



SUPREME COURT OF GEORGIA

Atlanta May 7, 2015

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

It is ordered that Georgia Uniform Probate Court Standard Forms (Cumulative List and GPCSF 4, 5, 6, 7, 10, 16, 19, 28, 30, 32, and 35) be hereby amended, and that Supplement 1 (Guardian Ad Litem), Supplement 2 (Special Process Server), Supplement 3 (Certificate of Service), and Supplement 5 (Testamentary Guardianship Petition) be hereby approved, effective July 1, 2015, as follows:

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from
the minutes of the Supreme Court of Georgia

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

Thiase A. Baume, Clerk

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

Cumulative List (July 2015)

Number	Description	Effective
GPCSF 1	General Instructions	7/14
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GPCSF 5	Petition to Probate Will in Solemn Form	7/15
GPCSF 6	Interrogatories to Witness to Will	7/15
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GPCSF 17	Petition for Leave to Convey or Encumber Property Previously Set Aside as Year's Support	7/13
GPCSF 18	Petition for Presumption of Death of Missing Individual Believed to be Dead	7/13
GPCSF 19	Petition to Compromise Doubtful Claim of Minor/Adult Ward	7/15
GPCSF 20	Petition for Leave to Encroach on Corpus	7/07
GPCSF 21	Bond of Administrators, Conservators & Executors, Etc.	7/08
GPCSF 22	Petition to Establish Custodial Account for Minor or Incapacitated Adult	8/10
GPCSF 23	GPCSF 23 through 27 Reserved/Relocated	
GPCSF 28	Petition for Temporary Letters of Guardianship of Minor	7/15
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GPCSF 30	Petition for Letters of Conservatorship of Minor	7/15
GPCSF 31	Application for Permit to Conduct Public Fireworks Display	7/09

GPCSF 32	Petition by Personal Representative for Waiver of Bond and/or Grant of Certain Powers	7/15
GPCSF 33	Petition for Discharge of Personal Representative	7/11
GPCSF 34	Petition of Conservator for Final Settlement of Accounts and Discharge from Office and Liability	7/11
GPCSF 35	Guardian /Conservator/Personal Representative Oath	7/15
GPCSF 36	Petition for the Appointment of a Temporary Medical Consent Guardian for a Proposed Medical Consent Ward	7/11
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GPCSF 52	Default Certificate	7/91
GPCSF 53	Commission to Administer Oath	7/14
GPCSF 54	Service upon Minor or Adult Ward through Service Upon Guardian	8/10
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GPCSF 58	Adult Conservatorship Inventory and Asset Management Plan	7/07
GPCSF 59	Minor Conservator Inventory and Asset Management Plan	8/10
GPCSF 60	Petition for Receipt and Acceptance of Foreign Guardianship and/or Conservatorship	8/10
GPCSF 65	Petition for the Restoration of an Individual Found to Be in Need of a Guardian and/or Conservator	8/10

GPCSF 70	Certificate in Accordance with Uniform Probate Court Rule 5.9 (D)	8/10
GPCSF 71	Petition for Leave to Sell Perishable Property by Personal Representative	7/07
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GPCSF Supplement 1	Determination by Court that a Person May Act as Guardian or Appointment of Guardian Ad Litem	7/15
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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.

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. § 53-5-15 et seq.
2. An Order for Probate of a Will in Common Form may be granted without service to any one, unless required by the Court. The Court may refuse to grant a Petition to Probate a Will in Common Form. (Henderson v. McVay, 269 Ga. 7 (1998).)
3. According to O.C.G.A. § 53-5-19, a Probate in Common Form is not conclusive on all parties until four years from the time of probate (or if minors, four years after said minor reaches the age of majority).
4. As set out in O.C.G.A. § 53-5-16 (b) “...probate of a will in common form does not protect the executor in any acts beyond the executor’s normal duties of collecting and preserving assets...”
5. 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.
6. 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, GPCSF 7].
7. Paragraph 4 requires sufficient factual information for the Court to conclude that those listed in Paragraph 3 include each and every heir of the Decedent and that there are not additional heirs of the same or closer degree according to O.C.G.A. § 53-2-1. These facts must allow the Court to rule out the possibility that there may be other heirs of the same or closer degree who have not been listed. Provide the date of death of any deceased heirs and the name of the Personal Representative, if applicable. The Personal Representative of a deceased heir is authorized to consent on behalf of that heir. O.C.G.A. § 53-7-1. [NOTE: If you are uncertain how to determine the heirs of a Decedent, refer to the “Heirs Determination Worksheet” available from the Probate Court or at 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.”
8. This form should not be used if the Petitioner(s) is/are seeking the appointment of a Testamentary Guardian in Paragraph 6, which requires notice to the relatives of the Decedent’s minor child(ren) pursuant to O.C.G.A. § 29-2-4.

9. 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, conservator, or testamentary guardian has no conflict and may serve. Should a guardian ad litem be necessary because a party is not sui juris, use Supplement 1.
10. Use Supplement 2 if the Court determines it is appropriate to appoint a special process server.
11. Use Supplement 3 when an additional certificate of service is necessary.
12. Exhibits should be labeled at the bottom of each exhibit as Exhibit "A," Exhibit "B," etc. in consecutive order. The corresponding letter of each said exhibit should be inserted into the appropriate place in the form.
13. An oath must be administered by a Probate Judge or Clerk [the oath cannot be administered by a notary]. Use Georgia Probate Court Standard Form 35 for the oath. The oath is not included in this form. Georgia Probate Court Standard Form 53, Commission to Administer Oath, can be used if the oath is to be administered by a court outside the State of Georgia.
14. According to Uniform Probate Court Rule 5.6 (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 the Notice regarding Uniform Probate Court Rule 5.6 (A) 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, labeled GPCSF 1.

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

PETITION TO PROBATE WILL IN COMMON FORM

The Petition of _____,
[Full name(s) of Petitioner(s)] First Middle Last
whose physical address(es) is/are _____,
Street City County State Zip Code
and mailing address(es) is/are _____,
Street City County State Zip Code
shows the Court the following:

1.

_____,
[Full name of Decedent] First Middle Last

whose place of domicile was _____,
Street City County State Zip Code

departed this life on _____, 20 ____.

2.

While alive, Decedent duly made and published a Last Will and Testament dated _____, (along with Codicil(s) dated _____), which is herewith offered for probate in Common Form as the Decedent's "Will". _____ is/are named as Executor(s).

3.

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

Name	Age (or over 18)	Address	Relationship

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

4.

Required: *[Provide sufficient factual information to enable the Court to conclude that all of the heirs of the Decedent are included and that there are no heirs of the same or closer degree according to O.C.G.A. § 53-2-1. Provide the names of any deceased heirs, the name and address of his or her Personal Representative, if any, 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, indicate 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.]*

5.

[Initial one]

- _____ (a) 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 or any other state.
- _____ (b) The probate of another purported Will of the Decedent is pending in the State of _____, in the _____ County _____ Court. The name(s) 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, as Exhibit “_____,” which is expressly made a part hereof, as if fully set forth herein.
- _____ (c) An Administration is pending in the State of _____, in the _____ County _____ Court. The name and address of each Petitioner, and the name and address of any appointed Administrator is listed on the attachment hereto, as Exhibit “_____,” which is expressly made a part hereof, as if fully set forth herein.

6.

[Initial if applicable; however, please note that this form may not be appropriate if the Petitioner(s) is/are seeking the appointment of a Testamentary Guardian, which requires notice to the relatives of the Decedent's minor child(ren) pursuant to O.C.G.A. § 29-2-4.]

At the time of the Decedent's death, and at this time, the Decedent left (a) minor child(ren) and the Will names a Testamentary Conservator.

_____ (a) 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
<hr/>	
<hr/>	

_____ (b) 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: *[Note, if named Testamentary Conservator(s) and court-appointed Conservator(s) are different.]*

Name	Address
<hr/>	
<hr/>	

7.

Additional Data: *[Where full particulars are lacking, state here the reason for any such omission or any special circumstances.]*

WHEREFORE, Petitioner(s) pray(s)

1. Leave to prove said Will (and Codicil(s)) in Common Form;
2. That due and legal notice be given as required by the Court;
3. That said Will be admitted to record on proper proof;
4. That 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

Mailing Address

Mailing Address

Telephone Number

Telephone Number

Signature of Attorney

Printed Name of Attorney

Address

Telephone Number

State Bar #

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Petition and the attached Exhibit(s) are true and correct.

Sworn to and subscribed before me this
_____ day of _____, 20____.

Signature of First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of First Petitioner

Sworn to and subscribed before me this
_____ day of _____, 20____.

Signature of Second Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Second Petitioner

**NOTICE REGARDING UNIFORM PROBATE
COURT RULE 5.6 (A):**

**THE FOLLOWING PAGES ARE TO BE
COMPLETED BY THE PETITIONER (MOVING
PARTY) UNLESS OTHERWISE DIRECTED BY
THE COURT.**

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

**ORDER APPOINTING AN EXECUTOR AND
GRANTING PROBATE IN COMMON FORM**

It has been shown to the Court in the matter of the Last Will and Testament of the above named Decedent, _____, named as Executor(s), that the said Decedent died domiciled in said County; or died while domiciled outside of Georgia but owning property in the 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(s).

IT IS, THEREFORE, ORDERED by this Court that said Will dated _____ (and Codicil(s) dated _____), be established as the Last Will and Testament of the above named Decedent, 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 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.

IT IS FURTHER ORDERED that: *[initial if applicable]*

- _____ (a) An inventory shall be filed.
- _____ (b) Annual returns shall be filed.
- _____ (c) Letters of Testamentary Conservatorship shall issue to _____.

SO ORDERED this _____ day of _____, 20 ____.

Judge of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

LETTERS TESTAMENTARY
(Relieved of Filing Returns)

At a regular term of the Probate Court, the Last Will and Testament dated _____ (and Codicil(s) dated _____), of the above named Decedent, who was domiciled in this County at the time of his or her death or who was domiciled in another state but owned property in this County at the time of his or her death, was legally proven in Common Form to be the Decedent's Will 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).

THEREFORE, the Executor(s), 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 Decedent's Will and the law.

Given under my hand and official seal, the ____ 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: _____ *[Seal]*

Clerk/Deputy Clerk of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

LETTERS TESTAMENTARY
(Not Relieved of Filing Returns)

At a regular term of the Probate Court, the Last Will and Testament dated _____ (and Codicil(s) dated _____), of the above named Decedent, who was domiciled in this County at the time of his or her death or who was domiciled in another state but owned property in this County at the time of his or her death, was legally proven in Common Form to be the Decedent's Will 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).

THEREFORE, the Executor(s), 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 Decedent's 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 return or final return with this Court each year within sixty (60) days of the anniversary date of the appointment until the Executorship is fully discharged.

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:

Judge of the Probate Court

Issued by: _____ [Seal]

Clerk/Deputy Clerk of the Probate Court
GPCSF 4

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

LETTERS OF TESTAMENTARY CONSERVATORSHIP OF MINOR

[To be completed only in the event a Testamentary Conservator is named in the Will]

TO: _____, Testamentary Conservator(s)
RE: _____, Minor
_____, Date of Birth

Pursuant to the Last Will and Testament of the above named Decedent, you have been appointed Testamentary Conservator(s) of the Minor's property. You have assented to this appointment by taking your oath. In general, your duties as Testamentary Conservator(s) are to protect and maintain the property of the Minor and utilize the Minor's property solely for the benefit of the Minor. Consult your attorney if you have any questions.

These Letters of Testamentary Conservatorship empower the above Testamentary Conservator(s) to hold, for the Minor, only property which passed through the estate of the above named Decedent.

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:

Judge of the Probate Court

Issued by: _____ *[Seal]*

Clerk/Deputy Clerk of the Probate Court

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.
3. Signatures of heirs who acknowledge service must be sworn to before 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 sworn to as provided above. With regard to a power of attorney, the attorney-in-fact may acknowledge service on behalf of the grantor 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.
4. 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, conservator, or testamentary guardian has no conflict and may serve. Should a guardian ad litem be necessary because a party is not sui juris, use Supplement 1.
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 (and Codicil(s)) for which probate is sought. The same is true when service is acknowledged. This form may, but is not required to, be used where service by registered or certified mail with return receipt requested, restricted delivery, is requested by the Petitioner(s) in lieu of personal service, in accordance with O.C.G.A. § 53-11-3 (e). Make appropriate changes in the Order for Notice, Notice and Certificate of Service. If Petitioner(s) request(s) personal service by registered, certified, or statutory overnight delivery with return receipt requested and with delivery restricted to the addressee only and that service is unsuccessful, service must be made pursuant to O.C.G.A. § 53-11-3 (a).
6. Paragraph 4 requires sufficient factual information for the Court to conclude that those listed in Paragraph 3 include each and every heir of the Decedent and that there are not additional heirs of the same or closer degree according to O.C.G.A. § 53-2-1. These facts must allow the Court to rule out the possibility that there may be other heirs of the same or closer degree who have not been listed. Provide the date of death of any deceased heirs and the name of the Personal Representative, if applicable. The

Personal Representative of a deceased heir is authorized to consent on behalf of that heir. O.C.G.A. § 53-7-1. [NOTE: If you are uncertain how to determine the heirs of a decedent, refer to the “Heirs Determination Worksheet” available from the Probate Court or at www.gaprobate.org.] Examples of such statements 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. Paragraph 6. In the event there is a Testamentary Guardian named in the Will and the Decedent died leaving minor children, then the Consent to Serve should be completed according to O.C.G.A. § 29-2-4 and/or § 29-3-5. When a Testamentary Guardian is to be appointed, Supplement 5 (Testamentary Guardianship) should be included with this Petition and the Petitioner(s) must provide full names and addresses for the minor children’s adult siblings and grandparents. If there are no living adult siblings or grandparents, the Petitioner(s) must provide full names and addresses for the minor children’s great-grandparents, aunts, uncles, great-aunts, or great-uncles, if any such relatives exist. If the minor children shared the same parents, the Petitioner(s) may complete one Supplement 5 for such similarly situated children. If the minor children did not share the same parents, a separate Supplement 5 must be filed for each minor. Contact the Probate Court in which the Petition will be filed for its policy as to the filing of Supplement 5 when there are multiple children.
8. Use Supplement 2 if the Court determines it is appropriate to appoint a special process server.
9. Use Supplement 3 when an additional certificate of service is necessary.
10. Exhibits should be labeled at the bottom of each exhibit as Exhibit “A,” Exhibit “B,” etc. in consecutive order. The corresponding letter of each said exhibit should be inserted into the appropriate place in the form.
11. An oath must be administered by a Probate Judge or Clerk [the oath cannot be administered by a notary]. Use Georgia Probate Court Standard Form 35 for the oath. The oath is not included in this form. Georgia Probate Court Standard Form 53, Commission to Administer Oath, can be used if the oath is to be administered by a court outside the State of Georgia.
12. According to Uniform Probate Court Rule 5.6 (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 the Notice regarding Uniform Probate Court Rule 5.6 (A) 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, labeled GPCSF 1.

