's funds within two months of the date the Letters of Conservatorship issue; and an annual return within 60 days after each anniversary date of the issuance of Letters of Conservatorship, unless the Court has approved a different accounting period;
5. turn over to the minor any of the minor's property in his/her/their possession when the minor reaches 18;
6. not use the minor's funds for his/her/their own benefit;
7. keep the Court informed of any changes in his/her/their name(s), address(es), or the location of the minor;
8. not place his/her/their name(s) on the title of any funds and/or accounts belonging to the minor unless he/she/they specifically is/are designated in the title of the account as conservator(s) of the minor;
9. shall promptly disclose to the Court any conflict of interest between the conservator(s) and the minor when such conflict of interest arises or becomes known to the conservator(s).
10. keep accurate records, including adequate supporting data, as required by law.

(initial if applicable)

\_\_\_\_\_ IT IS FURTHER ORDERED that the conservator(s) is/are authorized to spend or deliver to the guardian(s) of the minor the sum of \$\_\_\_\_\_ per month for the benefit of the minor.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

The actual printed copy of these forms has duplicate pages for 3 & 4

SUPREME COURT.

Probate Court Return Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATE OF CREATION OF CONSERVATORSHIP**

(Pursuant to O.C.G.A. §29-3-10(b))

GEORGIA, \_\_\_\_\_ County

PROBATE ESTATE NO. \_\_\_\_\_

DATE ORDER ISSUED: \_\_\_\_\_

GRANTOR: (NAME OF MINOR)

\_\_\_\_\_

GRANTEE: (NAME OF CONSERVATOR(S) OF ABOVE MINOR)

\_\_\_\_\_

\_\_\_\_\_

A Conservatorship has been created for the above-named minor.

The minor attains the age of majority on \_\_\_\_\_  
at which time the conservatorship shall automatically terminate.

Original Certificate delivered or mailed to Clerk of Superior Court of \_\_\_\_\_  
\_\_\_\_\_ County on \_\_\_\_\_, 20\_\_\_\_\_.

I do hereby certify that the above information is based on the  
Order of the Probate Court issued on the date set out above and  
that the above information is true and correct.

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK



SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**LETTERS OF CONSERVATORSHIP OF MINOR**

From the Judge of the Probate Court of said County.

TO: \_\_\_\_\_, Conservator(s)

RE: \_\_\_\_\_, Minor

The above-named minor has been found by this Court to be in need of a conservator, and this Court has entered an order designating you as such conservator(s). You have assented to this appointment by taking your oath and posting bond. In general, your duties as conservator(s) are to protect and maintain the property of the above-named minor. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Please consult your attorney if you have any questions.

Given under my hand and official seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

Note: The following must be signed if the judge  
does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK (Seal)

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**Application for Permit to Conduct Public Fireworks Display**

I. Specific Instructions.

1. This form is to be used for any time there will be a Fireworks Display pursuant to O.C.G.A. §25-10-4.
2. The form is to be completed by the person, firm, corporation, association, or partnership desiring to conduct a public exhibition or display of fireworks and filed in the probate court of the county in which the exhibition or display is to be held, no less than ten (10) days prior to the date of the proposed display.
3. The permit must contain the license number issued by the Safety Fire Commissioner for the person, firm, corporation, association, or partnership that will cause the combustion, explosion, deflagration or detonation of pyrotechnics at the exhibition or display.
4. The application must be accompanied by a bond of no less than \$10,000.00 or such amount as the Probate Judge requires, if greater, or in the alternative, evidence that the applicant carries liability insurance in the amount of not less than \$25,000.00 for each person and \$50,000.00 for each accident and property damage no less than \$25,000.00 for each accident and \$50,000.00 aggregate, or such policy limits greater if the Probate Judge so requires, with an insurance company duly licensed by the Commissioner of Insurance. The bond or insurance certificate must name the permitting county's Board of Commissioners as a named insured for the specific event for which the application is made.
5. Notice shall be sent to the Fire Department or Department of Public Safety that will provide the fire protection services during the display who may object or waive further notice.
6. The local fire official responsible for the area where the display will be held will make a determination of whether or not the site for the display meets his or her approval and is in compliance with all applicable codes and, if so determined, shall issue a certification that shall be returned to the probate court of such county.

## SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

7. The judge of the probate court shall receive \$25.00 for his or her services in granting or refusing the original permit and \$1.00 for each copy issued, to be paid by the applicant pursuant to O.C.G.A. §15-9-60 (k) (11) .
8. The judge of the probate court shall provide the Safety Fire Commissioner a copy of each permit granted prior to the proposed date of the exhibition or display.
9. No permit shall be granted unless the applicant has met all the requirements of and is in full compliance with the rules and regulations promulgated by the Safety Fire Commissioner pursuant to O.C.G.A. § 25-10-4 and the display shall be of such character as to not be hazardous to persons or property.

### II. General Instructions.

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**APPLICATION FOR PERMIT  
TO  
CONDUCT PUBLIC FIREWORKS DISPLAY**

State of Georgia, \_\_\_\_\_ County

To: Probate Court of \_\_\_\_\_ County

\_\_\_\_\_ hereby applies for a permit to  
(Name of person or corporate entity)

conduct a public fireworks display as provided under O.C.G.A. § 25-10-4. The public  
fireworks display is sponsored by \_\_\_\_\_

(Sponsoring organization)  
at \_\_\_\_\_ on the  
(Location of fireworks display)

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to begin at approximately  
\_\_\_\_\_ p.m., and last for approximately \_\_\_\_\_

minutes. This application is being made at least 10 days prior to the proposed display.

1.

The display will be conducted by \_\_\_\_\_, of  
(Operator/person who will discharge fireworks)

\_\_\_\_\_, a competent and experienced  
(Fireworks or pyrotechnic company)

operator who has conducted \_\_\_\_\_ displays over the past \_\_\_\_\_ years.  
(# of displays)

A copy of the operator's ATF License (labeled and attached hereto as Exhibit "A")  
and/or the corporate entity's ATF License (labeled and attached hereto as Exhibit  
"B").

SUPREME COURT.

GEORGIA PROBATE COURT  
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2.

This display will not be hazardous to persons or property. No persons other than the operator and the operator's employees will be allowed within \_\_\_\_\_ feet of the launching or detonation site.

3.

The display (will) (will not) be a proximate audience display as defined by Georgia law. If the display is a proximate audience display, then a copy of the operator's Georgia License issued by the Safety Fire Commissioner, number \_\_\_\_\_, (**labeled and attached hereto as Exhibit "C"**) and the corporate entity's Georgia License issued by the Safety Fire Commissioner, number \_\_\_\_\_, (**labeled and attached hereto as Exhibit "D"**).

4.

A. The site for the display is described as follows:

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B. The fireworks and/or pyrotechnics to be used in the proposed display are described as follows or **labeled and attached hereto as Exhibit "E"**.

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AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

C. The \_\_\_\_\_ Fire Department or the  
(County/City)  
\_\_\_\_\_ will provide the necessary and required  
(Name of Department or Entity that will provide services)  
fire protection services and the following special services: (list below)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attached hereto is a certification by the \_\_\_\_\_ Fire Marshal that  
(County/City)  
the site for the display meets his or her approval and is in compliance with all applicable  
codes.

5.

This application is accompanied by a bond in the principal sum of \_\_\_\_\_ or  
(Dollar amount)  
more, payable to the \_\_\_\_\_,  
(County)  
Board of Commissioners, and conditioned for the payment of damages that may be  
caused either to persons or to property by reason of the display, or the applicant has  
attached evidence that the applicant carries proper liability insurance for bodily injury of  
not less than \_\_\_\_\_ for each person and \_\_\_\_\_  
(Dollar amount) (Dollar amount)  
for each accident and for property damage in an amount of not less than \_\_\_\_\_  
(Dollar amount)  
for each accident and \_\_\_\_\_ aggregate with an insurance company  
(Dollar amount)  
duly licensed by the Insurance Commissioner of Georgia.

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

6.

**Labeled and attached are the exhibits "F" (Affidavit of Competency) and "G" (Affidavit of Insurance),** and a copy of the acknowledgment issued by \_\_\_\_\_  
(Name)  
\_\_\_\_\_, \_\_\_\_\_ Fire Marshal, Department of  
(County/City)  
Public Safety.

7.

My address to be used for official communications is:

\_\_\_\_\_  
(Applicant)  
\_\_\_\_\_  
Name of Corporate Entity  
\_\_\_\_\_  
P. O. Box Number or Street                      City                      State                      Zip  
(\_\_\_\_\_) \_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Signature of Applicant/Corp. Officer

\_\_\_\_\_  
Print Name and Corp. Title of Applicant

Sworn to and subscribed before me this  
\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public or Clerk, Probate Court

\* Note: The site description and type of fireworks to be detonated should be compared to the insurance policy furnished, since the policy may contain exclusions which would eliminate coverage for certain sites, types of fireworks, or persons within a certain distance of the display.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**VERIFICATION**

I declare under the penalties of perjury that the foregoing statements in this application for permit to conduct public fireworks display have been examined by me and to the best of my knowledge and belief are correct.

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Signature of Applicant/Corp. Officer

\_\_\_\_\_  
Print Name and Corp. Title of Applicant

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public or Clerk, Probate Court

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

**EXHIBIT F**

**(To be completed by individual or corporate entity applying for the fireworks permit and employing the individual operator conducting the display.)**

**AFFIDAVIT OF COMPETENCY**

Comes now \_\_\_\_\_ and states that  
(Name of Affiant)

\_\_\_\_\_, age \_\_\_\_\_, has conducted  
(Operator)

\_\_\_\_\_ fireworks displays during the past \_\_\_\_\_  
(Number) (Years experience)

years. The most recent display was conducted at \_\_\_\_\_ on  
(Place of Display)

\_\_\_\_\_. During the time that \_\_\_\_\_  
(Date) (Operator)

has conducted fireworks displays, no persons have been injured and no property has been damaged or destroyed.

Due to his/her experience and competence, I hereby certify that he/she is a competent operator as described by O.C.G.A. § 25-10-4.

Corporate Entity

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Print Name of Affiant

\_\_\_\_\_  
Title of Affiant

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary or Clerk, Probate Court

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**EXHIBIT G**

**(To be completed by an authorized representative of the individual or corporate entity applying for the permit.)**

**AFFIDAVIT OF INSURANCE**

Comes now \_\_\_\_\_ and states that the attached bond or certificate of insurance complies with the requirement for proper insurance outlined by O.C.G.A. § 25-10-4 and further states that the issuing company, \_\_\_\_\_, is duly licensed by the Insurance Commissioner for the State of Georgia to do business in Georgia. This affidavit is given to be relied upon by the Probate Court of \_\_\_\_\_ County, Georgia in connection with the Application for Permit to Conduct Public Fireworks Display to which it is attached.

\_\_\_\_\_  
Corporate Entity

\_\_\_\_\_  
Signature and Title of the Corporate Officer

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary or Clerk, Probate Court

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

NOTICE

TO: \_\_\_\_\_ Fire Department or Department of Public Safety.  
(County/City)

You are hereby notified that \_\_\_\_\_ has applied for a  
(Name of applicant)  
permit to display fireworks at \_\_\_\_\_  
(Address of display area)  
on \_\_\_\_\_ and has certified that your department will provide the  
(Date and time)  
usual fire protection services.

This court must determine if the operator \_\_\_\_\_, employed  
(Name of operator)  
by \_\_\_\_\_ is experienced and competent and that the display  
(Name of display company)  
will not pose a hazard to any persons or property.

This court must also be informed whether the proposed display constitutes a  
proximate audience display as defined by Georgia Law so as to know whether a Georgia  
License for such purpose is required.

Please present any objection to the issuance of the permit on behalf of your  
department to this court on or before \_\_\_\_\_, 20 \_\_\_\_\_.  
(5 days before display)

You may waive any objection to the issuance of the permit by signing the  
attached acknowledgment of notice and waiver of objection.