6.

[Initial if applicable and attach Supplement 5 if you are seeking the appointment of a Testamentary Guardian.]

As shown in Paragraph 3 above, the Decedent was survived by (a) minor child(ren), and:

_____ (a) The Will names a Testamentary Guardian and Supplement 5 is attached.

_____ (b) 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) There is/are now a court-appointed Conservator(s), who is/are identified as follows:

Name	Address
------	---------

7.

Additional Data: [Where full particulars are lacking, state here the reasons for any such omission. If any executor nominated in the Will has a priority equal to or higher than the Propounder(s) but will not qualify, indicate the name and reasons.]

WHEREFORE, Petitioner(s) pray(s)

1. Leave to prove said Will (and Codicil(s)) 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 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

Mailing Address

Mailing Address

Telephone Number

Telephone Number

Signature of Attorney _____

Printed Name of Attorney _____

Address _____

Telephone Number _____ State Bar # _____

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Petition and the attached Exhibit(s) are true and correct.

Sworn to and subscribed before me this
_____ day of _____, 20____.

Signature of First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of First Petitioner

Sworn to and subscribed before me this
_____ day of _____, 20____.

Signature of Second Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Second Petitioner

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

ACKNOWLEDGMENT OF SERVICE AND ASSENT TO PROBATE INSTANTER

The undersigned, being 18 years of age or older, laboring under no legal disability and being an heir of the above-named Decedent, hereby acknowledges service of a copy of Petition to Probate the Will in Solemn Form, purported Will, and notice, waives copies of same, waives further service and notice, and hereby assents to the probate of said Will in Solemn Form instanter.

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of Heir

NOTARY/CLERK OF PROBATE COURT

Printed Name of Heir

My Commission Expires _____

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of Heir

NOTARY/CLERK OF PROBATE COURT

Printed Name of Heir

My Commission Expires _____

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of Heir

NOTARY/CLERK OF PROBATE COURT

Printed Name of Heir

My Commission Expires _____

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

**TESTAMENTARY CONSERVATOR'S
CONSENT TO SERVE**

[To be completed only in the event a Testamentary Conservator is named in the Will]

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

Sworn to and subscribed before
me this _____ day of _____, 20____. _____
Testamentary Conservator

NOTARY/CLERK OF PROBATE COURT Printed Name

My Commission Expires _____

Sworn to and subscribed before
me this _____ day of _____, 20____. _____
Testamentary Conservator

NOTARY/CLERK OF PROBATE COURT Printed Name

My Commission Expires _____

**NOTICE REGARDING UNIFORM PROBATE
COURT RULE 5.6 (A):**

**THE FOLLOWING PAGES ARE TO BE
COMPLETED BY THE PETITIONER (MOVING
PARTY) UNLESS OTHERWISE DIRECTED BY
THE COURT.**

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

ORDER FOR SERVICE OF NOTICE

The foregoing Petition to Probate Will (and Codicil(s)) in Solemn Form having been filed, service is ordered as follows:

[Initial any and all which apply]

_____ Notice together with a copy of the Petition and purported Will (and Codicil(s)) shall be served personally, or by certified mail or statutory overnight delivery, as requested by the Petitioner(s) pursuant to O.C.G.A. § 53-11-3, at least ten (10) days before the Will (and Codicil(s)) can be probated on the following heirs who reside in Georgia: *[if mailed, must be with return receipt requested, and restricted delivery to addressee only]*

_____ Notice together with a copy of the Petition and purported Will (and Codicil(s)) shall be served by registered or certified mail, return receipt requested, pursuant to O.C.G.A. § 53-11-4, upon the following nonresident heirs whose current residence addresses are known:

_____ Notice shall be published once a week for four (4) weeks in the legal organ of this County, before _____, 20____, in order to serve by publication the following heirs whose current residence addresses are unknown:

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

NOTICE

AN ORDER FOR SERVICE WAS GRANTED BY THIS COURT ON _____,
20____, REQUIRING THE FOLLOWING: *[Strike any paragraph if not applicable]*

TO: _____
[List here all heirs who reside in Georgia to be served personally or by certified mail with restricted delivery to the addressee, if specifically requested by the Petitioner(s)]
This is to notify you who are required to be served personally, to file objection, if there is any, to the Petition to Probate Will in Solemn Form, in this Court on or before the tenth (10th) day after the date you are personally served or sign the return receipt.

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 Petition to Probate Will in Solemn Form, 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 thirty (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.

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 thirteen (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.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel 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.

Address

Telephone Number
GPCSF 5

Judge of the Probate Court
By: _____
Clerk/Deputy Clerk of the Probate Court

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____)
DECEASED)

NOTICE

AN ORDER FOR SERVICE WAS GRANTED BY THIS COURT ON _____,
20____, REQUIRING THE FOLLOWING: *[For use if an heir is required to be served by publication]*

TO: _____
[List here all heirs having unknown addresses to be served by publication]

This is to notify you to file objection, if there is any, to the Petition to Probate Will in Solemn Form, 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 objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel 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.

Address

Telephone Number

Judge of the Probate Court
By: _____
Clerk/Deputy Clerk of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

CERTIFICATE OF SERVICE

I certify that I have on this date mailed, unless otherwise noted, in an envelope with the proper postage affixed thereto for first-class mail delivery copies of the _____

to the following parties at the addresses below:

This _____ day of _____, 20____.

Clerk/Deputy Clerk of the Probate Court

Address

Telephone Number

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

ORDER ADMITTING WILL (AND CODICIL(S)) TO PROBATE IN SOLEMN FORM

An alleged Last Will and Testament dated _____
(and Codicil(s) dated _____) was/were propounded.

_____ was/were nominated
Personal Representative(s) by the Testator. The Court finds that the Decedent died domiciled
within, or domiciled outside the State of Georgia but owning property within, the above County.
The Court further finds that all of the heirs at law were served or acknowledged service. The
Court further finds that no objection has been filed, and all requirements of law have been
fulfilled. The Court further finds that the propounded Will (is self-proving) (has been proved by
one or more witnesses).

ACCORDINGLY, IT IS ORDERED that the Will dated _____
(and the Codicil(s) dated _____) is/are established as
the Last Will and Testament of the Decedent (“the Decedent’s Will”); that the Will be admitted
to record as proven in Solemn Form; and, that the nominated Executor(s) named above has/have
leave to qualify as Personal Representative(s) by taking the required oath, after which Letters
Testamentary shall issue. The Clerk shall serve the Personal Representative(s) with copies of this
Order and the Letters upon qualification.

IT IS FURTHER ORDERED that the Personal Representative(s) shall disburse all
property according to the terms of the Decedent’s Will and shall maintain all records of income
and disbursements until discharged by Order of this Court.

IT IS FURTHER ORDERED that: *[initial if applicable]*

- _____ (a) An inventory shall be filed.
- _____ (b) Annual returns shall be filed.
- _____ (c) Letters of Testamentary Conservatorship shall issue to
_____.

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
)
 _____,)
 DECEASED)

LETTERS TESTAMENTARY
(Relieved of Filing Returns)

At a regular term of Probate Court, the Last Will and Testament dated _____ (and Codicil(s) dated _____) of the above named Decedent, who was domiciled in this County at the time of his or her death or was domiciled in another state but owned property in this County at the time of his or her death, was legally proven in Solemn Form to be the Decedent's Will 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).

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

Given under my hand and official seal, the ____ 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: _____ [Seal]

Clerk/Deputy Clerk of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

LETTERS TESTAMENTARY
(Not Relieved of Filing Returns)

At a regular term of Probate Court, the Last Will and Testament dated _____ (and Codicil(s) dated _____) of the above named Decedent, who was domiciled in this County at the time of his or her death or was domiciled in another state but owned property in this County at the time of his or her death, was legally proven in Solemn Form to be the Decedent’s Will 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).

THEREFORE, the said Executor(s), having taken the oath of office and complied with all necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all powers of Executor(s) under the Will of said Deceased, according to the Decedent’s 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 return or final return with this Court each year within sixty (60) days of the anniversary date of appointment until the Executorship is fully discharged.

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:

Judge of the Probate Court

Issued by: _____ [Seal]

Clerk/Deputy Clerk of the Probate Court

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

LETTERS OF TESTAMENTARY CONSERVATORSHIP OF MINOR

[To be completed only in the event a Testamentary Conservator is named in the Will]

TO: _____, Testamentary Conservator(s)

RE: _____, Minor

_____, Date of Birth

Pursuant to the Last Will and Testament (and Codicil(s)), of the above-named Decedent, you have been appointed Testamentary Conservator(s) 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. Consult your attorney if you have any questions.

These Letters of Testamentary Conservatorship empower the above Testamentary Conservator(s) to hold, for the Minor, only property which passed through the estate of the above named Decedent.

Given under my hand and official seal, the ____ 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: _____ *[Seal]*

Clerk/Deputy Clerk of the Probate Court

INTERROGATORIES TO WITNESS TO WILL

PROBATE COURT OF _____ COUNTY

Re: Petition of _____, to probate in (Common) (Solemn) Form the purported Last Will and Testament dated _____, of _____, deceased.

To: _____
Name Address

The following interrogatories are submitted to you under the provisions of O.C.G.A. § 53-5-23 as amended, in connection with the Petition referred to above.

[Initial A or B below]

- _____ A. The Original of said purported Will is exhibited to me herewith.
- _____ B. Attached hereto as Exhibit “_____” is a true photographic copy of said purported Will. [NOTE: Said Attachment must be filed with the Court.]

You are hereby requested to answer the following questions in the space provided with respect to said purported Will:

- 1. Did you sign the purported Will as a witness? 1. Answer: _____
- 2. Did you witness this Document at the request of the Decedent? 2. Answer: _____
- 3. Did you witness this Document in the presence of the Decedent? 3. Answer: _____
- 4. At the time you witnessed the Document being signed, were you at least 14 years of age? 4. Answer: _____
- 5. Did the above-named Decedent sign the Document? 5. Answer: _____
- 6. Did the Decedent acknowledge that the purported Will was his/her Last Will and Testament at the time of signing? 6. Answer: _____
- 7. Did the Decedent know that he/she was executing his/her Last Will and Testament when he/she executed this Document? 7. Answer: _____
- 8. Did the Decedent execute this Document willingly, as a free act and deed? 8. Answer: _____
- 9. Did the Decedent appear to be of sound and disposing mind and memory at the time of execution of the Document? 9. Answer: _____
- 10. Was the Decedent at least 14 years of age at the time he/she signed the Document? 10. Answer: _____

Before me, the undersigned Notary Public or Clerk of the Probate Court, appeared _____, who, under oath, stated that the answers (s)he has given to the foregoing interrogatories are true and correct.

This ____ day of _____, 20____.