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Probate Judge  
\_\_\_\_\_ County

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

ACKNOWLEDGMENT AND WAIVER

On behalf of the \_\_\_\_\_ Fire Department, I hereby  
acknowledge notice of the Application to Display Fireworks of \_\_\_\_\_  
dated \_\_\_\_\_ and hereby waive any  
objection to the issuance of the permit, and confirm that the usual fire protection services  
will be provided by this Department, subject to the following restriction, if any (Please  
state "none" if there are no restrictions):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I further certify that the proposed display (Initial one) \_\_\_\_\_ is  
\_\_\_\_\_ is **NOT**

a proximate audience display as defined by Georgia Law. If the display is a proximate  
audience display, the premises on which the display will occur have also been examined  
by this Department.

Date: \_\_\_\_\_.

\_\_\_\_\_ Fire Department  
(Name of Department)

By: \_\_\_\_\_

Title: \_\_\_\_\_

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

**ORDER GRANTING  
NONTRANSFERABLE PERMIT**

**STATE OF GEORGIA** **FILE NO.**  
**COUNTY OF** \_\_\_\_\_

This application of \_\_\_\_\_  
(Applicant)  
For a Permit to Display Fireworks was filed in this County on \_\_\_\_\_, 20\_\_\_\_.

The applicant requests permission to exhibit or display fireworks at \_\_\_\_\_  
\_\_\_\_\_  
(Location)

on the \_\_\_\_\_, 20 \_\_\_\_, which is not less than ten (10) days after the filing of such application.

It appears that the display will be conducted by a competent and experienced operator and that this display will be of such character as will not be hazardous to persons or property.

The \_\_\_\_\_ Fire Marshal's Office  
(County/City)  
has certified in writing that the site for the display meet its approval and is in compliance with all applicable codes. The application is accompanied by the evidence that the applicant carries proper liability and property insurance or has posted the required amount of bond as required by law. In addition, the applicant has provided proof of federal license through the Bureau of Alcohol, Tobacco and Firearms.

IT IS HEREBY ORDERED that a Permit to Display Fireworks is herein granted to \_\_\_\_\_, for a period of not more than fourteen (14) consecutive days, beginning on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to perform a public exhibition of fireworks at \_\_\_\_\_,  
(Applicant)  
(Location)

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

beginning at approximately \_\_\_\_\_ p.m., provided that only the operator named in the application \_\_\_\_\_, and his/her employees shall be present  
(Operator)

and in control of the exhibit or display. The permit is granted subject to all the stipulations and restrictions as stated on in the Acknowledgment and Waiver.

IT IS FURTHER ORDERED that \_\_\_\_\_,  
(Applicant)  
shall supply the \_\_\_\_\_, Fire Department with a copy of  
(Name of Department)  
this permit.

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

\_\_\_\_\_  
Probate Judge Printed Name

\_\_\_\_\_ County, Georgia

# SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

## Petition by Personal Representative for Waiver of Bond and/or Grant of Certain Powers

### INSTRUCTIONS

#### I. Specific Instructions

1. This form is to be used by an administrator or executor who has already been appointed when filing a petition for waiver of bond and/or grant of certain powers pursuant to O.C.G.A. §53-7-1(b).
2. Unanimous consent of the heirs to the administrator's petition is required, or the beneficiaries if the decedent died testate. O.C.G.A. §53-11-2 provides that a party to a probate court proceeding concerning a decedent's estate who is unborn or unknown or is not sui juris must be represented by a guardian, provided that the court may appoint a guardian ad litem or determine that the natural guardian, guardian of the person or property, or testamentary guardian has no conflict and may serve. (See GPCSF 16). For purposes of the consent required, with respect to any heir who is not sui juris, such consent may be given by such guardian. The personal representative of a deceased heir is authorized to consent on behalf of that heir.
3. Notice must be published once a week for four weeks.
4. The relief sought in this petition and provided in the order is not retroactive.
5. If bond has been posted, and waiver of bond is sought for the future, check with the bonding compan(y)(ies) to obtain the necessary bond description to be placed in the petition and order and to coordinate this matter with the bonding compan(y)(ies).
6. In the event the decedent died intestate, Paragraph 4 requires that a definitive statement be made to show to the court the persons named in paragraph 3 constitute all of the heirs of the decedent and that there are no heirs of the same or closer degrees according to O.C.G.A §53-2-1. Provide the date of death for any deceased heirs. NOTE: If you are uncertain how to determine the heirs of a decedent, please refer to the "Heirs Determination Sheet" available from the probate court or at [www.gaprobate.org](http://www.gaprobate.org). Examples of such statement would be: (a) "decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein"; (b) "decedent had no other siblings half or whole other than those listed herein"; (c) "the decedent's brother who died previously, had no other children born, adopted, living or deceased, other than listed herein."
7. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

#### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
DECEASED \_\_\_\_\_ ) PETITION BY PERSONAL  
 ) REPRESENTATIVE FOR WAIVER  
 ) OF BOND AND/OR GRANT OF  
 ) CERTAIN POWERS

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_,  
duly qualified personal representative(s) of the estate of \_\_\_\_\_,  
deceased, shows:

1.

Petitioner(s) was/were issued letters of administration/letters testamentary concerning the  
above-referenced estate by this Court on \_\_\_\_\_.

2.

Listed below are all of the names, ages, addresses of the heirs of the decedent if he/she died intestate,  
and the beneficiaries listed in the decedent's Will, if he/she died testate, and relationship to decedent :

Name	Age (or over 18)	Address	Relationship

3.

All of the heirs/beneficiaries have consented that the judge of the probate court may waive the  
bond and/or grant certain powers as, set forth in the Consent of Heirs/Beneficiaries attached hereto.

4.

In the event the decedent dies intestate Paragraph 4 requires that a definitive statement be made to show  
to the court that the persons named in paragraph 3 constitute all of the heirs of the decedent and that there  
are no heirs of similar or higher degrees according to O.C.G.A. §53-2-1. Provide the names of any  
deceased heirs and include the date of death for each. (See instructions for further clarification.)

SUPREME COURT.

5.

WHEREFORE petitioner(s) pray(s) that the Court grant the relief requested in the Consent of Heirs/Beneficiaries attached hereto.

\_\_\_\_\_  
Signature of first petitioner

\_\_\_\_\_  
Signature of second petitioner if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

**VERIFICATION**

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

CONSENT OF HEIRS/BENEFICIARIES

IN RE: ESTATE OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

Note: If an heir/beneficiary is not sui juris, indicate the relationship of the person who is authorized to consent for him in accordance with the instruction page to this form.

We, being all of the heirs of the above estate or being beneficiaries under the Will of the above deceased, being sui juris unless otherwise indicated, do hereby authorize the judge of the probate court to:

- a. waive the necessity of bond of this personal representative from the date of the order on this petition forward, and grant to the personal representative the power to serve without making and filing inventory if not yet due, and without filing any annual or other returns or reports covering any period from the date of such order forward to any court. \_\_\_\_\_ (initial if applicable) SEE the Note below regarding applicable conditions/restrictions.
b. grant to the personal representative for the future all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above. \_\_\_\_\_ (initial if applicable)

Sworn to and subscribed before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
SIGNATURE OF HEIR/BENEFICIARY

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME

- a. waive the necessity of bond of this personal representative from the date of the order on this petition forward, and grant to the personal representative the power to serve without making and filing inventory if not yet due, and without filing any annual or other returns or reports covering any period from the date of such order forward to any court. \_\_\_\_\_ (initial if applicable) SEE the Note below regarding applicable conditions/restrictions.
b. grant to the personal representative for the future all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above. \_\_\_\_\_ (initial if applicable)

Sworn to and subscribed before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
SIGNATURE OF HEIR/BENEFICIARY

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME

SUPREME COURT.

- a. waive the necessity of bond of this personal representative from the date of the order on this petition forward, and grant to the personal representative the power to serve without making and filing inventory if not yet due, and without filing any annual or other returns or reports covering any period from the date of such order forward to any court. \_\_\_\_\_ (initial if applicable) (SEE the Note below regarding applicable conditions/restrictions).
- b. grant to the personal representative for the future all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above. \_\_\_\_\_ (initial if applicable)

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF HEIR/BENEFICIARY

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME

- a. waive the necessity of bond of this personal representative from the date of the order on this petition forward, and grant to the personal representative the power to serve without making and filing inventory if not yet due, and without filing any annual or other returns or reports covering any period from the date of such order forward to any court. \_\_\_\_\_ (initial if applicable) SEE the Note below regarding applicable conditions/restrictions.
- b. grant to the personal representative for the future all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above. \_\_\_\_\_ (initial if applicable)

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF HEIR/BENEFICIARY

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME

NOTE: If the Petition is granted, the following restrictions/conditions will apply: the fiduciary shall in the future furnish to the income beneficiaries, at least annually, a statement of receipts and disbursements. The present bond of the personal representative dated \_\_\_\_\_, number \_\_\_\_\_ written by \_\_\_\_\_, surety, in the amount of \$ \_\_\_\_\_ may be reduced to zero (\$0) as of the date of the order on this petition. The personal representative's surety shall be relieved of all liability from the date of the order on this petition forward, except liability for any waste or misconduct by the personal representative which occurred before the date of such order, and with respect to such continuing liability the surety shall not be relieved until the personal representative has been discharged as provided by law. Further, the personal representative must file a return with this court within 60 days from the date of such order covering the period from his most recent return, if any, up to the date of such order. A copy of such return shall be sent by first class mail by the personal representative to all of the heirs, if the decedent was intestate, and beneficiaries, if the decedent died testate. Objections to such return may be filed within 30 days after such return is filed with the court. If such notice is not given, or if any objection is made and sustained by the court, the court may withdraw from the date the personal representative failed to give such notice or from the date of its order on such objections any relief granted upon this petition.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition by Personal Representative for Waiver of Bond and/or Grant of Certain Powers**

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE  
COMPLETED BY THE PETITIONER (MOVING  
PARTY) UNLESS OTHERWISE DIRECTED BY THE  
COURT. SEE PROBATE COURT RULE 22 (A).**

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF	)	ESTATE NO. _____
	)	
_____ ,	)	PETITION BY PERSONAL
DECEASED	)	REPRESENTATIVE FOR WAIVER OF
	)	BOND AND/OR GRANT OF CERTAIN
	)	POWERS

**ORDER FOR PUBLICATION AND APPOINTING GUARDIAN AD LITEM, IF NECESSARY**

Upon reading the foregoing petition, it is ordered that notice be issued and published once a week for four weeks prior to the date on which objections must be filed.

(initial if applicable)

\_\_\_\_\_ IT IS FURTHER ORDERED that \_\_\_\_\_ is appointed guardian ad litem for \_\_\_\_\_, and that said guardian ad litem be duly served with a copy of the foregoing Notice, petition, purported Will if any, and notice of this appointment, and that upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer hereto. This appointment is limited to this proceeding only and it shall cease when a final order is entered on this petition.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Probate Judge







# SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

## INSTRUCTIONS

1. Unless inventory has been waived, an inventory of the estate must be filed with this Court by the Personal Representative within six (6) months after the date of qualification as Personal Representative, and a copy of that inventory must be delivered to the heirs by first-class mail within the same period.

2. Within sixty (60) days after the date of qualification as Personal Representative, notice must be given once a week for four (4) weeks by advertisement in the newspaper in this County in which sheriff's notices are published, requiring creditors of the estate to render in their demands and requiring debtors to make payment.

3. Unless returns have been waived, or a different accounting period has been approved, within sixty (60) days after the anniversary date of qualification as Personal Representative, in each and every year, every Personal Representative must make a just and true account, under oath, of his receipts and expenditures on behalf of the estate during the preceding year, together with a note or memorandum of any other fact necessary to the exhibition of the true condition of the estate. The vouchers showing the correctness of each item must be retained by the Personal Representative.