Notary Public/Clerk of Probate Court

Signature of Witness to Will
Mailing Address: _____

Telephone Number: _____

[NOTES: (1) General instructions applicable to all Georgia Probate Court Standard Forms are available in each probate court. (2) If the Interrogatories are submitted to a witness to a purported Codicil(s), appropriate changes must be made in this 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 pursuant to O.C.G.A. § 53-6-13 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.
3. Signatures of heirs and beneficiaries who acknowledge service must be sworn to before 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 sworn as provided above. It is not necessary that all acknowledgements appear on the same page. With regard to a power of attorney, the attorney-in-fact may acknowledge service on behalf of the grantor 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.
4. 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. This form may, but is not required to, be used where service by registered or certified mail with return receipt requested, restricted delivery, is requested by the Petitioner(s) in lieu of personal service, in accordance with O.C.G.A. § 53-11-3 (e). Make appropriate changes in the Order for Notice, Notice, and Certificate of Service. If Petitioner(s) request(s) personal service by registered, certified, or statutory overnight delivery with return receipt requested and with delivery restricted to the addressee only and that service is unsuccessful, pursuant to O.C.G.A. § 53-11-3 (e) service must be made pursuant to O.C.G.A. § 53-11-3 (a).
5. 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, conservator or testamentary guardian has no conflict and may serve. Should a guardian ad litem be necessary because a party is not sui juris, use Supplement 1.
6. Paragraph 4 requires sufficient factual information for the Court to conclude that those listed in Paragraph 3 include each and every heir of the Decedent and that there are not additional heirs of the same or closer degree according to O.C.G.A. § 53-2-1. These facts must allow the Court to rule out the possibility that there may be other heirs of the same or closer degree who have not been listed. Provide the date of death

- of any deceased heirs and the name of the Personal Representative, if applicable. The Personal Representative of a deceased heir is authorized to consent on behalf of that heir. O.C.G.A. § 53-7-1. [NOTE: If you are uncertain how to determine the heirs of a decedent, refer to the “Heirs Determination Worksheet” available from the Probate Court or at www.gaprobate.org.] Examples of such statements 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. Paragraph 9. In the event there is a Testamentary Conservator named in the Will and the Decedent died leaving minor children, then the Consent to Serve should be completed according to O.C.G.A. § 29-2-4 and/or § 29-3-5. When a Testamentary Guardian is to be appointed, Supplement 5 (Testamentary Guardianship) should be included with this Petition, and the Petitioner(s) must provide full names and addresses for the minor children’s adult siblings and grandparents. If there are no living adult siblings or grandparents, the Petitioner(s) must provide full names and addresses for the minor children’s great-grandparents, aunts, uncles, great-aunts, or great-uncles, if any such relatives exist. If the minor children shared the same parents, the Petitioner(s) may complete one Supplement 5 for such similarly situated children. If the minor children did not share the same parents, a separate Supplement 5 must be filed for each minor. Contact the Probate Court in which the Petition will be filed for its policy as to the filing of Supplement 5 when there are multiple children.
 8. Use Supplement 2 if the Court determines it is appropriate to appoint a special process server.
 9. Use Supplement 3 when an additional certificate of service is necessary.
 10. Exhibits should be labeled at the bottom of each exhibit as Exhibit “A,” Exhibit “B,” etc. in consecutive order. The corresponding letter of each said exhibit should be inserted into the appropriate place in the form.
 11. An oath must be administered by a Probate Judge or Clerk [the oath cannot be administered by a notary]. Use Georgia Probate Court Standard Form 35 for the oath. The oath is not included in this form. Georgia Probate Court Standard Form 53, Commission to Administer Oath, can be used if the oath is to be administered by a court outside the State of Georgia.
 12. According to Uniform Probate Court Rule 5.6 (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 the Notice regarding Uniform Probate Court Rule 5.6 (A) 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, labeled GPCSF 1.

IN THE PROBATE COURT
COUNTY OF _____
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**

The Petition of _____ ,
[Full name(s) of Petitioner(s)] First Middle Last
whose physical address(es) is/are _____ ,
Street City County State Zip Code
and mailing address(es) is/are _____ ,
Street City County State Zip Code

shows the Court the following:

1.

_____ ,
[Full name of Decedent] First Middle Last
whose place of domicile was _____ ,
Street City County State Zip Code
departed this life on _____ , 20 _____ .

2.

While alive, Decedent duly made and published a Last Will and Testament dated _____ , (along with Codicil(s) dated _____), which is herewith offered for probate in Solemn Form as Decedent's "Will". _____ is/are named as the Executor(s).

3.

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

Name	Age (or over 18)	Address	Relationship

Name	Age (or over 18)	Address	Relationship

4.

Required: *[Provide sufficient factual information to enable the Court to conclude that all of the heirs of the Decedent are included and that there are no heirs of the same or closer degree according to O.C.G.A. § 53-2-1. Provide the names of any deceased heirs, the name and address of his or her Personal Representative, if any, 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, indicate the deceased ancestor through whom they are related to the Decedent:]*

5.

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

6.

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

[Initial all which apply]

- _____ (a) The Decedent failed to name an executor in the Will. O.C.G.A. § 53-5-2.
- _____ (b) The named administrator has not reached age of majority.
- _____ (c) The named executor is deceased.
- _____ (d) The named executor has renounced or declined his/her right to serve as such. *[Attach Renunciation as Exhibit “_____.”]*
- _____ (e) Other reason a testate estate is unrepresented _____

7.

The Petitioner(s) _____ is/are entitled to be appointed Administrator with Will Annexed 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 Deceased.
- _____ (b) Appointment of the Proposed Administrator(s) with Will Annexed named above will best serve the interest of the estate and the Proposed Administrator(s) with Will Annexed is/are:
 - _____ (1) A beneficiary or the trustee of any trust that is a beneficiary under the Will.
 - _____ (2) A surviving spouse and no action for divorce or separate maintenance was pending or completed at the time of the Decedent’s death.
 - _____ (3) An eligible person as defined in O.C.G.A. § 53-6-1.
 - _____ (4) A creditor of the estate. *[Evidence of such indebtedness is attached as Exhibit “_____.”]*
 - _____ (5) The county administrator.

8.

The proposed Administrator(s) with Will Annexed 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 and attach Supplement 5 if you are seeking the appointment of a Testamentary Guardian]

As shown in Paragraph 3 above, the Decedent was survived by (a) minor child(ren), and:

_____ (a) The Will names a Testamentary Guardian and Supplement 5 is attached.

_____ (b) 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) 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: *[Note, if named Testamentary Conservator and court-appointed Conservator are different.]*

Name

Address

10.

[Initial one]

_____ (a) 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 or any other state.

_____ (b) The probate of another purported Will of the Decedent is pending in the State of _____, in the _____ County _____ 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, as Exhibit “_____,” which is expressly made a part hereof, as if fully set forth herein.

_____ (c) An Administration is pending in the State of _____, in the _____ County _____ Court. The name and address of each Petitioner, and the name and address of any appointed Administrator, if any, are listed on the attachment hereto, as Exhibit “_____,” which is expressly made a part hereof, as if fully set forth herein.

11.

Additional Data: *[Where full particulars are lacking, state here the reason for any such omission or any special circumstances. 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.]*

WHEREFORE, Petitioner(s) pray(s):

1. That due and legal notice of this Petition be given as the law requires;
2. That the Will (and Codicil(s)) 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) with Will Annexed named above;
4. That Letters of Testamentary Conservatorship issue, if applicable; and
5. 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

Mailing Address

Mailing Address

Telephone Number

Telephone Number

Signature of Attorney

Printed Name of Attorney

Address

Telephone Number

State Bar #

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Petition and the attached Exhibit(s) are true and correct.

Sworn to and subscribed before me this
_____ day of _____, 20 ____.

Signature of First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of First Petitioner

Sworn to and subscribed before me this
_____ day of _____, 20 ____.

Signature of Second Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Second Petitioner

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

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

THE PETITION OF _____ TO
PROBATE THE WILL OF THE ABOVE NAMED DECEDENT, 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 to Probate Will in Solemn Form and for Letters of Administration with Will Annexed
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 assents to said Petition to Probate Will in Solemn Form and for Letters of Administration
with Will Annexed without further delay.

Sworn to and subscribed before me this
_____ day of _____, 20 ____.

Heir/Beneficiary Signature

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

Sworn to and subscribed before me this
_____ day of _____, 20 ____.

Heir/Beneficiary Signature

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

**TESTAMENTARY CONSERVATOR'S
CONSENT TO SERVE**

THE PETITION OF _____
TO PROBATE THE WILL OF THE ABOVE NAMED DECEDENT, IN SOLEMN FORM

The undersigned, being 18 years of age or older, laboring under no legal disability and being named as Testamentary Conservator, hereby consents to serve. I understand that once appointed, I will have the rights, powers, and duties as set forth in O.C.G.A. § 29-3-5.

Sworn to and subscribed before me this
_____ day of _____, 20____.

Testamentary Conservator Signature

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

.....
Sworn to and subscribed before me this
_____ day of _____, 20____.

Testamentary Conservator Signature

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

**NOTICE REGARDING UNIFORM PROBATE
COURT RULE 5.6 (A):**

**THE FOLLOWING PAGES ARE TO BE
COMPLETED BY THE PETITIONER (MOVING
PARTY) UNLESS OTHERWISE DIRECTED BY
THE COURT.**

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

ORDER FOR SERVICE OF NOTICE

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 together with a copy of the Petition and purported Will (and Codicil(s)) shall be served personally, or by certified mail or statutory overnight delivery, as requested by the Petitioner(s) pursuant to O.C.G.A. § 53-11-3, at least ten (10) days before the Will (and Codicil(s)) can be probated on the following interested parties who reside in Georgia: *[If mailed, must be with return receipt requested, and restricted delivery to addressee only]*

_____ Notice together with a copy of the Petition and purported Will (and Codicil(s)) shall be served by registered or certified mail, return receipt requested, pursuant to O.C.G.A. § 53-11-4, upon the following nonresident interested parties whose current residence addresses are known:

_____ Notice shall be published once a week for four (4) weeks in the legal organ of this County, before _____, 20____, in order to serve by publication the following interested parties whose current residence addresses are unknown:

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

NOTICE

[Strike any paragraph if not applicable]

TO: _____,
[List here all interested parties who reside in Georgia to be served personally or by certified mail with restricted delivery to the addressee, if specifically requested by the Petitioner(s)]

This is to notify you to file objection, if there is any, to the Petition to Probate Will in Solemn Form and for Letters of Administration with Will Annexed, in this Court on or before the tenth (10th) day after the date you are personally served or sign the return receipt.

TO: _____,
[List here all interested non-resident 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 Petition to Probate Will in Solemn Form and for Letters of Administration with Will Annexed, 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 thirteen (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.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel 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.

Address

Telephone Number

Judge of the Probate Court

By: _____
Clerk/Deputy Clerk of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

NOTICE

[Strike any 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 Petition to Probate Will in Solemn Form and for Letters of Administration with Will Annexed, 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 thirty (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.

TO: _____,
[List here all interested parties having unknown addresses to be served by publication]

This is to notify you to file objection, if there is any, to the Petition to Probate Will in Solemn Form and for Letters of Administration with Will Annexed, 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 objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel 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.

Address

Telephone Number

Judge of the Probate Court

By: _____
Clerk/Deputy Clerk of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

CERTIFICATE OF SERVICE

I certify that I have on this date mailed, unless otherwise noted, in an envelope with the proper postage affixed thereto for first-class mail delivery copies of the _____

_____ to the following parties at the addresses below:

This _____ day of _____, 20____.

Clerk/Deputy Clerk of the Probate Court

Address

Telephone Number

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

**ORDER GRANTING PETITION TO PROBATE WILL IN SOLEMN FORM
AND FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED**

The Petition of _____,
to probate the Will (and Codicil(s)) of the above named 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 or was domiciled in
another state but owned property in this County at the time of his or her death, that notice was
issued and duly served according to law, or was duly waived, and that notice of the
Petitioner's(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 dated _____
(and Codicil(s) dated _____) be established as the true Last
Will and Testament of said Decedent, that the same be admitted to record as Decedent's Will
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 Decedent's 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
with a copy of this Order by first class mail and shall file a certificate of service showing such
service.

IT IS FURTHER ORDERED *[initial if applicable]*

- _____ (a) An inventory shall be filed.
- _____ (b) Annual returns shall be filed.
- _____ (c) Letters of Testamentary Conservatorship shall issue to

_____.

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

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

At a regular term of the Probate Court, the Last Will and Testament dated _____ (and Codicil(s) dated _____) of the above named Decedent, who was domiciled in this County at the time of his or her death or was domiciled in another state but owned property in this County at the time of his or her death, was legally proven in Solemn Form to be the Decedent’s Will and was admitted to record by order, and it was (further) ordered that _____ be allowed to qualify as Administrator(s) with Will Annexed, and that upon doing so, Letters of Administration with Will Annexed be issued to said individual(s).

THEREFORE, the Administrator(s), 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 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 REPORTS:** Grants 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 Administrator(s) shall furnish to the heirs, at least annually, a statement of receipts and disbursements.
- _____ (b) **WAIVE BOND:** Waives the posting of any bond.
- _____ (c) **GRANT POWERS:** Grants to the Administrator(s) the powers contained in O.C.G.A. § 53-12-261.

Given under my hand and official seal, the ____ 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: _____ *[Seal]*

Clerk/Deputy Clerk of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

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

At a regular term of the Probate Court, the Last Will and Testament dated _____ (and Codicil(s) dated _____) of the above named Decedent, who was domiciled in this County at the time of his or her death or was domiciled in another state but owned property in this County at the time of his or her death, was legally proven in Solemn Form to be the Decedent’s Will and was admitted to record by order, and it was (further) ordered that _____ be allowed to qualify as Administrator(s) with Will Annexed, and that upon doing so, Letters of Administration with Will Annexed be issued to said individual(s).

THEREFORE, the said Administrator(s), 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 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 within sixty (60) days of anniversary date of appointment until the Administration with Will Annexed is fully discharged.

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:

Judge of the Probate Court

Issued by: _____ [Seal]

Clerk/Deputy Clerk of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

LETTERS OF TESTAMENTARY CONSERVATORSHIP OF MINOR

TO: _____, Testamentary Conservator(s)
RE: _____, Minor
_____, Date of Birth

Pursuant to the Last Will and Testament of the above named Decedent, you have been appointed Testamentary Conservator(s) of the Minor's property. You have assented to this appointment by taking your oath. In general, your duties as Testamentary Conservator(s) 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(s) to hold, for the Minor, only property which passed through the estate of the above named Decedent.

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:

Judge of the Probate Court

Issued by: _____ [Seal]

Clerk/Deputy Clerk of the Probate Court

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 Decedent, for a period of twelve (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 twenty-four (24) months after Decedent's death.
4. The Petitioner(s) 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. Signatures of heirs and beneficiaries who acknowledge service must be sworn to before 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 sworn as provided above. It is not necessary that all acknowledgments appear on the same page. With regard to a power of attorney, the attorney-in-fact may acknowledge service on behalf of the grantor 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.
6. If the Decedent died without a Will or left a Will that has not yet been probated, Paragraph 3 requires sufficient factual information for the Court to conclude that those listed on Exhibit "B" include each and every heir of the Decedent and that there are not additional heirs of the same or closer degree according to O.C.G.A. § 53-2-1. These facts must allow the Court to rule out the possibility that there may be other heirs of the same or closer degree that have not been listed. Provide information as to whether any deceased heirs died before or after the Decedent and the name and address of the Personal Representative, if applicable. The Personal Representative of a deceased heir is authorized to consent on behalf of that heir. O.C.G.A. § 53-7-1. [NOTE: If you are uncertain how to determine the heirs of a Decedent, refer to the "Heirs Determination Worksheet" available from the Probate Court or at 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. Exhibit “B” also requires that the Tax Commissioner be listed for each county in which there is real property owned by the Decedent.
 8. 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, conservator, or testamentary guardian has no conflict and may serve. Should a guardian ad litem be necessary because a party is not sui juris, use Supplement 1.
 9. Use Supplement 2 if the Court determines it is appropriate to appoint a special process server.
 10. Use Supplement 3 when an additional certificate of service is necessary.
 11. Exhibits should be labeled at the bottom of each exhibit as Exhibit “A,” Exhibit “B,” etc. in consecutive order. The corresponding letter of each said exhibit should be inserted into the appropriate place in the form.
 12. According to Uniform Probate Court Rule 5.6 (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 the Notice regarding Uniform Probate Court Rule 5.6 (A) 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, labeled GPCSF 1.

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

PETITION FOR YEAR'S SUPPORT

The Petition of _____,
[Full name of Petitioner] First Middle Last

whose physical address(es) is/are _____,
Street City County State Zip Code

and mailing address(es) is/are _____,
Street City County State Zip Code

shows to the Court the following:

1.

The Petitioner is:

- _____ a. The Surviving Spouse who has not married since the death of the Decedent.
- _____ b. A guardian or other individual acting on behalf of the minor child(ren), who have not turned 18 prior to the filing of this Petition and have not married *[state specific relationship]*: _____

_____ ,
[Full name of Decedent] First Middle Last

whose place of domicile was _____,
Street City County State Zip Code

departed this life on _____, 20_____.

2.

[Initial one]

- _____ a. There is not a Will. *[List in Exhibit "B" all of the Decedent's heirs at law, with age or majority status, address and relationship to the Decedent set opposite the name of each. For any minor, include the date of birth and the name and address of the parent or guardian.]*
- _____ b. There is a Will, which has been offered for probate; however, a Personal Representative has not been appointed as of the date this Petition was filed. *[List the Personal Representative to be appointed, all of the heirs at law of the Decedent, with age or majority status, address and relationship to the Decedent set opposite the name of each, the beneficiaries named in the Will in Exhibit "B." For any minor, include the date of birth and the name and address of the parent or guardian.]*

- _____ c. There is a Will, which will be offered for probate. *[List the Personal Representative to be appointed, all of the heirs at law of the Decedent, with age or majority status, address and relationship to the Decedent set opposite the name of each, the beneficiaries named in the Will in Exhibit "B." For any minor, include the date of birth and the name and address of the parent or guardian.]*
- _____ d. There is a Will, which will not be offered for probate but is hereby filed with this Petition as Exhibit "_____" or is already on file with this Court. *[List the Personal Representative named in the Will, all of the heirs at law of the Decedent, with age or majority status, address and relationship to the Decedent set opposite the name of each, the beneficiaries named in the Will in Exhibit "B." For any minor, include the date of birth and the name and address of the parent or guardian.]*
- _____ e. There is a Will, which has been probated. *[List the appointed Personal Representative. The names of the beneficiaries are not required to be listed in Exhibit "B," unless the appointed Personal Representative and the Petitioner are the same person. For any minor, include the date of birth and the name and address of the parent or guardian.]* A copy of the Final Order and Letters of Appointment are attached as Exhibit "____," in the event the Letters were not issued by the Probate Court named in the style above.
- _____ f. There is an appointed Administrator. *[List the appointed Personal Representative in Exhibit "B." The names of the heirs are not required to be listed in Exhibit "B," unless the Personal Representative and the Petitioner are the same person. For any minor, include the date of birth and the name and address of the parent or guardian.]* A copy of the Final Order and Letters of Appointment are attached as Exhibit "____," in the event the Letters were not issued by the Probate Court named in the style above.

3.

[Required for all estates in which the Heirs must be listed in Exhibit "B"]: *Provide sufficient factual information to enable the Court to conclude that all of the heirs of the Decedent are included and that there are no heirs of the same or closer 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 in Exhibit "B" are cousins, grandchildren, nephews or nieces of the Decedent, indicate the deceased ancestor through whom they are related to the Decedent.*

4.

Petitioner shows that the minor child(ren) of the Decedent and/or the Surviving Spouse (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.

5.

The Decedent's estate consists of real and/or personal property of the probable value of _____ dollars.

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 following individuals:

[List the full name(s) of the individual(s) whom the Petitioner proposes the year support be set aside to, usually the Spouse and minor child(ren).] The schedule is attached hereto as Exhibit "A," and made a part hereof.

7.

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:

[Only select one]

- (a) Real property taxes accrued in the year of Decedent's death;
- (b) Real property taxes accrued in the year in which this Petition is filed; or
- (c) 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.

8.

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.
4. That this Court grant such other and further relief as it deems proper under the circumstances.

This _____ day of _____, 20 _____.

Signature of the Petitioner

Printed Name of the Petitioner

Mailing Address

Telephone Number

Signature of Attorney _____

Printed Name of Attorney _____

Address _____

Telephone Number _____ State Bar # _____

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
)
_____,)
DECEASED)

PETITION FOR YEAR'S SUPPORT
EXHIBIT "B" LIST OF INTERESTED PERSONS

[To be completed if (1) there is not an 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 he/she 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 at law, 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 the Decedent owned real property. 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. *[For each individual named put the appropriate letter to show the relationship to the Decedent – Heir (H), Beneficiary (B), Creditor (C), Personal Representative (PR), or Other (O). Be advised both heirs and beneficiaries should be listed when there is a Will which has not been probated, or the Petitioner and the Personal Representative are the same person; only beneficiaries should be listed when the Petitioner is the Executor or Administrator of a Will which has been probated; only heirs should be listed when there is no Will]:*

Name	Last Known Address	Age (or over 18)	Relationship to Decedent
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Petition and the attached Exhibit(s) are true and correct.

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Petitioner

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

**ACKNOWLEDGMENT OF SERVICE AND CONSENT TO
AWARD OF YEAR'S SUPPORT**

The undersigned, being over 18 years of age, laboring under no legal disability and being interested person hereby acknowledges service of the Petition for Year's Support along with the attached Exhibits and notice, waive all further service and/or notice, and hereby consents to the award of year's support as proposed in the Petition and attached Exhibits.

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of Interested Person

NOTARY/CLERK OF PROBATE COURT

Printed Name

My Commission Expires _____

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of Interested Person

NOTARY/CLERK OF PROBATE COURT

Printed Name

My Commission Expires _____

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of Interested Person

NOTARY/CLERK OF PROBATE COURT

Printed Name

My Commission Expires _____

[Above space to be used for filing in Superior Court Clerk's Office of Deeds and Records]
Probate Court Return Mailing Address:

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
)
 _____,)
DECEASED)

**CERTIFICATE OF ORDER OF YEAR'S SUPPORT
(Pursuant to O.C.G.A. § 53-3-11)**

DATE ORDER GRANTED: _____

GRANTOR: *[NAME OF DECEDENT]* _____

GRANTEE: *[FULL NAME OF EACH PERSON AWARDED YEAR'S SUPPORT. The Surviving Spouse and/or minor child(ren)]*

ADDRESS OF GRANTEE:

**NOTICE REGARDING UNIFORM PROBATE
COURT RULE 5.6 (A):**

**THE FOLLOWING PAGES ARE TO BE
COMPLETED BY THE PETITIONER (MOVING
PARTY) UNLESS OTHERWISE DIRECTED BY
THE COURT.**

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

PETITION FOR YEAR'S SUPPORT
ORDER FOR NOTICE

The Petition for Year's Support having been filed in this office, let notice issue and be published once a week for four (4) 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, except those who have acknowledged service).

It is further ordered that the clerk of this Court must mail a copy of the Petition within five (5) days of its filing to the Tax Commissioner or Tax Collector of any county in this State in which real property is proposed to be set apart is located.

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

NOTICE OF PETITION TO FILE FOR YEAR'S SUPPORT

The Petition of _____, for a year's support from the estate of _____, Deceased, for Decedent's (Surviving Spouse) (and) (minor child(ren)), 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 objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be (held on _____ in the Probate Court of the above named County, courtroom _____, (address) _____, Georgia) (scheduled at a later date). If no objections are filed the Petition may be granted without a hearing.

Address

Telephone Number

Judge of the Probate Court

By: _____
Clerk/Deputy Clerk of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

CERTIFICATE OF SERVICE FOR YEAR'S SUPPORT

[Notice should be given to all interested parties included in Exhibit "B" and the Personal Representative, if one has been appointed, of the Decedent's estate and the Tax Commissioner for any County in which the Decedent owned property, must be listed here]:

I certify that I have on this date mailed, unless otherwise noted, in an envelope with the proper postage affixed thereto for first-class mail delivery a copy of the notice to the following parties at the addresses below.

This _____ day of _____, 20____.

Clerk/Deputy Clerk of the Probate Court

Address

Telephone Number

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

FINAL ORDER FOR YEAR'S SUPPORT

The Petition for a Year's Support for Decedent's (Surviving Spouse) (and) (minor child(ren)), setting forth the property sought to be set aside as a year's support, was filed; notice was issued, published, and served as required by law; and no objection was filed to the Petition.

WHEREFORE IT IS ORDERED that the Petition is granted and the schedule of property is made the award of this Court, and further that property taxes on any real property awarded hereby shall be divested as elected in the Petition.

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

GPCSF 16 – RESERVED

NOTE: Effective July 1, 2015, GPCSF 16, Determination by Court that a Person May Act as Guardian or Appointment of Guardian Ad Litem, has been superseded by GPCSF Supplement 1, Guardian or Appointment of Guardian Ad Litem. GPCSF 16 is hereby reserved.

PETITION TO COMPROMISE DOUBTFUL CLAIM OF MINOR/ADULT WARD

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when petitioning the Probate Court for authorization to compromise a doubtful personal injury claim of a minor pursuant to O.C.G.A. § 29-3-3.
2. The term “gross settlement” is defined in O.C.G.A. § 29-3-3.
3. This form can also be used to compromise a doubtful personal injury claim of an adult ward pursuant to O.C.G.A. § 29-5-23 (c) (5); however, some modifications may be necessary.
4. This form must be modified when a covenant not to sue, as opposed to a release from liability, will be executed by the natural guardian or conservator.
5. This form may also be used when compromising claims other than personal injury claims pursuant to O.C.G.A. § 29-3-3, provided appropriate changes are made in the form.
6. If there is a legally qualified Conservator, it may not be necessary to file a separate Petition to Encroach on Corpus concerning the expenses listed in Paragraph 17 of this form. However, the Court may direct that a separate encroachment petition be filed, in which case the prayers listed on Page 8 and the provisions of the Order should be modified.
7. The full particulars as to the facts that give rise to the cause of action should be listed in the Petition.
8. The amount of assets the Minor/Adult Ward has prior to the settlement or action addressed in this Petition must be listed.
9. If an annuity or structured settlement is being purchased for the Minor/Adult Ward, the terms of the annuity must be specified on the form titled “Disclosure of Structured Settlement” and signed by the parties and the insurance company that is funding the annuity.
10. When a structured settlement is to be purchased for the Minor/Adult Ward, the terms of who is responsible for funding the annuity, including terms and time limits for the purchase and/or funding, should be included in the Final Order.
11. 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, conservator or testamentary

guardian has no conflict and may serve. Should a guardian ad litem be necessary because a party is not sui juris, use Supplement 1. [Also see O.C.G.A. § 29-3-22 (c) (5).]

12. Use Supplement 2 if the Court determines it is appropriate to appoint a special process server.
13. Use Supplement 3 when an additional certificate of service is necessary.
14. Exhibits should be labeled at the bottom of each exhibit as Exhibit “A,” Exhibit “B,” etc. in consecutive order. The corresponding letter of each exhibit should be inserted into the appropriate place in the form.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court, labeled GPCSF 1.

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
)
_____,)
MINOR/ADULT WARD)

**PETITION TO COMPROMISE DOUBTFUL CLAIM
OF MINOR OR ADULT WARD**

The Petition of _____,
[Full name of Petitioner(s)] First Middle Last
whose physical address(es) is/are _____,
Street City County State Zip Code
and mailing address(es) is/are _____,
Street City County State Zip Code
shows the Court the following:

1.

The Minor/Adult Ward: *[list full name and address of Minor/Adult Ward]*

[Full name and address of Minor/Adult Ward] First Middle Last

[Full physical address] Street City County State Zip Code

whose birth date is _____ and is _____ years old, received personal injuries as a result of the following occurrence:

2.

The Minor/Adult Ward currently has cash and/or personal property in the amount of \$ _____ and will receive funds of \$ _____ as a result of this settlement. Petitioner(s) currently has/have a bond on file, to cover the cash/personal property of this Minor/Adult Ward in the amount of \$ _____. Petitioner(s) is/are prepared to file a bond or rider for a total of \$ _____ to secure the amount of the personal property currently in the Minor's/Adult Ward's estate plus the proceeds of this compromised claim.

[Complete either Paragraph 3 or Paragraph 4]

3.

There is no conservator for the Minor/Adult Ward, and:

[Initial one]

_____ The Petitioner(s) herein has/have filed a Petition to be appointed conservator(s) along with the filing of this Petition.

_____ The Petitioner(s) do(es) not seek to be appointed as conservator(s), but another person, _____, will file a Petition for appointment as conservator at the same time or shortly after this Petition is filed.

_____ The Petitioner(s) allege(s) that the establishment of a conservatorship is not necessary because:

4.