4. The Personal Representative is allowed six (6) months from the date of his qualification to ascertain the condition of the estate, during which he is exempt from suit. He should collect all debts due the estate, and pay the debts of the estate, wholly or in part, at the end of the six-month period. Payment of the debts of the decedent shall be made in accordance with their rank in priority as provided in O.C.G.A. §53-7-40.

5. The Personal Representative may continue the business of his intestate for the year of his qualification without a court order.

6. The normal commissions allowed the Personal Representative are two and one-half percent (2.5%) of all sums of money received, and a like commission on all sums of money paid out. In addition, the Judge of the Probate Court may allow a commission of up to three percent (3%) of the value of all property distributed in kind. There are special rules concerning commissions on interest earned and extra compensation.

7. After the payment of all expenses of administration and other debts, the balance of the estate shall be promptly distributed to the heirs. The Personal Representative must then make a final return, showing the receipts and disbursements since the last annual accounting, unless returns have been waived.

For further information see O.C.G.A. Title 53, Chapters 6 and 7.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA  
COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**LETTERS OF ADMINISTRATION**

(Bond Waived and/or Certain Powers Granted Subsequent to Time of Appointment)

By \_\_\_\_\_, Judge of the Probate Court of said County.

WHEREAS, \_\_\_\_\_ died intestate (check one:)

\_\_\_\_\_ domiciled in this County:

\_\_\_\_\_ not domiciled in this State, but owning property in this County:

and this Court granted an order appointing \_\_\_\_\_ as Administrator of the estate of said decedent, and said Administrator did duly qualify for such office; the Court hereby grants unto said Administrator full power to collect the assets of said decedent, and to pay the debts of said estate, so far as such assets will extend, according to law, and then to pay over the balance, if any, to the legal heirs of said decedent, and to do and perform all other duties as such Administrator, according to the laws of this State. In addition, this Court has by order dated \_\_\_\_\_:

(Check all which apply:)

- \_\_\_\_\_ a. waived the necessity of bond of the Administrator from the date of such order forward, and granted to the administrator the power to serve without filing an inventory, if not due prior to the date of such order, and without filing any annual or other returns or reports covering any period from the date of such order forward to any court; but the fiduciary shall in the future furnish to the income beneficiaries, at least annually, a statement of receipts and disbursements. Further, the Administrator must file a return with this court within 60 days from the date of such order covering the period from his most recent return, if any, up to the date of such order and a copy of such return must be sent by first class mail by the administrator to all of the heirs and known creditors of the estate at the time such return is filed.
- \_\_\_\_\_ b. granted to the Administrator from the date of such order forward all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above.

If Letters of Administration were previously issued to this Administrator, these Letters replace those.

IN TESTIMONY WHEREOF, I have hereunto affixed my signature as Judge of the Probate Court of said County and the seal of this office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:  
Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

(Seal)

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA  
COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**LETTERS TESTAMENTARY**

**(Relieved of Filing Returns)**

By \_\_\_\_\_, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at a regular term of the Probate Court, the Last Will and Testament dated \_\_\_\_\_, of \_\_\_\_\_ deceased, at the time of his or her death a resident of said County, was legally proven in \_\_\_\_\_ form and was admitted to record by order, and it was further ordered that \_\_\_\_\_, named as Executor(s) in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor(s).

NOW, THEREFORE, the said \_\_\_\_\_, having taken the oath of office and complied with all the necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all the powers of Executor(s) under the Will of said deceased, according to the Will and the law.

Given under my hand and official seal, the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by: \_\_\_\_\_ (Seal)

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

## AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

### **Petition for Discharge of Personal Representative**

#### INSTRUCTIONS

##### I. Specific Instructions

1. This form is to be used for a petition for discharge of a personal representative pursuant to O.C.G.A. §53-7-50 or discharge of a temporary administrator pursuant to O.C.G.A. §53-7-52. A personal representative may, pursuant to O.C.G.A. §53-7-50(e), petition the court solely for discharge from office but not from all liability.
2. If the petition is filed by a personal representative, the notice to creditors and/or debtors and creditors must have been published for four weeks, and three months must have elapsed from the date of the last publication. O.C.G.A. §§53-7-41, 53-11-4.
3. In the event the decedent died intestate, Paragraph 3 requires that a definitive statement be made to show to the court that the persons named in paragraph 2 constitute all of the heirs of the decedent and that there are no heirs of the same or closer degree according to O.C.G.A. §53-2-1. Provide the date of death for any deceased heirs. NOTE: If you are uncertain how to determine the heirs of a decedent, please refer to the "Heirs Determination Sheet" available from the probate court or at [www.gaprobate.org](http://www.gaprobate.org). Examples of such statement would be: (a) "decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein"; (b) "decedent had no other siblings half or whole other than those listed herein"; (c) "the decedent's brother who died previously, had no other children born, adopted, living or deceased, other than listed herein."
4. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 5 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

##### II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
DECEASED \_\_\_\_\_ ) PETITION FOR DISCHARGE OF  
 ) PERSONAL REPRESENTATIVE

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_,  
as (Executor(s)) (Administrator(s))(Temporary Administrator(s)) of the above-referenced estate, shows:

1.

Petitioner(s) (initial one):

- \_\_\_\_\_ a. has/have fully administered the estate of the decedent.
- \_\_\_\_\_ b. was/were allowed to resign without fully administering said estate.
- \_\_\_\_\_ c. has/have completely discharged all duties as temporary administrator(s).

2.

The names, age or majority status, and address of all known heirs of an intestate decedent or beneficiaries of a testate decedent, or persons who succeeded to the interest of any heir or beneficiary who died after the decedent died are:

Name	Age (Or over 18)	Address	Relationship

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

[NOTE: If discharge is sought solely from office and not from office and all liability, STRIKE paragraphs 3. and 4. below.]

3.

In the event the decedent dies intestate (without a will), Paragraph 3 requires that a definitive statement be made to show to the court that the persons named in paragraph 3 constitute all of the heirs of the decedent and that there are no heirs of similar or higher degree according to O.C.G.A. §53-2-1. Provide the names of any deceased heirs and include the date of death for each. (See instructions for further clarification.)

4.

Of those named in paragraph 2. above, it is not necessary to notify the following heirs or beneficiaries (a) who have relieved the personal representative of all liability and as to each of whom a copy of the writing(s) granting such relief is/are attached hereto or (b) with respect to whom the personal representative has been relieved of all further liability in (a settlement of accounts)(an intermediate report)(other binding proceeding) pursuant to an order of this court dated \_\_\_\_\_ and hereby incorporated herein:

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5.

The following heirs or beneficiaries are represented or should be represented by a guardian (state names of heir/beneficiary and guardian, if one has already been appointed, and reason guardian needed/appointed):

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6.

All claims against the estate have been paid (except for the following which have not been paid for the reasons set forth below):

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---

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---

---

SUPREME COURT.

7.

(initial one):

\_\_\_\_ All necessary (inventories) (and) (returns) have been filed.

\_\_\_\_ Petitioner was relieved of filing (inventories) (and) (returns).

8.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission.

WHEREFORE, petitioner(s)

(initial one):

\_\_\_\_ (a) seek(s) discharge solely from office and, therefore, pray(s) that notice issue and be published one time in the official county newspaper with copies thereof being mailed by first-class mail to the creditors named in paragraph 5. above and that an order issue discharging the petitioner(s) from office.

OR

\_\_\_\_ (b) seek(s) discharge from office and all liability and, therefore, pray(s) that notice issue and be served and published as required by law and that an order issue releasing and discharging the petitioner(s) from office and from all liability.

\_\_\_\_\_  
Signature of first personal representative

\_\_\_\_\_  
Signature of second personal representative if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

VERIFICATION

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

SUPREME COURT.

ACKNOWLEDGMENT OF SERVICE AND CONSENT TO PETITION

GEORGIA, \_\_\_\_\_ COUNTY
IN RE: PETITION OF \_\_\_\_\_ FOR
DISCHARGE AS \_\_\_\_\_ OF THE ESTATE
OF \_\_\_\_\_, DECEASED.

We, the undersigned, being over 18 years of age, laboring under no legal disability and being heirs or beneficiaries or unpaid purported creditors of the above-named decedent, hereby acknowledge service of a copy of the above petition and notice, waive copies of same, waive further service and notice, and hereby consent to the petition.

SIGNATURE(S) OF INTERESTED PARTIES

Sworn to and subscribed before
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY/CLERK OF PROBATE COURT
My Commission Expires \_\_\_\_\_
Print Name \_\_\_\_\_

Sworn to and subscribed before
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY/CLERK OF PROBATE COURT
My Commission Expires \_\_\_\_\_
Print Name \_\_\_\_\_

Sworn to and subscribed before
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY/CLERK OF PROBATE COURT
My Commission Expires \_\_\_\_\_
Print Name \_\_\_\_\_

Sworn to and subscribed before
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY/CLERK OF PROBATE COURT
My Commission Expires \_\_\_\_\_
Print Name \_\_\_\_\_

Sworn to and subscribed before
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY/CLERK OF PROBATE COURT
My Commission Expires \_\_\_\_\_
Print Name \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition for Discharge of Personal Representative**

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE  
COMPLETED BY THE PETITIONER (MOVING  
PARTY) UNLESS OTHERWISE DIRECTED BY  
THE COURT. SEE PROBATE COURT RULE 22  
(A).**

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_, ) PETITION FOR DISCHARGE OF  
DECEASED ) PERSONAL REPRESENTATIVE  
 )

ORDER FOR SERVICE OF NOTICE AND  
APPOINTING GUARDIAN AD LITEM, IF APPLICABLE

[Initial A. (discharge solely from office) or B. (discharge from office and all liability)]:

\_\_\_\_\_ A. The foregoing petition having been filed, seeking discharge solely from office, it is ordered that Notice be published one time in the newspaper in which sheriff's advertisements are published in this county at least ten days before \_\_\_\_\_, 20\_\_\_\_ and that a copy of the petition and Notice be mailed by first-class mail to the creditors whose claims have not been paid as set forth in paragraph 5. of the petition.

\_\_\_\_\_ B. The foregoing petition having been filed, seeking discharge from office and all liability, it is ordered that all heirs or beneficiaries or unpaid creditors who did not acknowledge service and consent to the Petition be served as follows:

(Initial any and all of the following which apply:)

\_\_\_\_\_ Notice must be served personally, together with a copy of the petition, at least ten days before the deadline for filing objections on the following interested parties who reside in Georgia and have not acknowledged service:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Notice must be served by registered or certified mail, return receipt requested, together with a copy of the petition, upon the following nonresident interested parties whose current residence addresses are known: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Notice must be published once a week for four weeks in the newspaper in which sheriff's advertisements are published in this county, before \_\_\_\_\_, 20\_\_\_\_ in order to serve by publication the following interested parties whose current residence addresses are unknown or who are unknown:

\_\_\_\_\_  
\_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

\_\_\_\_\_ (Applies in all cases unless notice is published for four weeks:) Notice must be published one time in the newspaper in which sheriff's advertisements are published in this county at least ten days before \_\_\_\_\_, 20\_\_\_\_, which is the date on or before which any objection is required to be filed.

\_\_\_\_\_ IT IS FURTHER ORDERED that \_\_\_\_\_ is appointed guardian ad litem for \_\_\_\_\_, and that said guardian ad litem be duly served with a copy of the foregoing Notice, petition, and notice of this appointment, and that upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer hereto. This appointment is limited to this proceeding only and it shall cease when a final order is entered on this petition.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

SUPREME COURT.

**NOTICE**  
(For Discharge Solely from Office)

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: PETITION OF \_\_\_\_\_ FOR  
DISCHARGE FROM OFFICE AS \_\_\_\_\_ OF  
THE ESTATE OF \_\_\_\_\_, DECEASED.