[Initial if applicable]

_____ The Petitioner(s) is/are the Conservator for the Minor/Adult Ward. Copies of the Order of Appointment and Letters of Conservatorship are attached hereto as Exhibit “_____.”

_____ _____ is/are the Conservator(s) for the Minor/Adult Ward. Copies of the Order of Appointment and Letters of Conservatorship are attached hereto as Exhibit “_____.”

5.

The claim being settled by this Petition is against _____ by virtue of an incident occurring on or about _____, 20_____.

List the full particulars giving rise to the cause of action by the Minor/Adult Ward:

[Full name(s) of Personal Representative(s)] *First* *Middle* *Last*

[Full physical address] *Street* *City* *County* *State* *Zip Code*

10.

The Minor/Adult Ward sustained the following injuries:

11.

The Minor/Adult Ward has been treated by:

12.

The Minor's/Adult Ward's physical, mental, and emotional condition, as evidenced by the statement of the treating doctor attached as Exhibit "____," has returned to the condition of said Minor/Adult Ward prior to such incident, except for:

13.

The following is a list of all medical expenses and other special damages incurred to date as a result of the injur(y)(ies) to said Minor/Adult Ward. (Documentation of which is attached as Exhibit "____."):

14.

The following is a list of all medical expenses and other special damages expected to be incurred in the future as a result of the injury to said Minor/Adult Ward as evidenced by the statement of the treating doctor or doctors attached as Exhibit “_____.”

15.

Medical expenses have been paid as follows:

- a. \$ _____ by _____’s medical payment reimbursement insurance coverage. \$ _____ of such coverage remains and will not be released by this settlement.
- b. \$ _____ from any group or private insurance sources.
- c. \$ _____ as a result of workers’ compensation coverage.
- d. \$ _____ from any other source. *[List the name(s) of such source(s):]*

16.

[Initial as many as are applicable]

- _____ a. The Petitioner(s) has/have made a full investigation into the facts and circumstances surrounding the incident.
- _____ b. It is uncertain or doubtful that more than the amount offered in the settlement could be recovered.
- _____ c. The opposing part(y)(ies) contend(s) that he/she/they is/are not responsible or liable in any way for the injuries that might have been sustained by said Minor/Adult Ward.

18.

The following is a description and explanation of any amounts being paid to persons other than for the benefit of the Minor/Adult Ward as a result of the injuries to said Minor/Adult Ward [Note: any amounts listed should have documentation of those claims attached as Exhibit "____.":

19.

[Initial and complete all that apply]

_____ a. The adverse part(y)(ies) is/are covered by the following insurance company(ies) [provide full name(s) and address(es) for all insurance companies involved in the settlement]:

[Full name of insurance company]

[Full name of agent, if known] First Middle Last

[Full physical address] Street City County State Zip Code

[Full mailing address] Street City County State Zip Code

_____ b. The adverse part(y's)(ies') policy limits of insurance are \$ _____.

_____ c. Uninsured motorist coverage held by _____ is contributing \$ _____ to the settlement.

20.

[Initial if applicable]

_____ a. It appears that the claim is worth more than the insurance policy limits, but the Petitioner(s) investigated the assets of the part(y)(ies) being released as part of this settlement and offers the following explanation of why this settlement is appropriate and why any party should be released:

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Petition and the attached Exhibit(s) are true and correct.

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of First Petitioner

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of Second Petitioner, if any

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Second Petitioner, if any

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
)
_____,)
MINOR/ADULT WARD)

DISCLOSURES REGARDING STRUCTURED SETTLEMENT

1. Total Cost of Structured Settlement: _____
2. This Structured Settlement is being funded by: _____

3. This Structured Settlement is purchased through the following:

[Full name of insurance company providing annuity]

[List full address of company] Street City County State Zip
4. Annuity Terms:
 - a. Total payout over life of annuity: _____
 - b. Amount GUARANTEED: _____
 - c. Do payments terminate at death: _____
 - d. Amount of payment: _____
 - i. If periodic
 1. State period *[e.g., monthly]* _____
 2. Beginning date: _____ Ending date: _____
 - ii. If lump sum distributions at date certain, please list:
 1. \$ _____ date _____
 2. \$ _____ date _____
 3. \$ _____ date _____

NOTE: THE ESTATE OF THE MINOR/ADULT WARD MUST BE THE NAMED BENEFICIARY TO RECEIVE ANY GUARANTEED PAYMENTS THAT WILL BE PAID AFTER THE DEATH OF THE MINOR/ADULT WARD. The Petitioner(s) may NOT name himself/herself/themselves as the beneficiary(ies) of any assets paid after the death of the Minor/Adult Ward without Court approval.

5. List any amounts attorneys will receive AFTER INITIAL SETTLEMENT, if any:
 - a. _____ date _____
 - b. _____ date _____

6. Name, address, and telephone number of company underwriting the annuity:

Name: _____

Address: _____

Telephone Number: _____

7. The company is rated through _____ and has a rating of _____.

8. The Petitioner(s) has/have made an investigation into the facts of this case and the circumstances of the Minor/Adult Ward and determined that the structured settlement is in the best interest of the adult Minor/Adult Ward.

Signature of First Petitioner

Signature of Second Petitioner, if any

Printed Name

Printed Name

Address

Address

Telephone Number

Telephone Number

Signature of agent of annuity provider

Typed/printed name of agent

Address

Telephone number

Exhibit “ _____ ”

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
) **ESTATE NO.** _____
) _____,
) **MINOR/ADULT WARD**)

ORDER AUTHORIZING SETTLEMENT

The foregoing Petition was read and considered, and it appears upon hearing based on the record and facts set out in the Petition and introduced at trial that said settlement is fair, reasonable, and just, that the same is made in good faith and will be in the best interest of the said Minor/Adult Ward.

[Strike the portions of this Order that are not applicable to this case]
(No objection to the proposed compromised claim being raised by the guardian ad litem.)
(Objections were filed by the guardian ad litem or an interested party, but have now been resolved.)

[Insert any other relevant procedural history here]

IT IS HEREBY ORDERED AND ADJUDGED that Petitioner(s) be, and is/are, hereby authorized to consummate said settlement as prayed in said Petition and to execute any and all agreements, receipts, releases, or other documents necessary or proper to effect such settlement and that such agreements, receipts, releases, or other documents shall constitute the full, final, and complete settlement of any and all actions, causes of action, claims, or demands which the above-named Minor/Adult Ward may have against those parties to the settlement named in the Petition as fully and completely as if said Minor/Adult Ward had executed said agreements, receipts, releases, or other documents individually.

IT IS FURTHER ORDERED that the Petitioner(s) is/are hereby authorized to pay all fees and expenses as shown below:

- a. Gross Settlement *[Total amount of the settlement proceeds to be received by the Minor/Adult Ward]:* \$ _____
- b. Expenses:
 - i. Attorney's fees: \$ _____
 - ii. Expenses of litigation: \$ _____
 - iii. Medical expenses now due: \$ _____
 - iv. Other: \$ _____

Total Expenses \$ _____
- c. Cost of Annuity, if any: \$ _____
- d. Net Amount to Conservatorship *[Gross Settlement less Expenses and Cost of Annuity, if any]:* \$ _____

[Initial those which are applicable]

_____ IT IS FURTHER ORDERED that the Minor's/Adult Ward's award is hereby paid to the court appointed Conservator(s).

and/or

_____ IT IS FURTHER ORDERED that a conservator is not necessary because the "net" award is under \$15,000.00 and therefore will be paid to the Natural Guardian(s) of the above-named Minor/Adult Ward.

and/or

_____ IT IS FURTHER ORDERED that an annuity (has been) (will be) purchased. Attorney _____, representing _____, has stated in open court that all funds owed to the Minor/Adult Ward will be held in the escrow account of _____, until the purchase of the annuity and that the money will be disbursed from the escrow account to purchase the annuity and will not be given over to the Petitioner(s). The attorney will confirm disbursement once the annuity is funded and file notice with this Court and the guardian ad litem. The appointed guardian ad litem will report to the Court once he/she has confirmed the annuity was purchased.

and/or

_____ IT IS FURTHER ORDERED that an annuity (has been) (will be) purchased by the insurance company liable for the Minor's/Adult Ward's claim(s). The insurance company will also pay the other claims above directly including the attorney's fees, expenses of litigation and/or medical expenses.

and

_____ IT IS FURTHER ORDERED that all terms of this Order shall be completed within _____ days of this Order.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

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. However, 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 married the Mother after the child’s birth or obtained an order of legitimation from a court of competent jurisdiction.

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 the “natural guardians.”

3. Although a mother or father may not be a “legal parent,” the Court may require service on such person.
4. 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.
5. Unless otherwise permitted by the Probate Court in which the Petition is 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.
6. According to Uniform Probate Court Rule 5.6 (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 the Notice regarding Uniform Probate Court Rule 5.6 (A) are to be completed by the moving party, unless otherwise directed by the Court.

7. 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, conservator or testamentary guardian has no conflict and may serve. Should a guardian ad litem be necessary because a party is not sui juris, use Supplement 1.
8. Use Supplement 2 if the Court determines it is necessary to appoint a special process server.
9. Use Supplement 3 when an additional certificate of service is necessary.
10. Exhibits should be labeled at the bottom of each exhibit as Exhibit "A," Exhibit "B," etc. in consecutive order. The corresponding letter of each said exhibit should be inserted into the appropriate place in the form.
11. An oath must be administered by a Probate Judge or Clerk [the oath cannot be administered by a notary]. Use Probate Court Standard Form 35 for the oath. The oath is not included in this form.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court, labeled GPCSF 1.

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____)
MINOR)

PETITION FOR TEMPORARY GUARDIANSHIP OF A MINOR

The Petition of:

_____,
[Full name of Petitioner(s)] First Middle Last

who is/are domiciled in _____ County and reside(s) at the following address(es):

_____,
Street City County State Zip Code

who has/have actual physical custody of the Minor named above, and whose mailing address(es)

is/are _____,
Street City County State Zip Code

show(s):

1.

_____,
[Full name of Minor] First Middle Last

age _____, whose date of birth is _____, is found at: _____

_____,
Street City County State Zip Code

2.

A copy of the Minor's birth certificate is attached as Exhibit "_____."

3.

Said Minor is in need of a temporary guardian. The Petitioner(s) has/have the following relationship(s) with the Minor: _____.

4.

The Minor's Mother is:

<i>[Full name of Mother]</i>	<i>First</i>	<i>Middle</i>	<i>Last</i>
------------------------------	--------------	---------------	-------------

<i>Street</i>	<i>City</i>	<i>County</i>	<i>State</i>	<i>Zip Code</i>
---------------	-------------	---------------	--------------	-----------------

- a. Is the Mother deceased? *[Circle One]* (Yes) (No)
If yes, attach death certificate as Exhibit “ _____ ”
and skip b-g.
- b. Has the Mother signed an acknowledgement for the creation of this temporary guardianship? *[Circle One]* (Yes) (No)
If yes, attach Acknowledgement as Exhibit “ _____.”
- c. Is the Mother's address known and listed above? *[Circle One]* (Yes) (No)
- d. Have the Mother's rights been terminated via Court Order? *[Circle One]* (Yes) (No)
If yes, attach the Order as Exhibit “ _____.”
- e. Has the Mother lost custody via Court Order? *[Circle One]* (Yes) (No)
If yes, attach the Order as Exhibit “ _____.”
- f. Does the Mother have joint legal custody via Court Order? *[Circle One]* (Yes) (No)
If yes, attach the Order as Exhibit “ _____.”
- g. Does the Mother have sole legal custody via Court Order? *[Circle One]* (Yes) (No)
If yes, attach the Order as Exhibit “ _____.”
- h. Was the Mother married to the Father of the child during or after the conception of the Child? *[Circle One]* (Yes) (No)
- i. Was the Mother married to another during the conception, gestation or birth of the Child? *[Circle One]* (Yes) (No)
If yes, list that man's name below:

7.

The temporary guardianship is needed because:

8.

Additional Data: *[Where full particulars are lacking, state here the reasons for any such omission. Also, state here all pertinent facts that may govern the method of giving notice to any party and that 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

Printed Name

Mailing Address

Mailing Address

Telephone Number

Telephone Number

Signature of Attorney

Printed Name of Attorney

Address

Telephone Number

State Bar #

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Petition and the attached Exhibit(s) are true and correct.

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of First Petitioner

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of Second Petitioner, if any

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Second Petitioner, if any

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____)
MINOR)

SELECTION BY MINOR IF AGED 14 OR OLDER

I, the undersigned Minor, being 14 years of age or older and a resident of _____ County, select _____ to be appointed my guardian(s).

This _____ day of _____, 20 ____.

Sworn to and subscribed before me this _____ day of _____, 20 ____.

Signature of Minor if age 14 or over

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

Exhibit “ _____ ”

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____)
MINOR)

ACKNOWLEDGMENT OF MOTHER

I, _____
[Full name of Mother] First Middle Last

Street City County State Zip Code

Mother of the above named 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]*:

[Full name of first Temporary Guardian] First Middle Last

[Full name of second Temporary Guardian] First Middle Last

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 further understand that, pursuant to O.C.G.A. § 29-2-8 (b), upon a petition for termination by a natural guardian as defined in said statute *[see instructions]*, the Court will remove the Temporary Guardian(s) and dissolve the temporary guardianship unless an objection is timely filed by the appointed Temporary Guardian(s). If an objection is timely filed to such petition for termination, 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 understand that nothing herein, including any optional Assumption by the Guardian(s) of the obligation to support the Minor to the extent that no other sources of support are available, affects my legal obligation to support and maintain said Minor.