TO: \_\_\_\_\_  
\_\_\_\_\_

(List all creditors who did not acknowledge service whose claims have not been paid.)  
and to whom it may concern:

This is to notify you to file objection, if there is any, to the above-referenced petition, in this Court on or before \_\_\_\_\_, 20\_\_\_\_. All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE NUMBER

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**CERTIFICATE OF MAILING**

This is to certify that I have this date forwarded by first-class mail, in a stamped, addressed envelope, a copy of the foregoing petition and notice, to each of the following creditors at the addresses given by petitioner(s) in Paragraph 5 of the petition:

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\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

SUPREME COURT.

NOTICE

(For Discharge from Office and all Liability)

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: PETITION OF \_\_\_\_\_ FOR DISCHARGE AS \_\_\_\_\_ OF THE ESTATE OF \_\_\_\_\_, DECEASED.

(Strike the following paragraph if no interested party is required to be served by publication:)

TO: \_\_\_\_\_ (List here all unknown interested parties and known interested parties having unknown addresses to be served by publication) and (all and singular the heirs of said decedent),(the beneficiaries under the will,) and to whom it may concern:

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before \_\_\_\_\_, 20\_\_\_\_\_.

(Strike the following paragraph if not applicable:)

TO: \_\_\_\_\_ (List here all interested parties having known addresses in the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirteenth (13th) day after \_\_\_\_\_, 20\_\_\_\_\_ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 13 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

TO: \_\_\_\_\_ (List here all interested parties having known addresses outside the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirtieth (30th) day after \_\_\_\_\_, 20\_\_\_\_\_ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 30 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

This is further to: \_\_\_\_\_ (List here all interested parties who reside in Georgia to be served personally) who are required to be served personally, to file objection, if there is any, to the above referenced petition, in this Court on or before the tenth (10th) day after the date you are personally served.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**BE NOTIFIED FURTHER:** All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on \_\_\_\_\_, 20\_\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_

\_\_\_\_\_  
TELEPHONE NUMBER



AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**CERTIFICATE OF MAILING**

This is to certify that I have this date forwarded by registered or certified mail, return receipt requested, in a stamped, addressed envelope, a copy of the foregoing petition and notice, to each of the following interested parties who reside out of state at known current residence addresses

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CLERK, PROBATE COURT





SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition of Conservator for Final Settlement of Accounts and Discharge from Office and Liability.**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used by a conservator for a final settlement of accounts and discharge from office and liability pursuant to O.C.G.A. §29-3-71 (conservator of minor); and O.C.G.A. §29-5-81 (conservator of adult ward).
2. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 6 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____	)	
MINOR/WARD	)	<b>PETITION OF CONSERVATOR</b>
	)	<b>FOR FINAL SETTLEMENT</b>
_____	)	<b>OF ACCOUNTS AND DISCHARGE FROM</b>
CONSERVATOR(S)	)	<b>OFFICE AND LIABILITY</b>

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_, Conservator(s)  
of the estate of \_\_\_\_\_, former (minor)(adult ward), shows:

1.

Conservator(s) has/have fully discharged all duties as such, and is/are entitled to be discharged from office and liability. Conservator(s) further show(s) that all required inventories and returns have been filed with this Court.

2.

Conservator(s) further show(s) (initial a or b:)

- \_\_\_\_\_ a. The former minor is now of age.
- \_\_\_\_\_ b. There is no longer a necessity to continue the conservatorship because
  - \_\_\_\_\_ (i) the minor or adult ward is deceased
  - \_\_\_\_\_ (ii) the ward's powers have been restored
  - \_\_\_\_\_ (iii) the conservator(s) has/have filed a Petition to Resign
  - \_\_\_\_\_ (iv) other: \_\_\_\_\_

SUPREME COURT.

3.

Conservator(s) pray(s) that (initial applicable)

- a. Since the ward is/was an adult ward,
  - (i) the Court waive the hearing requirements pursuant to O.C.G.A. §29-3-71 or O.C.G.A. §29-5-81 and discharge the conservator/s from office and liability because the former adult ward or the personal representative of his/her estate (being someone other than the conservator) has signed an acknowledgment of receipt of property and release of liability, attached hereto.
  - (ii) as Conservator(s) of an adult ward who is deceased, the Court cite the adult ward's personal representative for a final settlement of the conservator's accounts. The adult ward's personal representative, who is not the petitioner, is \_\_\_\_\_ and can be found at the following address: \_\_\_\_\_ telephone: \_\_\_\_\_
  - (iii) as Conservator(s) of a deceased adult ward and also being personal representative(s) of the ward's estate, a guardian ad litem must be appointed to represent the deceased adult ward's estate .
  - (iv.) as Conservator(s) of an adult ward who is living and has been restored to capacity, the Court cite the former adult ward for a final settlement of the conservator's accounts. The former adult ward can be found at the following address: \_\_\_\_\_ telephone: \_\_\_\_\_.
  - (v) as Conservator(s) of an adult ward who is living but has *not* been restored to capacity, the Court cite the adult ward for a final settlement of the conservator's accounts and appoint a guardian ad litem for the ward. The adult ward's successor conservator is \_\_\_\_\_ and can be found at the following address: \_\_\_\_\_ telephone: \_\_\_\_\_ . The adult ward can be found at the following address: \_\_\_\_\_ telephone: \_\_\_\_\_ . The ward's guardian, if any, can be found at the following address: \_\_\_\_\_ telephone: \_\_\_\_\_.
  - (vi) As Conservator(s) of a deceased adult ward, and there being no assets remaining in the estate, a guardian ad litem must be appointed to represent the deceased adult ward's estate.

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

- \_\_\_\_\_ b. since the ward is/was a minor,
- \_\_\_\_\_ (i) the Court waive the hearing requirements pursuant to O.C.G.A. §29-3-71 or O.C.G.A. §29-5-81 and discharge the conservator/s from office and liability because the former minor or the personal representative of his/her estate (being someone other than the conservator) has signed an acknowledgment of receipt of property and release of liability, attached hereto.
- \_\_\_\_\_ (ii) as Conservator(s) of a minor who is now 18 years of age, the Court cite the former minor for a final settlement of the conservator's accounts. The former minor can be found at the following address: \_\_\_\_\_  
\_\_\_\_\_  
telephone: \_\_\_\_\_.
- \_\_\_\_\_ (iii) as Conservator(s) of a minor who is deceased, the Court cite the minor's personal representative for a final settlement of the conservator's accounts. The minor's personal representative is \_\_\_\_\_  
\_\_\_\_\_ and can be found at the following address: \_\_\_\_\_  
\_\_\_\_\_  
telephone: \_\_\_\_\_.
- \_\_\_\_\_ (iv) as Conservator(s) of a minor who is deceased and also being the personal representative of the minor's estate, a guardian ad litem must be appointed to represent the minor's interest.
- \_\_\_\_\_ (v) as Conservator(s) of a minor who is living, the Court cite the successor conservator(s) for a final settlement of the conservator's accounts. A guardian ad litem must be appointed to represent the minor. The minor's successor conservator is \_\_\_\_\_  
\_\_\_\_\_ and can be found at the following address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ telephone: \_\_\_\_\_  
\_\_\_\_\_. The minor can be found at the following address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ telephone: \_\_\_\_\_  
\_\_\_\_\_.

4.

Attached as Exhibit "A" is the final return showing to whom the estate assets have been disbursed.

SUPREME COURT.

5.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission.

WHEREFORE, conservator(s) seek(s) discharge from office and all liability and, therefore, pray(s)

1. that the Court issue citation as requested above pursuant to O.C.G.A. §29-3-71(b) or O.C.G.A. §29-5-81(b);
2. that the Court examine all returns and accounts of the conservator(s) during the settlement period;
3. that notice be served and published as required by law and
4. that an order issue releasing and discharging the conservator(s) from office and from all liability.

\_\_\_\_\_  
Signature of conservator

\_\_\_\_\_  
Signature of co-conservator, if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

VERIFICATION

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned conservator(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Conservator

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Co-Conservator, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

SUPREME COURT.

ACKNOWLEDGMENT OF RECEIPT OF PROPERTY AND RELEASE OF LIABILITY

IN RE: ESTATE OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

The undersigned acknowledges that the conservator(s) has/have turned over all assets held in the conservatorship to the undersigned, being (initial one):

- a. the personal representative(s) of the former minor/ward's estate
b. the former minor ward upon reaching the age of eighteen or his or her emancipation
c. the former adult ward after restoration to competency
d. the successor conservator(s)

By signing this document, the undersigned acknowledges that he/she has received a copy of the Petition for Discharge from Office and Liability, the Final Return, and the receipt of \$ \_\_\_\_\_ and all other property from the conservator(s); waives any hearing required under O.C.G.A. §29-3-71 or O.C.G.A. §29-5-81; and further consents that the conservator(s) may be discharged from office and from all liability.

Sworn to and subscribed before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_. Personal Representative(s), Former Minor/Ward, or Successor Conservator(s)

Notary Public/Clerk of Probate Court My Commission Expires \_\_\_\_\_ Print Name \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_. Second, if any

Notary Public/Clerk of Probate Court My Commission Expires \_\_\_\_\_ Print Name \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition of Conservator for Final Settlement of Accounts and Discharge from Office and Liability.**

Pages after 6 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT. SEE PROBATE COURT RULE 22 (A).**

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____	)	PETITION OF CONSERVATOR
(MINOR)(ADULT WARD)	)	FOR FINAL SETTLEMENT
	)	OF ACCOUNTS AND DISCHARGE FROM
_____	)	OFFICE AND LIABILITY
CONSERVATOR(S)	)	

**ORDER FOR CITATION, PUBLICATION, AND  
APPOINTMENT OF GUARDIAN AD LITEM, IF NECESSARY**

The above petition having been read and considered, it is

Ordered that citation issue and be published one time at least 30 days before the deadline for objections.

(Initial any and all which apply:)

\_\_\_\_\_ a. IT IS ORDERED that, discharge from liability being sought, and the former minor/ward or successor conservator(s) or representative(s) of the deceased ward's estate not waiving service, notice be served personally, together with a copy of the petition, at least ten days before the deadline for filing objections, on \_\_\_\_\_.

\_\_\_\_\_ b. IT IS ORDERED that, discharge from liability being sought, notice be served by first class mail together with a copy of the petition and final return on the registered agent for service of process for \_\_\_\_\_, the surety for the conservator (and the guardian of the above ward).

\_\_\_\_\_ c. IT IS ORDERED that the ward being a minor still under the age of majority, or an adult ward still in need of a conservator, or the representative of the deceased ward's estate being the former conservator, that \_\_\_\_\_ is appointed guardian ad litem for the minor/ward, and that said guardian ad litem be personally served with a copy of the foregoing Citation and Petition for Discharge and notice of this appointment, and that upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer thereto. This appointment is limited to this proceeding only and shall cease when a final order is entered on this petition.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

CITATION

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: ESTATE OF \_\_\_\_\_, (FORMER) MINOR/WARD.

Date of Publication, if any: \_\_\_\_\_

TO WHOM IT MAY CONCERN AND : \_\_\_\_\_:

The conservator(s) of the above estate, has/have applied for Discharge from said trust. This is to notify the above interested party(ies) to show cause, if any they can, why said conservator(s) should not be discharged from office and liability. All objections must be in writing, setting forth the grounds of any such objections, and filed with the above Probate Court, (address) \_\_\_\_\_ on or before \_\_\_\_\_, 20\_\_\_\_, said date being more than 30 days from the date of publication, or if personally served, then 10 days from the date of such service. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/telephone number for the required amount of filing fees.

If any objections are filed, a hearing will be (held on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ m. at \_\_\_\_\_ ) (scheduled for a later date). If no objections are filed, the petition may be granted without a hearing.

\_\_\_\_\_  
PROBATE JUDGE

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

SUPREME COURT.

**CERTIFICATE OF MAILING**

This is to certify that I have this day served the registered agent for service of process as designated by the conservator's surety with a copy of the petition, Order for Citation, and Citation by placing a copy of same in an envelope addressed to the registered agent for service of process as designated by the conservator's surety and depositing same in the U.S. Mail, first-class, with adequate postage thereon.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____	)	<b>PETITION OF CONSERVATOR</b>
(MINOR)(ADULT WARD)	)	<b>FOR FINAL SETTLEMENT OF</b>
	)	<b>ACCOUNTS AND DISCHARGE FROM</b>
_____	)	<b>OFFICE AND LIABILITY</b>
CONSERVATOR(S)	)	

**ORDER**

The above petition, averring that the conservator(s) has/have fully discharged the duties of conservator's(s)' trust, was duly filed in this Court, citation was duly issued and published as required by law, and no objection being filed, and it appears from an examination of the condition of the estate and the conduct and accounts of the conservator(s) that the conservator(s) has/have faithfully and honestly discharged the trust and confidence reposed in the conservator(s) and that conservator(s) is/are legally entitled to discharge therefrom, (initial applicable)

- \_\_\_\_\_ a. and that the former minor/ward has acknowledged receipt of all guardianship assets
- \_\_\_\_\_ b. and that the guardian ad litem has consented to said discharge
- \_\_\_\_\_ c. and all interested parties having consented to said discharge

and no good cause has been shown to the contrary. Therefore,

IT IS ORDERED that conservator(s) is/are hereby discharged from said trust and from office and all liability.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition for Receipt and Acceptance of Foreign Guardianship and/or Conservatorship**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used by a guardian and/or conservator as appointed by another state to transfer the guardianship and/or conservatorship to a Georgia county pursuant to O.C.G.A. §29-2-65 *et seq.*; O.C.G.A. §29-3-105 *et seq.*; O.C.G.A. §29-4-85 *et seq.*; and O.C.G.A. §29-5-125 *et seq.*
2. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 7 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.



SUPREME COURT.

3.

Attached hereto as Exhibit "A" is an authenticated copy of:

- a. the order establishing the guardianship and/or conservatorship, with all attachments describing the duties and powers of the guardian and/or conservator;
- b. any orders modifying the order referenced in "a" above, including, if any, orders of transfer.

4.

Regarding other guardianship and/or conservatorship petitions pending, (initial one)

- a. \_\_\_\_\_ there are none
- b. \_\_\_\_\_ there is one; it has been filed in the \_\_\_\_\_ Court of \_\_\_\_\_ County, State of \_\_\_\_\_, (address) \_\_\_\_\_.

5.

(initial one):

- a. \_\_\_\_\_ The guardianship and/or conservatorship is of a minor. The following are the adult siblings of the minor:

NAME	ADDRESS
_____	_____
_____	_____
_____	_____

- b. \_\_\_\_\_ The guardianship and/or conservatorship is of an adult ward. Pursuant to law, the names, addresses, and relationships of the persons to be notified are as follows: (NOTE: The law requires notice to be given to the spouse, if any, and to all living children, if any, whose addresses are known. If there are no living adult children whose addresses are known, then list at least two adults in the following order of priority: lineal descendants of the proposed ward; parents and siblings of the proposed ward; and friends of the proposed ward. In determining the persons to whom notice is required to be given according to the foregoing rules, the petitioner(s) should not be counted as persons receiving notice.)

NAME	AGE (or over 18)	ADDRESS	RELATIONSHIP
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

6.

The following individuals, other than Petitioner(s), are caring for the minor/ward; have been appointed as guardian for the minor/ward; or have been appointed conservator for the minor/ward (or enter "not applicable"):

NAME	ADDRESS	RELATIONSHIP OR APPOINTED TITLE
------	---------	---------------------------------

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---

---

7.

The following individual(s), other than Petitioner(s), is/are acting as legal representative, legal counsel, guardian ad litem, or court visitor by the court having jurisdiction over the current guardianship and/or conservatorship (or enter "not applicable"):

NAME	ADDRESS	RELATIONSHIP OR APPOINTED TITLE
------	---------	---------------------------------

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8.

If there is a conservatorship, the following is the name and address of the surety on the conservator's bond (or enter "not applicable"):

NAME	ADDRESS
------	---------

---

---

9.

All known income and assets of the proposed ward are shown on page 6 attached hereto.

10.

The transfer of said guardianship and/or conservatorship to Georgia is in the best interest of the minor/ward because \_\_\_\_\_

---

11.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission.

SUPREME COURT.

WHEREFORE, your Petitioner(s) pray(s) that

1. notice be served as required by law;
2. a hearing be held on the matter; and
3. this Court receive and accept the foreign guardianship and/or conservatorship.

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Signature of second Petitioner, if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

**VERIFICATION**

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned Petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

ASSETS, INCOME, OTHER SOURCES OF FUNDS OF WARD

WARD: \_\_\_\_\_

REAL PROPERTY

(Indicate if property is jointly owned and with whom)

Description	County	State	Approximate equity
Parcel 1 _____	_____	_____	\$ _____
Parcel 2 _____	_____	_____	\$ _____
Parcel 3 _____	_____	_____	\$ _____

INCOME FROM ALL SOURCES

	Yearly Total
Social Security per year	\$ _____
SSI (Supplemental Security Income) per year	\$ _____
Retirement benefits per year	\$ _____
VA benefits per year	\$ _____
Other income per year, including, e.g., alimony, annuity, or trust distributions	\$ _____
Interest, dividend, or investment income	\$ _____
YEARLY TOTAL OF ALL INCOME	\$ _____

PERSONAL AND INTANGIBLE PROPERTY

(Indicate if property is jointly owned and with whom)

Approximate Current Value

1. Checking/Savings/Money Market/Certificates of Deposit/Liquid Accounts:

Bank/Financial Institution/Broker	Acct. No.	Joint Owner (if any)	
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

SUPREME COURT.

2. Stocks/Bonds/Investments (including retirement and profit-sharing accounts):

a. held by brokers:

Brokerage Firm or Institution	Acct. No.	Joint Owner (if any)	
_____			\$ _____
_____			\$ _____
_____			\$ _____
_____			\$ _____
_____			\$ _____

b. privately held:

Company/Issuer	No. of Shares	Joint Owner (if any)	
_____			\$ _____
_____			\$ _____
_____			\$ _____

3. Automobiles:

Year/Make/Model	V.I.N.	Joint owner (if any)	
_____			\$ _____
_____			\$ _____

4. Other assets of significant value:

Description	Joint owner (if any)	
_____		\$ _____
_____		\$ _____
_____		\$ _____

**TOTAL VALUE OF PERSONAL AND INTANGIBLE PROPERTY** \$ \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

ACKNOWLEDGMENT OF SERVICE

IN RE: Estate of \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

Due and legal service of the Petition for Receipt and Acceptance of Foreign Guardianship is hereby acknowledged by the following interested persons as shown in paragraphs 5, 6, 7, and 8. The undersigned acknowledges that he/she has received a copy of the Petition and all further service and notice is waived.

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
SIGNATURE(S)

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT Printed Name  
My Commission Expires \_\_\_\_\_

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition for the Receipt and Acceptance of a Foreign Guardianship/Conservatorship**

Pages after 7 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE  
COMPLETED BY THE PETITIONER (MOVING  
PARTY) UNLESS OTHERWISE DIRECTED BY  
THE COURT. SEE PROBATE COURT RULE 22  
(A).**

SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_
)
)
WARD \_\_\_\_\_ ) PETITION FOR THE RECEIPT AND
) ACCEPTANCE OF A FOREIGN
) GUARDIANSHIP/CONSERVATORSHIP

NOTICE OF PROCEEDINGS CONCERNING THE ACCEPTANCE OF TRANSFER OF GUARDIANSHIP AND/OR CONSERVATORSHIP FROM FOREIGN JURISDICTION TO THIS COUNTY AND REQUEST TO THE FOREIGN COURT

Date of Mailing of Notice: \_\_\_\_\_

TO THE MINOR/WARD: This is to notify you of a proceeding initiated in this court by \_\_\_\_\_ seeking to transfer to this County from the Court located in \_\_\_\_\_ County, State of \_\_\_\_\_ the guardianship/conservatorship created by Order dated \_\_\_\_\_ and to inform you of your right to independent counsel. If you wish to retain your own attorney, you must notify this court within two days; otherwise, an attorney will be appointed for you by the court. (If you wish a hearing scheduled in this matter, you must make a written request for hearing on or before the 30th day following the date you receive this notice) (A hearing on the matter will be scheduled by separate Order). YOU AND YOUR ATTORNEY HAVE THE RIGHT TO ATTEND ANY HEARING HELD ON THIS MATTER.

TO THE FOREIGN COURT: The undersigned hereby requests that you certify 1) whether you have any record that the guardian/conservator as shown above has engaged in malfeasance, misfeasance, or nonfeasance during his/her appointment; 2) whether periodic reports have been filed in a satisfactory manner; and 3) whether all bonds or other security requirements imposed under the guardianship/conservatorship have been performed. For your convenience, you may use the enclosed form if you wish.

Further, please forward to this Court a copy of all documents in your file, including but not limited to the initial petition for guardianship/conservatorship and other filings relevant to the appointment of a guardian / conservator; reports and recommendations of guardians ad litem, court visitors, or other individuals appointed by the foreign court to evaluate the appropriateness of the guardianship/conservatorship; if concerning an adult, reports of physical and mental health practitioners describing the capacity of the ward to care for himself or herself or to manage his or her affairs; periodic status reports on the condition of the minor/ward; and any order to transfer the guardianship/conservatorship. (A hearing on the matter will be held (in the Probate Court of \_\_\_\_\_ County, courtroom \_\_\_\_\_,

(address) \_\_\_\_\_, Georgia) (at the following location: \_\_\_\_\_).

TO THE INTERESTED PERSONS AS SHOWN IN THE PETITION: You have the right to object to the petition for receipt and acceptance of guardianship/conservatorship by this Court. (If you wish a hearing scheduled in this matter, you must make a written request for hearing on or before the 30th day following the

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

date that this notice was mailed to you.)(A hearing on the matter will be held (in the Probate Court of \_\_\_\_\_ County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia) (at the following location: \_\_\_\_\_).

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

SUPREME COURT.

**CERTIFICATE OF MAILING OF ORDER AND NOTICE OF HEARING**

ESTATE NO. \_\_\_\_\_

This is to certify that I have this day served a copy of the Petition and this Order on the foreign Court, the minor/ward's attorney, and the interested persons identified in paragraphs 5, 6, 7, and 8 of the petition; and a copy of this Order on the petitioner(s) and his/her/their attorney by placing copies of same in an envelope addressed to each and depositing same in the U.S. Mail, first-class, with adequate postage thereon.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
WARD \_\_\_\_\_ ) PETITION FOR THE RECEIPT AND  
 ) ACCEPTANCE OF A FOREIGN  
 ) GUARDIANSHIP/CONSERVATORSHIP

ORDER AND NOTICE OF HEARING

The above Petition being filed with, and reviewed by, the Court, it is ORDERED that a hearing shall be set for \_\_\_\_\_ o'clock \_\_M. on \_\_\_\_\_, 20\_\_\_\_, which is not less than 10 days from the date that this notice is mailed, to hear evidence on the proposed transfer of the guardianship/conservatorship to this Court, to be held (in the Probate Court of \_\_\_\_\_ County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia) (at the following location: \_\_\_\_\_).

IT IS FURTHER ORDERED that attorney \_\_\_\_\_ is hereby appointed to represent the minor/ward at such hearing; said appointment will be rescinded if counsel retained by the ward files an entry of appearance.