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

Signature of Mother

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Mother

Exhibit “ _____ ”

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MINOR)

ACKNOWLEDGMENT OF FATHER

I, _____
[Full name of Father] First Middle Last

Street City County State Zip Code

Father of the above named 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]:*

[Full name of first Temporary Guardian] First Middle Last

[Full name of second Temporary Guardian] First Middle Last

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 further understand that, pursuant to O.C.G.A. § 29-2-8 (b), upon a petition for termination by a natural guardian as defined in said statute *[see instructions]*, the Court will remove the Temporary Guardian(s) and dissolve the temporary guardianship unless an objection is timely filed by the appointed Temporary Guardian(s). If an objection is timely filed to such petition for termination, 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 understand that nothing herein, including any optional Assumption by the Guardian(s) of the obligation to support the Minor to the extent that no other sources of support are available, affects my legal obligation to support and maintain said Minor.

Sworn to and subscribed before me this _____ day of _____, 20____.

Signature of Father

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Father

Exhibit “ _____ ”

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MINOR)

ASSUMPTION OF OBLIGATION TO SUPPORT (OPTIONAL)

The undersigned, if appointed temporary guardian(s) of the above named 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____.

Signature of First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of First Petitioner

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of Second Petitioner, if any

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Second Petitioner, if any

Exhibit “ _____ ”

**NOTICE REGARDING UNIFORM PROBATE
COURT RULE 5.6 (A):**

**THE FOLLOWING PAGES ARE TO BE
COMPLETED BY THE PETITIONER (MOVING
PARTY) UNLESS OTHERWISE DIRECTED BY
THE COURT.**

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____)
MINOR)

ORDER FOR SERVICE

It appearing that the Mother of the Minor named in the Petition has not acknowledged and consented to the Petition and that:

[Initial applicable]

- _____ (a) she resides at a known address in the State of Georgia and she must, therefore, be served by personal service.
- _____ (b) she resides at a known address outside the State of Georgia and she must, therefore, be served by first class mail.
- _____ (c) her current address is unknown and she must, therefore, be served by publication once a week for two weeks.

It appearing that the Father of the Minor named in the Petition has not acknowledged and consented to the Petition and that:

[Initial applicable]

- _____ (a) he resides at a known address in the State of Georgia and he must, therefore, be served by personal service.
- _____ (b) he resides at a known address outside the State of Georgia and he must, therefore, be served by first class mail.
- _____ (c) his current address is unknown and 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_____.

Judge of the Probate Court

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MINOR)

NOTICE

Date of mailing, if any _____ Date of second publication, if any _____

TO: _____

You are hereby notified that _____ has filed a Petition seeking to be appointed temporary guardian(s) of the above-named Minor. All objections to the Petition 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 be filed with this Court no later than fourteen (14) days after this notice is mailed, or ten (10) days after this notice is personally served upon you, or ten (10) days after the second publication of this notice if you are served by publication. All objections should be sworn to before a notary public or Georgia probate court clerk and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact Probate Court personnel for the required amount of filing fees.

NOTE: If a natural guardian files a timely 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 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.

Address

Telephone Number

Judge of the Probate Court
By: _____
Clerk/Deputy Clerk of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____)
MINOR)

CERTIFICATE OF SERVICE

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, unless otherwise noted below.

This _____ day of _____, 20____.

Clerk/Deputy Clerk of the Probate Court

Printed Name

Address

Telephone Number

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MINOR)

ORDER ESTABLISHING TEMPORARY GUARDIANSHIP OF MINOR

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 _____, 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.

_____ 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. *[If this paragraph is initialed, a personal status report is required. If this paragraph is not initialed, the Court in its discretion and in accordance with O.C.G.A. § 29-2-7 (a) expressly waives the requirement to file a personal status report.]*

[initial if appropriate]

_____ IT IS FURTHER ORDERED that this guardianship shall be deemed to be a permanent guardianship for the purposes of the Guardian(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____.

Judge of the Probate Court

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____)
MINOR)

CERTIFICATE OF SERVICE

I do hereby certify that I have this day mailed a copy of the above Final Order to each Petitioner at a known current address, in a properly addressed and stamped envelope, by first class mail, unless otherwise noted below.

This _____ day of _____, 20____.

Clerk/Deputy Clerk of the Probate Court

Printed Name

Address

Telephone Number

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
) **MINOR**)
)
) **DATE OF BIRTH**)

TEMPORARY LETTERS OF GUARDIANSHIP OF MINOR

TO: _____, Temporary Guardian(s)

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 the above named individual(s) as such Guardian(s), who has/have assented to this appointment by taking the oath. In general, the duties of the Guardian(s) 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 and/or address;
3. You should inform the Court of any change of address of the Minor;
4. If the Order appointing you requires, you must file an annual Personal Status Report concerning the Minor; and
5. 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) obtaining medical insurance coverage for the Minor.

Given under my hand and official seal, the _____ 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/Deputy Clerk of the Probate Court

[Seal]

PETITION FOR LETTERS OF CONSERVATORSHIP OF MINOR

INSTRUCTIONS

I. Specific Instructions

1. When to use this form: When a child is entitled to proceeds or any other property from whatever source.
2. Who should file this form:
 - a. A natural guardian when the net settlement amount is more than \$15,000.00. However, a natural guardian may file a conservatorship petition when the proceeds are \$15,000.00 or less, if deemed necessary by the parties and/or Court. The term “gross settlement” is defined by O.C.G.A. § 29-3-3.
 - b. Anyone else when the natural guardian is unable or unwilling to be appointed as conservator.
3. This form may be used in conjunction with a Petition to Compromise Doubtful Claim of Minor/Adult Ward when petitioning the Probate Court for authorization to compromise a doubtful personal injury claim of a minor pursuant to O.C.G.A. § 29-3-3.
4. The full particulars as to the facts that give rise to the Minor’s entitlement to the assets should be listed specifically in the Petition.
5. According to Uniform Probate Court Rule 5.6 (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 the Notice regarding Uniform Probate Court Rule 5.6 (A) are to be completed by the moving party unless otherwise directed by the Court.
6. An oath must be administered by a Probate Judge or Clerk [the oath cannot be administered by a notary]. Use Georgia Probate Court Standard Form 35 for the oath. The oath is not included in this form. Georgia Probate Court Standard Form 53, Commission to Administer Oath, can be used if the oath is to be administered by a court outside the State of Georgia.
7. 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, conservator or testamentary guardian has no conflict and may serve. Should a guardian ad litem be necessary because a party is not sui juris, use Supplement 1. A guardian ad litem must be appointed if additional powers are being sought pursuant to O.C.G.A. § 29-3-22 (b) and/or (c).
8. Use Supplement 2 if the Court determines it is appropriate to appoint a special process server.
9. Use Supplement 3 when an additional certificate of service is necessary.

10. The Court may require the Petitioner(s) to submit additional information.
11. Exhibits should be labeled at the bottom of each exhibit as Exhibit "A," Exhibit "B," etc. in consecutive order. The corresponding letter of each said exhibit should be inserted into the appropriate place in the form.
12. The Petition must list all the assets of the Minor regardless of the source of such assets.
13. When a structured settlement is to be purchased for the Minor, the terms of who is responsible for funding the annuity and terms of time limits for the purchase and/or funding should be included in the Final Order. The Petitioner(s) may file for discharge as conservator(s) when the conservatorship is completed.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court, labeled GPCSF 1.

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MINOR)

PETITION FOR LETTERS OF CONSERVATORSHIP OF MINOR

1.

The Petition of _____,
[Full name(s) of Petitioner(s)] First Middle Last
who is/are domiciled in _____ County and resides at the following address,

Street City County State Zip Code

moves this Court to appoint a conservator(s) for the Minor:

[Full name of Minor] First Middle Last
age _____, whose date of birth is _____, whose social security
number is _____ and who is found at: _____
[Full Address]

Street City County State Zip Code

2.

Is the Minor a citizen of a foreign country?
[Circle One] (Yes) (No)

If you answer "Yes," list name of country: _____
[If a guardianship or conservatorship is granted, pursuant to The Vienna Convention, the Probate Court must notify the Consul.]

3.

Said Minor is entitled to receive personal or real property, by reason of:

7.

Is there a notarized witnessed document made by the parent of the Minor that deals with conservatorships of the Minor?

[Circle One] (Yes) (No)

If you answer "Yes," list the Nominated Conservator [provide full name and address] and attach the document that nominates or expresses a preference for the conservator as Exhibit "_____."

[Full name] First Middle Last

[Full address] Street City County State Zip Code

Telephone number(s) _____

8.

In addition to the Petitioner(s) and the Nominated Conservator(s), the names and addresses of the following relatives of the Minor whose whereabouts are known: any parent of the Minor whose rights have not been terminated; if none, the adult siblings of the Minor, provided, however, that not more than three siblings be listed; if there are no adult siblings of the Minor, the grandparents of the Minor, provided, however, that not more than three grandparents need be listed; or if there are no grandparents of the Minor, any three of the nearest adult relatives of the Minor determined according to O.C.G.A. § 53-2-1.

[Full name] First Middle Last

[Full address] Street City County State Zip Code

Telephone number: _____ Relation: _____

[Full name] First Middle Last

[Full address] Street City County State Zip Code

Telephone number: _____ Relation: _____

[Full name] First Middle Last

[Full address] Street City County State Zip Code

Telephone number: _____ Relation: _____

9.

- a. Has a Petition to Compromise Doubtful Claim been filed?
[Circle One] (Yes) (No)
- b. Will a Petition to Compromise Doubtful Claim be filed?
[Circle One] (Yes) (No)

If you answer "Yes" to a. and/or b., provide the following below and attach a copy of the Petition and Final Order as Exhibit "____." [It is not necessary to attach a copy of the compromised claim if it is filed in the same Court]:

[Full name of Petitioner] First Middle Last

[Full address] Street City County State Zip Code

Filed on _____, 20____. in _____ County, in the State of _____.
 _____ If not yet filed, it is expected to be filed on _____, 20____.

10.

- Has a guardian been appointed?
[Circle One] (Yes) (No)

If you answer "Yes," explain below: [Include full name and address of appointed Guardian, type of guardian (permanent, temporary, or testamentary) and attach a copy of the Final Order and Letters of appointment as Exhibit "____."]

[Full name of Guardian] First Middle Last

[Full address] Street City County State Zip Code

Filed on _____, 20____, in _____ County, in the State of _____.
 _____ If not yet filed, it is expected to be filed on _____, 20____.

11.

- a. Has the Minor received any other assets other than shown in Paragraph 3?
[Circle One] (Yes) (No)
- b. Does the Minor have income or any other sources of funds?
[Circle One] (Yes) (No)
- c. Does the Minor have any liabilities or expenses?
[Circle One] (Yes) (No)

WHEREFORE, Petitioner(s) pray(s) that:

1. service be perfected as required by law; and
2. 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 _____

Printed Name of Attorney _____

Address _____

Telephone Number _____

State Bar # _____

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Petition and the attached Exhibit(s) are true and correct.

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of First Petitioner

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of Second Petitioner, if any

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Second Petitioner, if any

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____)
MINOR)

SELECTION OF THE MINOR

I, the undersigned Minor, being 14 years of age or older and a resident of _____ County, select _____ to be appointed my conservator(s).

This _____ day of _____, 20 ____.

Signature of Minor, if age 14 or over

Printed Name

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MINOR.)

**ACKNOWLEDGMENT OF SERVICE AND
CONSENT TO APPOINTMENT OF NOMINATED CONSERVATOR(S)**

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 for Letters of Conservatorship of Minor, waive further service and notice, and hereby assent to the appointment of the Nominated Conservator(s) for the above Minor without further delay.

Sworn to and subscribed before me this _____ day of _____, 20____. _____
Signature

NOTARY/ CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

Sworn to and subscribed before me this _____ day of _____, 20____. _____
Signature

NOTARY/ CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

Sworn to and subscribed before me this _____ day of _____, 20____. _____
Signature

NOTARY/ CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

**NOTICE REGARDING UNIFORM PROBATE
COURT RULE 5.6 (A):**

**THE FOLLOWING PAGES ARE TO BE
COMPLETED BY THE PETITIONER (MOVING
PARTY) UNLESS OTHERWISE DIRECTED BY
THE COURT.**

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MINOR)

ORDER FOR SERVICE OF NOTICE

The foregoing Petition for Letters of Conservatorship of Minor having been filed and it appearing that the following interested parties did not acknowledge service, it is ORDERED that notice be served on the individuals listed in Paragraph 8 of the Petition:

[Strike through the paragraphs that are not applicable]

- a. Notice must be served personally on the following individual(s) who reside(s) in Georgia:

- b. Notice must be served by first class mail, at least 14 days before the Petition can be granted, on the following individual(s) who reside(s) outside this state at a known address:

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____)
 MINOR)

NOTICE

_____ **HAS/HAVE FILED A PETITION
FOR LETTERS OF CONSERVATORSHIP FOR _____
TO BE APPOINTED CONSERVATOR(S) OF _____,
A MINOR.**

[Strike through the paragraphs that are not applicable]

TO: _____,
[List all interested persons who reside in Georgia to be served personally]

This is to notify you to file your 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.

TO: _____,
[List all interested persons having known addresses outside this state to be served by first class mail]

This is to notify you to file your 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).

BE NOTIFIED FURTHER: All objections must be writing and should be signed before a notary public or Probate Court clerk and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. 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.