IT IS FURTHER ORDERED that a copy of the Petition and this Order shall be personally served on the minor/ward as soon as practicable after the signing of this order.

IT IS FURTHER ORDERED that a copy of the Petition and this Order shall be sent to the foreign Court, to the minor/ward's attorney, and to the interested persons identified in paragraphs 5, 6, 7, and 8 of the petition by first class mail as soon as practicable after the signing of this order.

IT IS FURTHER ORDERED that a copy of this Order shall be sent to the petitioner(s) and his/her/their attorney by first-class mail, as soon as practicable after the signing of this order.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

SUPREME COURT.

CERTIFICATION BY FOREIGN COURT TO BE FILED IN THE PROBATE COURT OF  
\_\_\_\_\_ COUNTY, STATE OF GEORGIA

IN RE: \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
WARD \_\_\_\_\_, ) PETITION FOR THE RECEIPT AND  
 ) ACCEPTANCE OF A FOREIGN  
 ) GUARDIANSHIP/CONSERVATORSHIP  
 )  
 ) FOREIGN COURT'S FILE NUMBER:  
 ) \_\_\_\_\_

COMES NOW \_\_\_\_\_,  
(JUDGE) (DEPUTY CLERK) (CLERK) (other: \_\_\_\_\_)  
OF THE \_\_\_\_\_ Court,

and pursuant to the request made by the Probate Court of \_\_\_\_\_ County, Georgia,  
hereby certifies that (initial one):

- \_\_\_\_\_ a. There is no record that the guardian/conservator as shown above has engaged in malfeasance, misfeasance, or nonfeasance during his/her appointment; 2) periodic reports have been filed in a satisfactory manner; and 3) all bonds or other security requirements imposed under the guardianship/conservatorship have been performed.
- \_\_\_\_\_ b. There has been some record of malfeasance, misfeasance, or nonfeasance regarding the above estate and fiduciary, being \_\_\_\_\_  
\_\_\_\_\_ as indicated in the attached records.
- \_\_\_\_\_ c. This Court declines to transfer the above matter to the above Georgia Probate Court.

Further, attached are copies of all documents relevant to the guardianship/conservatorship of the above ward.

\_\_\_\_\_  
JUDGE/COURT PERSONNEL

\_\_\_\_\_  
Title

\_\_\_\_\_  
Typed/printed name of Judge or Court Personnel:

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone number: \_\_\_\_\_



SUPREME COURT.

WAIVER BY MINOR/WARD'S ATTORNEY

GEORGIA, \_\_\_\_\_ COUNTY ESTATE NO. \_\_\_\_\_

TO THE PROBATE COURT OF SAID STATE AND COUNTY

IN RE: PETITION FOR THE RECEIPT AND ACCEPTANCE OF A FOREIGN  
GUARDIANSHIP/CONSERVATORSHIP

The undersigned, as the attorney representing the above-named minor/ward in these proceedings,  
waives the appearance of my client at said hearing.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Attorney

Typed/printed name of Attorney: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN RE: \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
WARD \_\_\_\_\_ ) PETITION FOR THE RECEIPT AND  
 ) ACCEPTANCE OF A FOREIGN  
 ) GUARDIANSHIP/CONSERVATORSHIP

FINAL ORDER

A Petition for the Receipt and Acceptance of a Foreign Guardianship/Conservatorship being filed \_\_\_\_\_, 20\_\_\_\_, and (initial one):

- \_\_\_\_\_ a. a hearing being held \_\_\_\_\_, 20\_\_\_\_,
- \_\_\_\_\_ b. no hearing being requested, and based on the documentation submitted to the Court, it appearing that no hearing is necessary,

and it appearing that the fiduciary appointed in the foreign court has complied with the laws of the foreign state; and it appearing that the minor/ward has been relocated to this jurisdiction; and it appearing that it is in the best interest for the guardianship and/or conservatorship of the above minor/ward to be transferred to this jurisdiction, it is

ORDERED that the Petition for the Receipt and Acceptance of a Foreign Guardianship/Conservatorship is hereby GRANTED.

(initial all applicable):

- \_\_\_\_\_ a. IT IS FURTHER ORDERED that if the fiduciary(ies) was/were appointed as guardian(s) of person, letters of guardianship shall issue to such guardian(s) upon taking the required oath. **The appointed guardian(s) shall have no authority to act on behalf of the ward until Letters of Guardianship have issued.**
- \_\_\_\_\_ b. IT IS FURTHER ORDERED that if the fiduciary(ies) was/were appointed as guardian(s) of the property or conservator(s), letters of conservatorship shall issue to such conservator(s) upon taking the required oath and upon posting bond in the amount of \$\_\_\_\_\_. **The appointed conservator(s) shall have no authority to act on behalf of the ward until Letters of Conservatorship have issued.**

IT IS FURTHER ORDERED that, if only a guardian is appointed for the minor/ward, or if different individuals are appointed guardian and conservator, the following reasonable sums of property shall be provided to the guardian to provide adequately for the minor/ward's support, care, education, health, and

SUPREME COURT.

welfare, until further Order of the Court: \$ \_\_\_\_\_ per \_\_\_\_\_.

IT IS FURTHER ORDERED that the guardian shall file, in addition to the personal status report, the following supplemental reports: \_\_\_\_\_  
(monthly)(annually).

IT IS FURTHER ORDERED that a copy of this Order shall be served by first class mail on the foreign court, the minor/ward, the minor/ward's attorney; the guardian(s) and/or conservator(s); the petitioner(s); his/her/their attorney(s); and the individuals listed in paragraphs 5, 6, 7, and 8 of the Petition.

IT IS FURTHER ORDERED that, within 30 days of the date hereof, the clerk/deputy clerk shall file the certificate of creation of conservatorship in accordance with O.C.G.A. §29-5-13(d) with the Clerk of Superior Court of each county in this state in which the minor/ward owns real property.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge/Hearing Officer exercising the  
jurisdiction of the Probate Court pursuant  
to O.C.G.A. §29-4-12(d)(7) and/or §29-5-12(d)(7)

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**CERTIFICATE OF MAILING OF FINAL ORDER**

ESTATE NO. \_\_\_\_\_

I have this date mailed (or handed) a copy of the above Order to the foreign court, the minor/ward, his/her attorney, (his/her guardian ad litem), (his/her representatives,) the guardian(s), the conservator(s), the interested persons shown in paragraphs 5, 6, 7, and 8 of the petition, the petitioner(s), and (petitioner's attorney).

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

**CERTIFICATE OF FILING CERTIFICATE OF CREATION OF CONSERVATORSHIP**

ESTATE NO. \_\_\_\_\_

I have this date hand-delivered and/or mailed for filing a Certificate of Creation of Conservatorship to the Clerk of the Superior Court of each of the following counties, together with payment of any recording costs: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

Probate Court Return Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATE OF CREATION OF CONSERVATORSHIP**

(Pursuant to O.C.G.A. §29-5-13(d))

GEORGIA, \_\_\_\_\_ County

PROBATE ESTATE NO. \_\_\_\_\_

DATE ORDER ISSUED: \_\_\_\_\_

GRANTOR: (NAME OF MINOR/WARD) \_\_\_\_\_  
(If Minor, Date of Birth of Minor: \_\_\_\_\_)

GRANTEE: (NAME OF CONSERVATOR(S) OF ABOVE WARD)  
\_\_\_\_\_  
\_\_\_\_\_

A Conservatorship has been created for the above-named ward.

\_\_\_\_\_ a. The Conservatorship is permanent.

\_\_\_\_\_ b. The expiration date set by court order, is \_\_\_\_\_, 20\_\_\_\_\_.

Original Certificate delivered or mailed to Clerk of Superior Court of \_\_\_\_\_  
\_\_\_\_\_ County on \_\_\_\_\_, 20\_\_\_\_\_.

I do hereby certify that the above information is based on the order of the Probate Court issued on the date set out above and that the above information is true and correct.

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**LETTERS OF GUARDIANSHIP OF ADULT WARD**

From the Judge of the Probate Court of said County.

Date of Birth: \_\_\_\_\_

TO: \_\_\_\_\_, Guardian(s)

RE: \_\_\_\_\_, Adult Ward

The above-named adult ward has been found by this Court to be in need of a guardian, and this Court has entered an order designating you as such guardian(s). You have assented to this appointment by taking your oath. In general, your duties as guardian are to protect and maintain the person of the ward.

Special Instructions:

1. It is your duty to see that the ward is adequately fed, clothed, sheltered and cared for, and that the ward receives all necessary medical attention.
2. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and your ward.
3. Within 60 days after appointment and within 60 days after each anniversary date of appointment, you must file with the probate court a personal status report concerning your ward which shall include:
  - (a) A description of the ward's general condition, changes since the last report, and needs;
  - (b) Your recommendations for any alteration in the guardianship order;
  - (c) All addresses of the ward during the reporting period and the living arrangements of the ward for all addresses;
  - (d) A description of the amount of any funds received and expended by the guardian for the support of the ward.
4. Please consult your attorney if you have any questions.
5. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

(Seal)

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA  
COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

LETTERS OF CONSERVATORSHIP OF ADULT WARD

From the Judge of the Probate Court of said County.

Date of Birth: \_\_\_\_\_

TO: \_\_\_\_\_, Conservator(s)

RE: \_\_\_\_\_, Adult Ward

The above-named adult ward has been found by this Court to be in need of a conservator, and this Court has entered an order designating you as such conservator(s). You have assented to this appointment by taking your oath and posting a bond. In general, your duties as conservator are to protect and maintain the property of the ward.

Special Instructions:

1. You must keep your ward's funds separate from your own. You should put your ward's funds in a separate checking or savings account, as appropriate, and make all payments by check.
2. You may not sell, mortgage, give away, or otherwise dispose of any of your ward's property without a court order.
3. You may not spend any of your ward's funds for any purpose except as set forth in the court approved budget without a court order.
4. You must file within two months of your appointment an inventory showing the ward's property and a plan for managing, expending, and distributing the property. Further, you must file, within 60 days of each anniversary date of these Letters an annual return, showing all receipts and disbursements, accompanied by an affidavit certifying that the original vouchers (checks) have been compared with the items listed on the return, and that the return is correct, together with an updated inventory and plan for managing the property. A copy of said return shall be sent by first class mail to the surety, the ward, and the guardian, if any.
5. The regular commissions allowed a conservator are 2.5% on all sums of money received, and 2.5% on all sums paid out, as shown by the annual or final return. There are special rules concerning commissions for property delivered in kind, interest earned, extraordinary services, and market value of property held as of the last day of your reporting period.
6. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and your ward.
7. You should inform the Court of any change of location of your ward.
8. Please consult your attorney if you have any questions.
9. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not  
sign the original of this document:  
Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

(Seal)

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA  
COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**LETTERS OF GUARDIANSHIP AND CONSERVATORSHIP OF ADULT WARD**

From the Judge of the Probate Court of said County. Date of Birth: \_\_\_\_\_  
TO: \_\_\_\_\_, Guardian(s) and Conservator(s)  
RE: \_\_\_\_\_, Adult Ward

The above-named adult ward has been found by this Court to be in need of a guardian and conservator, and this Court has entered an order designating you as such guardian(s) and conservator(s). You have assented to this appointment by taking your oath and posting a bond. In general, your powers and duties are to protect and maintain the person and property of the ward.

Special Instructions:

1. It is your duty to see that your ward is adequately fed, clothed, sheltered and cared for, and that your ward receives all necessary medical attention.
2. You must keep your ward's funds separate from your own. You should put your ward's funds in a separate checking or savings account, as appropriate, and make all payments by check.
3. You may not sell, mortgage, give away, or otherwise dispose of any of your ward's property without a court order.
4. You may not spend any of your ward's funds for any purpose, except as set forth in the court approved budget, without a court order.
5. You must file within two months of your appointment an inventory showing the ward's property and a plan for managing, expending, and distributing the property. Further, you must file, within 60 days of each anniversary date of these Letters an annual return, showing all receipts and disbursements, accompanied by an affidavit certifying that the original vouchers (checks) have been compared with the items listed on the return, and that the return is correct, together with an updated inventory and plan for managing the property. A copy of said return shall be sent by first class mail to the surety, the ward, and the guardian, if any.
6. The regular commissions allowed a conservator are 2.5% on all sums of money received, and 2.5% on all sums paid out, as shown by the annual or final return. There are special rules concerning commissions for property delivered in kind, interest earned, extraordinary services, and market value of property held as of the last day of your reporting period.
7. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and your ward.
8. Within 60 days after appointment and within 60 days after each anniversary date of appointment, you must file with the probate court a personal status report concerning your ward which shall include:
  - (a) A description of your ward's general condition, changes since the last report, and needs;
  - (b) Your recommendations for any alteration in the guardianship/conservatorship order;
  - (c) All addresses of the ward during the reporting period and the living arrangements of the ward for all addresses.
9. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

NOTE: The following must be signed if the \_\_\_\_\_  
judge does not sign the original of this document Probate Judge  
Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK (Seal)

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA  
COUNTY OF \_\_\_\_\_

ESTATE NO. \_\_\_\_\_

**LETTERS OF CONSERVATORSHIP OF MINOR**

From the Judge of the Probate Court of said County.

TO: \_\_\_\_\_, Conservator(s)

RE: \_\_\_\_\_, Minor

The above-named minor has been found by this Court to be in need of a conservator, and this Court has entered an order designating you as such conservator(s). You have assented to this appointment by taking your oath and posting bond. In general, your duties as conservator(s) are to protect and maintain the property of the above-named minor. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Please consult your attorney if you have any questions.

Given under my hand and official seal, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Probate Judge

Note: The following must be signed if the judge  
does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK (Seal)

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_ ESTATE NO. \_\_\_\_\_

**LETTERS OF PERMANENT GUARDIANSHIP OF MINOR**

From the Judge of the Probate Court of said County.

TO: \_\_\_\_\_, Guardian(s)

RE: \_\_\_\_\_, Minor

The above-named minor has been found by this Court to be in need of a guardian, and this Court has entered an order designating you as such guardian(s). You have assented to this appointment by taking your oath. In general, your duties as guardian are to protect and maintain the person of the minor and your power over the minor shall be the same as that of a parent over a child, the guardian(s) standing in place of the parent(s). A guardian shall at all times act as a fiduciary in the minor's best interest and exercise reasonable care, diligence, and prudence.

Special Instructions:

1. It is your duty to see that the minor is adequately fed, clothed, sheltered, educated, and cared for, and that the minor receives all necessary medical attention.
2. You must keep the Court informed of any change in your name or address.
3. You should inform the Court of any change of location of your minor.
4. You shall, within 60 days of appointment and within 60 days after each anniversary date of appointment, file with this Court and provide to the conservator of the minor, if any, a personal status report concerning the minor.
5. You shall promptly notify the court of any conflict of interest which may arise between you as guardian and the minor pursuant to O.C.G.A. §29-2-23.
6. The guardianship automatically terminates when the minor dies, reaches age 18, is adopted, or is emancipated.
7. You shall act in coordination and cooperation with the minor's conservator, if appointed, or if not, with others who have custody of the minor's property.
8. Please consult your attorney if you have any questions. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK (Seal)

Effective 7/09

GPCSF 60Court

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition for the Restoration of an Individual Found to Be in Need of a Guardian and/or  
Conservator**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for filing a Petition for the Reinstatement of a Ward (formerly Incapacitated Adult) pursuant to O.C.G.A. §29-4-42 and O.C.G.A. §29-5-72.
2. The burden of proof is on the petitioner to show by a preponderance of the evidence that there is no longer a need for a guardianship and/or conservatorship.
3. According to Probate Court Rule 22 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 5 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____	)	<b>PETITION FOR RESTORATION OF</b>
WARD	)	<b>AN INDIVIDUAL FORMERLY FOUND TO</b>
	)	<b>BE IN NEED OF A GUARDIAN AND/OR</b>
	)	<b>CONSERVATOR</b>

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

[NOTE: Unless there are two or more petitioners, the affidavit on page 9 must be completed by a physician, psychologist, or licensed clinical social worker based upon an examination within 15 days prior to the filing of this petition.]

1.

Petitioner, \_\_\_\_\_, is

\_\_\_\_\_ a. the Ward

\_\_\_\_\_ b. the (relationship) \_\_\_\_\_ of the ward, and

is domiciled at (address) \_\_\_\_\_

County, State of \_\_\_\_\_, telephone number \_\_\_\_\_, and

(Initial either a. or b. below):

\_\_\_\_\_ a. (Second Petitioner, if any) \_\_\_\_\_,

is the (relationship) \_\_\_\_\_ of the ward, and is domiciled

at (address) \_\_\_\_\_ County, State of \_\_\_\_\_

\_\_\_\_\_ telephone number \_\_\_\_\_, show that

or

\_\_\_\_\_ b. attached hereto as page 4 and made a part of this petition is the completed affidavit of \_\_\_\_\_, a physician or psychologist licensed to practice in Georgia or a licensed clinical social worker, who has examined the ward within fifteen days prior to the filing of this petition, show that:

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

2.

The ward is domiciled at (address) \_\_\_\_\_  
\_\_\_\_\_ County, State of \_\_\_\_\_, and is presently located at \_\_\_\_\_, and  
can be contacted at (telephone number): \_\_\_\_\_.

3.

The proposed ward no longer is in need of a guardian and/or conservator because:

(NOTE: the Petition cannot be granted unless sufficient facts are presented which support the claim for the restoration of the Ward. While an attached physician's/psychologist's/social worker's affidavit is permissible, the Petitioner(s) MUST specifically allege sufficient facts to support the granting of this Petition.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4.

(Name(s) or n/a) \_\_\_\_\_  
\_\_\_\_\_ currently serve(s) as the guardian and (Name(s) or n/a) \_\_\_\_\_  
\_\_\_\_\_ as the conservator.

5.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission.

SUPREME COURT.

WHEREFORE, petitioner(s) pray(s):

1. that service be perfected as required by law;
2. that the court appoint legal counsel and an evaluator for the ward and order an evaluation as required by law;
3. that upon receipt of the evaluation report, the court order a hearing to determine the continued need for a guardian and/or conservator for the ward; and
4. that the ward's rights be restored.

\_\_\_\_\_  
Signature of first petitioner

\_\_\_\_\_  
Signature of second petitioner, if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney: \_\_\_\_\_

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

VERIFICATION

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_  
STATE OF GEORGIA

\_\_\_\_\_  
Printed Name

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

COUNTY OF \_\_\_\_\_

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: Petition for RESTORATION of \_\_\_\_\_, a Ward.

**AFFIDAVIT OF PHYSICIAN, PSYCHOLOGIST, OR LICENSED CLINICAL SOCIAL WORKER**

I, being first duly sworn, depose and say that I am a physician licensed to practice under Chapter 34 of Title 43 of the Official Code of Georgia Annotated, a psychologist licensed to practice under Chapter 39 of Title 43 of the Official Code of Georgia Annotated, or a Licensed Clinical Social Worker; that my office address is \_\_\_\_\_, Georgia, that I have examined the above-named ward on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and that I found him/her to

(initial all applicable):

- \_\_\_\_\_ a. (for restoration regarding guardianship:) now have sufficient capacity to make or communicate significant responsible decisions concerning his/her health or safety.
- \_\_\_\_\_ b. (for restoration regarding conservatorship:) now have sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.
- \_\_\_\_\_ c. (for retention of guardianship:) still lack sufficient capacity to make or communicate significant responsible decisions concerning his/her health or safety.
- \_\_\_\_\_ d. (for retention of conservatorship:) still lack sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.

The following facts support said diagnosis:

SUPREME COURT.

(RESTORATION FORM, cont.)

WITNESS MY HAND AND SEAL this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Signature of (Physician)(Psychologist)(Social Worker)

\_\_\_\_\_  
Notary Public

My commission expires on the \_\_\_\_\_ day      Typed Name \_\_\_\_\_  
of \_\_\_\_\_, 20 \_\_\_\_\_.

(NOTARIAL SEAL AFFIXED)

**NOTE: The examination on which this affidavit is based must occur WITHIN FIFTEEN DAYS prior to the filing of the petition.**

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

GEORGIA PROBATE COURT  
STANDARD FORM

**Petition for the Restoration of an Individual Found to Be in Need of a Guardian and/or  
Conservator**

Pages after 5 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

**NOTICE:**

**THE FOLLOWING PAGES ARE TO BE  
COMPLETED BY THE PETITIONER (MOVING  
PARTY) UNLESS OTHERWISE DIRECTED BY  
THE COURT. SEE PROBATE COURT RULE 22 (A).**

SUPREME COURT.

GEORGIA PROBATE COURT  
STANDARD FORM

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____	)	PETITION FOR RESTORATION OF
WARD	)	AN INDIVIDUAL FORMERLY FOUND TO
	)	BE IN NEED OF A GUARDIAN AND/OR
	)	CONSERVATOR

ORDER FOR EVALUATION

The above and foregoing petition having been read and considered, and it appearing that there is sufficient evidence to believe that the ward may no longer be in need of a guardian and/or conservator within the meaning of O.C.G.A. §29-4-1 and/or §29-5-1, it is hereby ordered that \_\_\_\_\_, (physician) (psychologist) (licensed clinical social worker), is appointed to evaluate the above-named ward at \_\_\_\_ o'clock \_\_.M., on \_\_\_\_\_ 20\_\_\_\_ at (location) \_\_\_\_\_.

IT IS FURTHER ORDERED that the above-named ward shall submit to an evaluation at the time and place stated above;

IT IS FURTHER ORDERED that the evaluator shall explain the purpose of the evaluation to the ward;

IT IS FURTHER ORDERED that a Clerk/deputy clerk shall immediately notify the ward of these proceedings by having all pleadings, as well as this order and the notice of proceedings to appoint guardian and/or conservator, personally served on the ward.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

**CERTIFICATE OF MAILING OF ORDER AND NOTICE OF PROCEEDINGS**

ESTATE NO. \_\_\_\_\_

This is to certify that I have this day served the petitioner(s); the ward's guardian ad litem (if any) and attorney with a copy of the petition, order, and notice of proceedings to restore rights of ward by placing a copy of same in an envelope addressed to each and depositing same in the U.S. Mail, first-class, with adequate postage thereon.

This \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

**CERTIFICATE OF MAILING OF ORDER FOR DISMISSAL**

ESTATE NO. \_\_\_\_\_

This is to certify that I have this day served the ward with a copy of the (petition and)\* order for dismissal by placing a copy of same in an envelope addressed to the ward and depositing same in the U.S. Mail, first-class, with adequate postage thereon. I have also served a copy of the order for dismissal in the same manner upon the persons required in said order to be so served.

This \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
PROBATE CLERK /DEPUTY CLERK

\* not necessary if dismissal is after evaluation.

SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____	)	PETITION FOR RESTORATION OF
WARD	)	AN INDIVIDUAL FORMERLY FOUND TO
	)	BE IN NEED OF A GUARDIAN AND/OR
	)	CONSERVATOR

NOTICE TO WARD OF PROCEEDINGS TO RESTORE RIGHTS

TO: \_\_\_\_\_ : this is to notify you of a proceeding initiated in this court by \_\_\_\_\_ seeking to restore your rights and to inform you of your right to independent counsel. If you wish to retain your own attorney, you must notify this court within two days; otherwise, an attorney will be appointed for you by the court.

You are further notified that \_\_\_\_\_ has been appointed by the Court to evaluate you. If you wish your rights restored, you must submit to an evaluation by being present at: (location) \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on \_\_\_\_\_, 20 \_\_\_\_\_ which is not sooner than the fifth day after the service of notice on you.