Address _____

Judge of the Probate Court

Telephone Number

By: _____
Clerk/Deputy Clerk of the Probate Court

Date of Mailing, if any: _____

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MINOR)

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 Conservator(s) listed below,

[Strike through any portion of the order that is not applicable]

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 \$ _____. The bond (has) (has not) been posted as of the date of this Order. Said Conservator(s) should be appointed because

The appointed Conservator(s) shall have no authority to act on behalf of the Minor 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 all applicable]

_____ (a) To invest the Minor's property in the following investments, being investments other than those authorized in O.C.G.A. § 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 O.C.G.A. § 29-3-35, other than the provisions for additional bond set forth in subsection (e) of O.C.G.A. § 29-3-35:

and/or

_____ (c) To continue the operation of the following farm or business in which the Minor has an interest: _____.

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 O.C.G.A. § 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 O.C.G.A. § 29-3-30;

_____ (c) To make specific investments of the Minor's property that do not comply with the provisions of O.C.G.A. § 29-3-32, pursuant to the provisions of O.C.G.A. § 29-3-34, being: _____;

_____ (d) To sell, rent, lease, exchange, or otherwise dispose of specific items of the Minor's real or personal property without complying with the provisions of O.C.G.A. § 29-3-35, other than those provisions for additional bond set forth in O.C.G.A. § 29-3-35 (e), being: _____;

_____ (e) To compromise a contested or doubtful claim for or against the Minor pursuant to the provisions of O.C.G.A. § 29-3-3, being a claim made by/against _____;

_____ (f) To release _____, a debtor, and compromise a debt when the collection of the debt is doubtful;

_____ (g) To establish or add the following property to a trust for the benefit of the Minor.: _____;

_____ (h) To disclaim or renounce any property or interest in the following property of the Minor. _____; and/or

_____ (i) To engage in estate planning for the Minor pursuant to the provisions of O.C.G.A. § 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 Minor 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. A minor has no obligation to support himself or herself or any member of his or her household;
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 sixty (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. Always keep the Court informed of his/her/their name(s), address(es), or the location(s);
8. Always keep the Court informed of the name(s), address(es), or the location of the Minor;
9. 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;
10. 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); and
11. 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_____.

Judge of the Probate Court

[Above space to be used for filing in Superior Court Clerk's Office of Deeds and Records]
Probate Court Return Mailing Address:

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
_____,) **ESTATE NO.** _____
MINOR)

**CERTIFICATE OF CREATION OF CONSERVATORSHIP
(Pursuant to O.C.G.A. § 29-3-10 (b))**

GRANTOR [NAME OF MINOR]: _____

GRANTEE(S) [NAME(S) 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 _____ and that the above information is true and correct.

By: _____
PROBATE CLERK/DEPUTY CLERK

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____)
) **MINOR**)
)
) _____)
) **DATE OF BIRTH**)

LETTERS OF CONSERVATORSHIP OF MINOR

TO: _____, Conservator(s)
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.

Special Instructions:

1. You must keep the Minor's funds separate from your own. You should put the Minor's funds in a separate checking or savings account, as appropriate, and make all payments by check. A minor has no obligation to support him/herself or any member of his or her household.
2. You may not sell, mortgage, give away, or otherwise dispose of any of the Minor's property without a court order.
3. You may not spend any of the Minor'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 Minor's property and a plan for managing, expending, and distributing the property. Further, you must file, within sixty (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 Minor, 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 the Minor.
7. You must inform the Court of any change as to the address of the Minor.
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, this _____ day of _____, 20_____.

NOTE: The following must be signed if the Judge does not sign the original of this document.
Issued By:

Judge of the Probate Court

PROBATE CLERK/DEPUTY CLERK
GPCSF 30

[Seal]

**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 Personal Representative'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, conservator, or testamentary guardian has no conflict and may serve. Should a guardian ad litem be necessary because a party is not sui juris, use Supplement 1. For purposes of the consent required, with respect to any heir who is not sui juris, such consent may be given by such guardian ad litem, natural guardian, guardian, conservator or testamentary guardian. The Personal Representative of a deceased heir is authorized to consent on behalf of that heir.
3. Signatures of those who acknowledge service must be sworn to before a notary public or the clerk of any probate court of this state. An attorney at law may acknowledge service on behalf of his/her client; however, the attorney must certify that he or she currently represents that individual 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 sworn to as provided above. It is not necessary that all acknowledgments appear on the same page. With regard to a power of attorney, the attorney-in-fact may acknowledge service on behalf of the grantor 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.
4. Notice must be published once a week for four (4) weeks.
5. The relief sought in this Petition and provided in the Order is not retroactive.
6. If bond has been posted, and waiver of bond is sought for the future, check with the bonding company(y)(ies) to obtain the necessary bond description to be placed in the Petition and Order and to coordinate this matter with the bonding company(y)(ies).
7. In the event the assets are to be distributed according to a Will, only the beneficiaries need to be listed in Paragraph 5 and a completed definitive statement in Paragraph 4 is not required. In the event the Decedent died intestate (without a Will), Paragraph 4 requires that a definitive statement be made to show to the Court that the persons named in Paragraph 3 constitute each and every heir of the Decedent and that there are not additional heirs of the same or closer degree according to O.C.G.A. § 53-2-1. These facts must allow the Court to rule out the possibility that there may be other heirs of the same or closer degree that have not been listed. Provide the date of death of any deceased heirs. The Personal Representative of a deceased heir or beneficiary is authorized to

consent on behalf of that heir or beneficiary. O.C.G.A. § 53-7-1. [NOTE: If you are uncertain how to determine the heirs of a Decedent, refer to the “Heirs Determination Worksheet” available from the Probate Court or at 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.”

8. Use Supplement 2 if the Court determines it is appropriate to appoint a special process server.
9. Use Supplement 3 when an additional certificate of service is necessary.
10. Exhibits should be labeled at the bottom of each exhibit as Exhibit “A,” Exhibit “B,” etc. in consecutive order. The corresponding letter of each said exhibit should be inserted into the appropriate place in the form.
11. According to Uniform Probate Court Rule 5.6 (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 the Notice regarding Uniform Probate Court Rule 5.6 (A) 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, labeled GPCSF 1.

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

**PETITION BY PERSONAL REPRESENTATIVE FOR WAIVER
OF BOND AND/OR GRANT OF CERTAIN POWERS**

The Petition of _____,
[Full name(s) of Petitioner(s)] First Middle Last

whose physical address(es) is/are _____,
Street City County State Zip Code

and mailing address(es) is/are _____,
Street City County State Zip Code

shows to the Court the following:

1.

_____,
[Full name of Decedent] First Middle Last

whose place of domicile was _____,
Street City County State Zip Code

departed this life on _____, 20____.

2.

[Initial one]

____ (a) The above named Decedent died with a Will dated _____
(and Codicil(s) dated _____), that (has been) (will
be) (is hereby, as a Petition for Probate is being filed simultaneously) offered for
Probate. *[Add below the name(s) of the person(s) to be appointed, and attach the
Final Order and Letters of appointment, if any, as Exhibit " ____."*]

[Full name of person to be appointed] First Middle Last

[Full address] Street City County State Zip Code

Telephone number: _____

_____ (b) The above named Decedent died intestate (without a Will). (_____, Administrator(s) was/were issued Letters of Administration concerning the above-referenced estate by this Court on _____, 20__.) [Add below the name(s) of the appointed Administrator(s) and attach the Final Order and Letters of appointment as Exhibit “ ____.”]

[Full name of person to be appointed] First Middle Last

[Full address] Street City County State Zip Code

Telephone number: _____

3.

If Decedent died intestate (without a Will), list below all of the Decedent’s heirs at law. Each listing should include the name, age or majority status, address, and relationship to Decedent. All those listed are sui juris (having the legal ability to manage one’s own affairs) unless otherwise noted.

Name	Age (or over 18)	Address	Relationship

4.

[Initial one]

_____ (a) A Petition to Probate Will has been granted; therefore, a definitive statement is not required.

_____ (b) The Decedent died intestate (without a Will); therefore, a definitive statement is made below.

Required: *[Provide sufficient factual information to enable the Court to conclude that all of the heirs of the Decedent are included and that there are no heirs of the same or closer 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, indicate the Deceased ancestor through whom they are related to the Decedent.]*

5.

Listed below are all of the beneficiaries under said Will (if the Decedent died testate) who have a present interest, including but not limited to a vested remainder interest, and whose identity and whereabouts are known or may be determined by reasonable diligence.

Name	Age (or over 18)	Address

6.

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.

7.

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

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

Mailing Address

Mailing Address

Telephone Number

Telephone Number

Signature of Attorney _____

Printed Name of Attorney _____

Address _____

Telephone Number _____ State Bar # _____

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Petition and the attached Exhibit(s) are true and correct.

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Petitioner

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature of Second Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Second Petitioner

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

CONSENT OF HEIRS/BENEFICIARIES

[NOTE: If an heir/beneficiary is not sui juris, indicate the relationship of the person who is authorized to consent for him/her in accordance with the instruction page to this form.]

The undersigned, being an heir of the estate or being a beneficiary under the Will of the above Decedent, being sui juris unless otherwise indicated, do hereby authorize the Judge of the Probate Court to:

- _____ (a) *[optional; initial if applicable]* **WAIVE REPORTS**
The Personal Representative(s) is/are required by law to file reports (Inventory and Returns) and provide a copy to each interested party. By initialing here I agree that the Personal Representative(s) should not be required to file any reports with the Court.

- _____ (b) *[optional; initial if applicable]* **WAIVE BOND**
The Personal Representative(s) is/are required by law to post a bond as the Court deems necessary. By initialing here I agree that the Personal Representative(s) should not be required to post a bond.

- _____ (c) *[optional; initial if applicable]* **GRANT POWERS**
The Personal Representative(s) is/are required by law to file a Petition for Leave to Sell and obtain other approval by the Court for various acts. By initialing here I agree that the Personal Representative(s) should be awarded all of the powers contained in O.C.G.A. § 53-12-261.

Sworn to and subscribed before
me this _____ day of _____, 20____.

Signature Of Heir/Beneficiary

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

**NOTICE REGARDING UNIFORM PROBATE
COURT RULE 5.6 (A):**

**THE FOLLOWING PAGES ARE TO BE
COMPLETED BY THE PETITIONER (MOVING
PARTY) UNLESS OTHERWISE DIRECTED BY
THE COURT.**

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

**PETITION BY PERSONAL REPRESENTATIVE FOR WAIVER
OF BOND AND/OR GRANT OF CERTAIN POWERS
NOTICE**

_____ has/have petitioned for waiver of bond and/or for the grant of certain powers contained in O.C.G.A. § 53-12-261 in regard to the above estate. 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 objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, the Petition may be denied or 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.

Address

Telephone Number

Judge of the Probate Court

By: _____
Clerk/Deputy Clerk of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

**PETITION BY PERSONAL REPRESENTATIVE
FOR WAIVER OF BOND AND/OR GRANT OF CERTAIN POWERS
FINAL ORDER**

The Petition for Waiver of Bond and/or Grant of Certain Powers contained in O.C.G.A. § 53-12-261 to the Personal Representative of the estate of the above named Decedent, has been duly filed. Consent to the Petition was given by all heirs or beneficiaries under the Will, if testate. Notice was published according to law and no objection to the Petition has been filed.

It is therefore ordered that the undersigned Judge does hereby:

[Initial all which apply]

- _____ (a) **WAIVE REPORTS:** Grants to the Personal Representative(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 Personal Representative(s) shall furnish to the heir(s)/beneficiary(y)(ies), at least annually, a statement of receipts and disbursements.
- _____ (b) **WAIVE BOND:** Waives the requirement to post bond.
- _____ (c) **GRANT POWERS:** Grants to the Personal Representative(s) the powers contained in O.C.G.A. § 53-12-261.

FURTHER ORDERED that Letters of Administration or Testamentary reflecting the above be issued to the Personal Representative(s).

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

INSTRUCTIONS

1. Unless an inventory has been waived, an inventory of the estate must be filed with this Court by the Personal Representative(s) within six (6) months after the date of qualification as Personal Representative(s), and a copy of that inventory must be delivered to the heir(s)/beneficiary(y)(ies) by first-class mail within the same period.
2. Within sixty (60) days after the date of qualification as Personal Representative(s), 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(s), 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(s).
4. The Personal Representative(s) is/are allowed six (6) months from the date of his/her/their qualification to ascertain the condition of the estate, during which he/she/they is/are exempt from suit. The Personal Representative(s) should collect all debts due the estate, and pay the debts of the estate, wholly or in part, at the end of the six (6) 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(s) may continue the business of the Decedent for the first year after his/her/their qualification without a court order.
6. The normal commissions allowed the Personal Representative(s) 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 heir(s)/beneficiary(y)(ies). The Personal Representative(s) must then make a final return, showing the receipts and disbursements since the last annual accounting, unless returns have been waived.
8. For further information see O.C.G.A. Title 53, Chapters 6 and 7.

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
)
 _____,)
 DECEASED)

LETTERS OF ADMINISTRATION
(Bond Waived and/or Certain Powers Granted)

WHEREAS, the above name Decedent died intestate
[Initial 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(s) 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:

[Initial all which apply]

- _____ (a) **WAIVES REPORTS:** Grants 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 Administrator(s) shall furnish to the heirs, at least annually, a statement of receipts and disbursements.
- _____ (b) **WAIVES BOND:** Waives the requirement to post bond.
- _____ (c) **GRANTS POWERS:** Grants to the Administrator(s) the powers contained in O.C.G.A. § 53-12-261.

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/Deputy Clerk of the Probate Court

[Seal]

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
)
 DECEASED)

LETTERS TESTAMENTARY
(Relieved of Filing Returns)

At a regular term of the Probate Court, the Last Will and Testament dated _____, (and Codicil(s) dated _____), of the above named Decedent, who was domiciled in this County at the time of his or her death or was domiciled in another state but owned property in this County at the time of his or her death, was legally proven in _____ Form to be the Decedent's Will 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 Executor(s), 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____.