YOU ARE FURTHER NOTIFIED:

YOU AND YOUR ATTORNEY HAVE THE RIGHT TO ATTEND ANY HEARING HELD ON THIS MATTER.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK



SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____ ,	)	<b>PETITION FOR RESTORATION OF</b>
<b>WARD</b>	)	<b>AN INDIVIDUAL FORMERLY FOUND TO</b>
	)	<b>BE IN NEED OF A GUARDIAN AND/OR</b>
	)	<b>CONSERVATOR</b>

**APPOINTMENT OF ATTORNEY AND GUARDIAN AD LITEM, IF APPLICABLE**

It appearing that this Court has not been notified of the retention of counsel by the ward within the prescribed two-day period, \_\_\_\_\_ telephone number \_\_\_\_\_, is hereby appointed as attorney for the ward in this matter.

(initial if applicable)

\_\_\_\_\_ IT IS FURTHER ORDERED that \_\_\_\_\_ is appointed as guardian ad litem for the ward, and said individual shall

- \_\_\_\_\_ a. attend the restoration hearing and make a recommendation to the Court.
- \_\_\_\_\_ b. file a written recommendation/report with the Court prior to the hearing and shall (be excused from appearing at) (attend) the hearing.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

EVALUATOR'S REPORT REGARDING RESTORATION

GUARDIANSHIP/CONSERVATORSHIP PROCEEDINGS      ESTATE NO. \_\_\_\_\_

PETITIONER(S) \_\_\_\_\_

WARD \_\_\_\_\_

In compliance with the Order of the Probate Court of \_\_\_\_\_  
County dated \_\_\_\_\_, 20\_\_\_\_, I performed an evaluation of the above-named ward  
on \_\_\_\_\_, 20\_\_\_\_. This evaluation took place at (location) \_\_\_\_\_

\_\_\_\_\_ beginning at \_\_\_\_\_ o'clock.  
The evaluation continued for \_\_\_\_\_ minutes. I explained the purpose of the evaluation  
to the ward.

The following questions, instruments, or tests were utilized in the evaluation:

Below is a list of all persons and other sources of information consulted in evaluating the ward:

The following is a description of the ward's mental and physical state and condition, including all observed  
facts considered by me:

The following is a description of the overall social condition of the ward, including support, care, education,  
and well-being:

SUPREME COURT.

The following are my findings as to the needs of the ward and their foreseeable duration:

(initial all applicable)

\_\_\_\_\_ a. I find that the ward continues to be incapacitated by reason of: \_\_\_\_\_

\_\_\_\_\_ to the extent that said proposed ward lacks sufficient capacity to make or communicate significant responsible decisions concerning his/her health and safety.

\_\_\_\_\_ b. I find that the ward continues to be incapacitated by reason of: \_\_\_\_\_

\_\_\_\_\_ to the extent that said proposed ward lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.

\_\_\_\_\_ c. I find that the ward now has sufficient capacity to make or communicate significant decisions concerning his/her health and safety.

\_\_\_\_\_ d. I find that the ward now has sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.

\_\_\_\_\_  
Physician licensed under Chapter 34 of Title 43 of the  
Official Code of Georgia Annotated  
or  
Psychologist licensed under Chapter 39 of Title 43 of the  
Official Code of Georgia Annotated  
or  
Licensed Clinical Social Worker

Sworn to and subscribed before me  
This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public/Clerk, Probate Court  
My Commission Expires \_\_\_\_\_  
**NOTE: This report must be filed with the Probate Court no later than (7) days after the date of examination.**

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____	)	PETITION FOR RESTORATION OF
WARD	)	AN INDIVIDUAL FORMERLY FOUND TO
	)	BE IN NEED OF A GUARDIAN AND/OR
	)	CONSERVATOR

ORDER FOR DISMISSAL

The above and foregoing petition having been read and considered pursuant to O.C.G.A. §29-4-11 and/or O.C.G.A. §29-5-11 of the Official Code of Georgia Annotated, and (initial one):

\_\_\_\_\_ a. Based on the allegations made in the petition and prior to the court-ordered evaluation, it appears that there is not probable cause to believe that the ward no longer is in need of a guardian or conservator within the meaning of O.C.G.A. §29-4-1 and/or O.C.G.A. §29-5-1, therefore, it is

ORDERED that the petition is dismissed.

IT IS FURTHER ORDERED that a copy of the petition, the affidavit, if any, and this order be served on the ward by first-class mail, and a copy of this order be served in the same manner upon the petitioner(s) or his/her/their attorney, if any.

\_\_\_\_\_ b. Based on the allegations made in the petition and after review and consideration of the court-ordered evaluation report filed with this court, this court finds that there is not probable cause to support a finding that the ward no longer is in need of a guardian or a conservator within the meaning of O.C.G.A. §29-4-1 and/or O.C.G.A. §29-5-1; therefore, it is

ORDERED that the petition is dismissed.

IT IS FURTHER ORDERED that a copy of this order and the court-ordered evaluation report be served on the ward, his attorney, his guardian ad litem, if any, and to the petitioner(s) or her/her/their attorney, if any, by first class mail.

So ordered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge

SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____	)	PETITION FOR RESTORATION OF
WARD	)	AN INDIVIDUAL FORMERLY FOUND TO
	)	BE IN NEED OF A GUARDIAN AND/OR
	)	CONSERVATOR

ORDER AND NOTICE OF HEARING

After review and consideration of the petition and the court-ordered evaluation report filed with this court, the court finds that there is probable cause to support a finding that the ward no longer is in need of a guardian and/or conservator within the meaning of O.C.G.A. §29-4-1 and/or O.C.G.A. §29-5-1,

THEREFORE, it is ordered and adjudged that:

1. A hearing shall be set for \_\_\_\_\_ o'clock \_\_M. on \_\_\_\_\_, 20\_\_\_\_, which is not less than 10 days from the date that this notice is mailed, to determine the need for the restoration of the ward's rights, to be held (in the Probate Court of \_\_\_\_\_ County, courtroom \_\_\_\_\_, (address) \_\_\_\_\_, Georgia) (at the following location: \_\_\_\_\_). The ward shall be represented by \_\_\_\_\_, attorney, at such hearing.
2. A copy of this order and a copy of the evaluation report shall be sent to the ward, his/her attorney and guardian ad litem, if any, and to the petitioner(s) and his/her/their attorney, if any. These copies shall be sent by a Clerk/deputy clerk, first-class mail, as soon as practicable after the signing of this order.

So ordered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Probate Judge

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

STIPULATION AND WAIVER BY WARD'S ATTORNEY

GEORGIA, \_\_\_\_\_ COUNTY      ESTATE NO. \_\_\_\_\_

TO THE PROBATE COURT OF SAID STATE AND COUNTY

IN RE: PETITION FOR THE RESTORATION OF RIGHTS OF \_\_\_\_\_,  
WARD

The undersigned, as the attorney representing the above-named ward in these proceedings, (initial all applicable:)

\_\_\_\_\_ a.      does hereby stipulate into evidence the affidavit prepared by (name of affiant evaluator) \_\_\_\_\_, being the evaluation report Ordered by the Court in this matter, and hereby waives the appearance of such affiant at any hearing concerning the said petition.

\_\_\_\_\_ b.      does hereby stipulate into evidence the affidavit prepared by (name of affiant evaluator) \_\_\_\_\_, which is the affidavit referred to in Paragraph 1(b) of the petition), and hereby waives the appearance of such affiant at any hearing concerning the said petition.

\_\_\_\_\_ c.      does further waive the appearance of my client the ward at said hearing.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Attorney

Typed/printed name of Attorney: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

SUPREME COURT.

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
	)	
_____	)	PETITION FOR RESTORATION OF
WARD	)	AN INDIVIDUAL FORMERLY FOUND TO
	)	BE IN NEED OF A GUARDIAN AND/OR
	)	CONSERVATOR

FINAL ORDER

A hearing was held on the above-referenced petition on \_\_\_\_\_, 20\_\_\_\_, and after considering the pleadings, the evaluation report and the evidence taken at the hearing, the Court makes the following:

FINDINGS OF FACT

1.

All procedural requirements of O.C.G.A. §29-4-11 and O.C.G.A. §29-4-42; and/or O.C.G.A. §29-5-11 and O.C.G.A. §29-5-72 have been met.

2.

The above-named ward is no longer in need of a guardian and/or conservator because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

The ward now has sufficient capacity to make or communicate significant decisions concerning his/her health and safety, and now has sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.

CONCLUSIONS OF LAW

The Court finds, by clear and convincing evidence, that the above-named ward (hereinafter referred to as "former ward") is no longer in need of a guardian or conservator because the ward now has sufficient capacity to make or communicate significant responsible decisions concerning his/her health or safety, and now has sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property. Therefore it is

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

ORDERED that \_\_\_\_\_ is hereby restored to full capacity and the guardianship/conservatorship of said former ward is hereby terminated.

IT IS FURTHER ORDERED that before any guardian and/or conservator, is released from his/her trust, that he/she file a Petition for Discharge and Final Return, with an acknowledgment as executed by the former ward.

IT IS FURTHER ORDERED that a Clerk of this Court shall record the restoration upon all records of this Court, including the previously issued letters of guardianship/conservatorship.

IT IS FURTHER ORDERED that the Clerk of this Court shall, within 30 days of this order, submit a certificate to the clerk of the superior court of each county of this state in which the restored ward owns real property, if any, notifying the clerk to record in the deed records that the ward has been restored to capacity.

IT IS FURTHER ORDERED that a copy of this Order shall be served by first class mail on the former ward, the former ward's attorney; the guardian ad litem, if any; the guardian(s) and/or conservator(s); the petitioner(s); and his/her/their attorney(s).

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge/Hearing Officer exercising the  
jurisdiction of the Probate Court pursuant  
to O.C.G.A. §29-4-12(d)(7) and/or §29-5-12(d)(7)

SUPREME COURT.

**CERTIFICATE OF MAILING OF FINAL ORDER**

ESTATE NO. \_\_\_\_\_

I have this date mailed (or handed) a copy of the above Order to the former ward, his/her attorney, (his/her guardian ad litem), (his/her representatives,) the guardian(s), the conservator(s), the petitioner(s), and (petitioner's attorney).

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

**CERTIFICATE OF FILING CERTIFICATE OF RESTORATION OF RIGHTS**

ESTATE NO. \_\_\_\_\_

I have this date hand-delivered and/or mailed for filing a Certificate of Restoration of Rights to the Clerk of the Superior Court of each of the following counties, together with payment of any recording costs: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
TELEPHONE

AMENDMENTS TO UNIFORM PROBATE COURT RULES.

Probate Court Return Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATE OF RESTORATION OF RIGHTS**

(Pursuant to O.C.G.A. §29-5-13(d))

GEORGIA, \_\_\_\_\_ County

PROBATE ESTATE NO. \_\_\_\_\_

CROSS REFERENCE:

DEED BOOK \_\_\_\_\_

DATE ORDER ISSUED: \_\_\_\_\_

PAGE NO. \_\_\_\_\_

GRANTOR: (NAME OF CONSERVATOR(S) OF FORMER WARD)

\_\_\_\_\_  
\_\_\_\_\_

GRANTEE: (NAME OF FORMER WARD)

\_\_\_\_\_

The rights of the above Former Ward being restored, the Conservatorship previously created for the above-named former ward is now DISSOLVED.

Original Certificate delivered or mailed to Clerk of Superior Court of \_\_\_\_\_  
\_\_\_\_\_ County on \_\_\_\_\_, 20\_\_\_\_\_.

I do hereby certify that the above information is based on the order of the Probate Court issued on the date set out above and that the above information is true and correct.

By: \_\_\_\_\_  
PROBATE CLERK/DEPUTY CLERK