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/Deputy Clerk of the Probate Court

[Seal]

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
)
_____,)
DECEDENT / MINOR / ADULT WARD)

OATH

[Initial applicable]

[Strike through those portions in parenthesis which are not applicable]

_____ **(EMERGENCY) (TEMPORARY) (TESTAMENTARY) GUARDIAN'S OATH**
I do solemnly swear (or affirm) that I will well and truly perform the duties required of me as (Emergency) (Temporary) (Testamentary) Guardian of the Minor/Adult Ward named above.

_____ **(EMERGENCY) (TESTAMENTARY) CONSERVATOR'S OATH**
I do solemnly swear (or affirm) that I will well and truly perform the duties required of me as (Emergency) (Testamentary) Conservator of the Minor/Adult Ward named above and faithfully account to the Minor/Adult Ward named above for his or her estate.

_____ **TEMPORARY ADMINISTRATOR'S OATH**
I do solemnly swear (or affirm) that the Decedent died (testate) (intestate) and with an estate that is currently unrepresented, so far as I know or believe, and that I will well and truly administer on all the estate of the Decedent and discharge to the best of my ability all my duties as Temporary Administrator. So help me God.

_____ **ADMINISTRATOR'S OATH -- O.C.G.A. § 53-6-24**
I do solemnly swear (or affirm) that the Decedent died intestate, so far as I know or believe and that I will well and truly administer the estate in accordance with the laws of Georgia. So help me God.

_____ **(ADMINISTRATOR WITH WILL ANNEXED) (EXECUTOR'S) OATH -- O.C.G.A. § 53-6-16**
I do solemnly swear (or affirm) that this writing contains the true last will of the Decedent, 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____.

Judge/Clerk of Probate Court

Fiduciary's Signature

Printed Name of Fiduciary

**DETERMINATION BY COURT THAT A PERSON MAY ACT AS GUARDIAN OR
APPOINTMENT OF GUARDIAN AD LITEM**

Supplement 1

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when the Court determines, in accordance with O.C.G.A. § 53-11-2 (a) or O.C.G.A. § 29-9-2 (b), that for the purpose of a particular proceeding, the natural guardian, if any, or the testamentary guardian, if any, or the duly constituted conservator, if any, or the duly constituted guardian, if any, has no conflict of interest and thus may serve as guardian for purposes of the proceeding for a party who is not sui juris, who is unborn, or who is unknown.
2. This form may also be used whenever a Georgia Probate Court Standard Form does not contain a section concerning the appointment of a guardian ad litem, but the appointment of a guardian ad litem (or a determination by the Court that a person may act as guardian) is necessary.

Note: More than one guardian ad litem will be appointed, if necessary to represent parties who are not sui juris and who may have adverse interests.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each probate court, labeled GPCSF 1.

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED/MINOR/ADULT WARD/)
ALLEGED INCAPACITATED ADULT)

**ACCEPTANCE AND ACKNOWLEDGMENT OF SERVICE OF
GUARDIAN AD LITEM AS TO PETITION**

[Name of Petition]

I hereby accept the foregoing appointment, and acknowledge service and notice of the proceedings as provided by law.

This _____ day of _____, 20____.

Signature of Guardian Ad Litem (GAL): _____
Typed/printed name of GAL: _____
Address: _____
Telephone Number: _____

Sworn to and subscribed before me
this _____ day of _____, 20____.

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED/MINOR/ADULT WARD/)
ALLEGED INCAPACITATED ADULT)

ANSWER OF GUARDIAN AD LITEM AS TO PETITION

[Name of Petition]

Now comes the guardian ad litem for _____,
in the referenced case and answers as follows:

This _____ day of _____, 20____.

Signature of Guardian Ad Litem (GAL): _____
Typed/printed name of GAL: _____
Address: _____

Telephone Number: _____

Sworn to and subscribed before me
this _____ day of _____, 20____.

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

APPOINTMENT OF SPECIAL PROCESS SERVER

Supplement 2

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when the Court determines that for the purpose of a particular proceeding, it is appropriate to appoint a special process server to better perfect service.
2. 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, conservator, or testamentary guardian has no conflict and may serve. Should a guardian ad litem be necessary because a party is not sui juris, use Supplement 1.
3. Use Supplement 3 when an additional certificate of service is necessary.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each probate court, labeled GPCSF 1.

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED/MINOR/ADULT WARD/)
ALLEGED INCAPACITATED ADULT)

ORDER TO APPOINT SPECIAL PROCESS SERVER AS TO PETITION

[Name of Petition]

IT IS ORDERED that _____
[Full name of person appointed] First Middle Last

is hereby appointed as Process Server in the above matter, and the following documents will be served _____
[List documents to be served]

on _____
[Full name of person to be served] First Middle Last

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED/MINOR/ADULT WARD/)
ALLEGED INCAPACITATED ADULT)

RETURN OF SPECIAL PROCESS SERVER AS TO PETITION

[Name of Petition]

I have served _____
[Full name of person to be served] First Middle Last

personally with a copy of the (documents as ordered) (following documents):

[List documents served]

at the following address:

Street City County State Zip Code

Special Process Server

Printed Name

Sworn to and subscribed before me
this ____ day of _____, 20____.

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED/MINOR/ADULT WARD/)
ALLEGED INCAPACITATED ADULT)

AFFIDAVIT OF SPECIAL PROCESS SERVER AS TO PETITION

[Name of Petition]

I have this day attempted to serve _____
[Full name of person to be served] First Middle Last
personally with a copy of the (documents as ordered) (following documents):

[List documents served]

at the following address:

Street City County State Zip Code

but was unsuccessful in process of service due to:

Special Process Server

Printed Name

Sworn to and subscribed before me
this _____ day of _____, 20____.

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

CERTIFICATE OF SERVICE
Supplement 3

INSTRUCTIONS

I. Specific Instructions

This form is to be used when:

1. a party, or counsel for a party, serves other litigants with pleadings; or
2. when court personnel serve litigants with documents.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each probate court, labeled GPCSF 1.

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED/MINOR/ADULT WARD/)
ALLEGED INCAPACITATED ADULT)

CERTIFICATE OF SERVICE AS TO PETITION

[Name of Petition]

I certify that I have on this date mailed (unless otherwise noted below) in an envelope with proper postage affixed thereto for first-class delivery a copy of _____

[List documents to be served]
to the following person(s) at the address(es) listed below:

This _____ day of _____, 20____.

Signature (Pro Se Party) (Attorney)
(Clerk/Deputy Clerk of the Probate Court)

Printed Name

PETITION FOR LETTERS OF TESTAMENTARY GUARDIANSHIP

Supplement 5

(To be used when seeking appointment of a Testamentary Guardian)

INSTRUCTIONS

I. Specific Instructions

1. This form should **only** be used when filing either Form 5 (Petition to Probate Will in Solemn Form pursuant to O.C.G.A. § 53-5-20 et seq.) or Form 7 (Petition to Probate Will in Solemn Form and for Letters of Administration with Will Annexed pursuant to O.C.G.A. § 53-6-13 et seq.) Please review the instructions for the applicable form when completing this Supplement.
2. 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, conservator or testamentary guardian has no conflict and may serve. Should a guardian ad litem be necessary because a party is not sui juris, use Supplement 1.
3. Use Supplement 2 if the Court determines it is appropriate to appoint a special process server.
4. Use Supplement 3 when an additional certificate of service is necessary.
5. Exhibits should be labeled at the bottom of each exhibit as Exhibit "A," Exhibit "B," etc. in consecutive order. The corresponding letter of each said exhibit should be inserted into the appropriate place in the form.
6. An oath must be administered by a Probate Judge or Clerk [the oath cannot be administered by a notary]. Use Georgia Probate Court Standard Form 35 for the oath. The oath is not included in this form.
7. According to Uniform Probate Court Rule 5.6 (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 the Notice regarding Uniform Probate Court Rule 5.6 (A) 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, labeled GPCSF 1.

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

**PETITION FOR LETTERS OF TESTAMENTARY GUARDIANSHIP
Supplement 5**

[To be used when seeking appointment of a Testamentary Guardian]

A Petition to Probate Will (and Codicil(s)) in Solemn Form (and for Letters of Administration with Will Annexed) having been filed seeking the appointment of a Testamentary Guardian for the Decedent’s minor child(ren) (hereinafter “Minor(s)”),

_____, the Petitioner(s) hereby show(s) to the Court the following:

1.
Decedent was survived by the Minor(s) identified above.
2.
Decedent nominated a Testamentary Guardian of the Minor(s) in Decedent’s Will.
3.
There is no living parent of the Minor(s).

4.
The following individual(s) are entitled to notice of the request for the appointment of the nominated Testamentary Guardian(s) pursuant to O.C.G.A. § 29-2-4: the Minor’s(s’) adult siblings and grandparents. *If the Minor(s) do(es) not have adult siblings or grandparents, identify the Minor’s(s’) great-grandparents, aunts, uncles, great-aunts, or great-uncles, if any such relatives exist. Please identify the relationship to the Minor(s) with specificity [for example: “maternal grandmother,” “paternal grandmother” or “paternal aunt”].*

Name	Address	Relationship to the Minor
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5.

Required: *[Provide sufficient factual information to enable the Court to conclude that all of the Minor's(s') relatives, who are required by O.C.G.A. § 29-2-4 to receive notice, are identified above. Also, state here all facts that may govern the method of giving notice to any party and that may determine whether or not a guardian ad litem should be appointed for any party.]*

6.

The named Testamentary Guardian(s) has/have consented to serve, and the consent to service is attached hereto and made a part of this Petition.

7.

_____ (a) The following individual(s) was/were appointed as Temporary Guardian(s) of the Minor(s):

Name	Address
------	---------

_____ (b) The following individual(s) who has/have consented to service is/are named as Testamentary Conservator(s) in the Decedent's Will:

Name	Address
------	---------

_____ (c) 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
------	---------

8.

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

WHEREFORE, Petitioner(s) pray(s):

1. That due and legal notice be given as the law requires;
2. That Letters of Testamentary Guardianship issue; and
3. 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

Mailing Address

Mailing Address

Telephone Number

Telephone Number

Signature of Attorney

Printed Name of Attorney

Address

Telephone Number

State Bar #

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Supplement 5 and attached Exhibit(s) are true and correct.

Sworn to and subscribed before me this
_____ day of _____, 20____.

Signature of First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of First Petitioner

.....
Sworn to and subscribed before me this
_____ day of _____, 20____.

Signature of Second Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Second Petitioner

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

**ACKNOWLEDGMENT OF SERVICE AND ASSENT TO APPOINTMENT OF
TESTAMENTARY GUARDIAN**

The undersigned, being 18 years of age or older, laboring under no legal disability and being the relatives of the Decedent's minor child(ren), hereby acknowledges service of a copy of the Petition to Probate the Will in Solemn Form seeking the appointment of a Testamentary Guardian for the Decedent's minor child(ren) and notice and hereby assents to the appointment of the nominated Testamentary Guardian(s).

Sworn to and subscribed before
me this _____ day of _____, 20____. _____
Signature

NOTARY/CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

Sworn to and subscribed before
me this _____ day of _____, 20____. _____
Signature

NOTARY/CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

Sworn to and subscribed before
me this _____ day of _____, 20____. _____
Signature

NOTARY/CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

**TESTAMENTARY GUARDIAN
CONSENT TO SERVE**

THE PETITION OF _____,
TO PROBATE THE WILL OF THE ABOVE NAMED DECEDENT IN SOLEMN FORM
(AND FOR LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED)

The undersigned, being 18 years of age or older, laboring under no legal disability and being named as Testamentary Guardian(s) of the minor child(ren) of the above named Decedent, hereby consents 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.

Sworn to and subscribed before me this
_____ day of _____, 20____.

Testamentary Guardian Signature

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

Sworn to and subscribed before me this
_____ day of _____, 20____.

Testamentary Guardian Signature

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

**NOTICE REGARDING UNIFORM PROBATE
COURT RULE 5.6 (A):**

**THE FOLLOWING PAGES ARE TO BE
COMPLETED BY THE PETITIONER (MOVING
PARTY) UNLESS OTHERWISE DIRECTED BY
THE COURT.**

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

ORDER FOR SERVICE OF NOTICE

A Petition to Probate Will (and Codicil(s)) in Solemn Form (and for Letters of Administration with Will Annexed) having been filed seeking the appointment of a Testamentary Guardian, service is ordered as follows:

[Initial all that apply]

_____ Notice shall be served by certified mail, registered mail, or statutory overnight delivery, return receipt requested, pursuant to O.C.G.A. § 29-2-4, together with a copy of the Petition and the purported Will (and Codicil(s)), on the following relatives of the Minor(s):

_____ Notice shall be published once a week for four (4) weeks in the legal organ of this county, before _____, 20____, in order to serve by publication the following relatives of the Minor(s) whose current residence addresses are unknown:

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

NOTICE

An Order for Service of Notice was entered by this Court on _____, 20__ regarding a Petition to Probate Will (and Codicil(s)) in Solemn Form (and for Letters of Administration with Will Annexed) seeking the appointment of a Testamentary Guardian and requiring the following:

TO: _____,
[List all of the Minor('s)(s') adult siblings and grandparents being served by certified, registered, or statutory overnight delivery mail]

This is to notify you to file objection, if there is any, to the appointment of the Testamentary Guardian(s) nominated in 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, registered, or statutory overnight delivery mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such thirteen (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.

BE NOTIFIED FURTHER: All objections to the appointment of the Testamentary Guardian(s) must be in writing and must include allegations and facts, stated with reasonable specificity, regarding why the nominated Testamentary Guardian(s) is/are unfit to serve. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with the objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are timely filed, an expedited hearing will be held within thirty (30) days of the date of the filing of the last objection. If no objections are filed, the Testamentary Guardian(s) may be appointed without a hearing.

Address

Telephone Number

Judge of the Probate Court
By: _____
Clerk/Deputy Clerk of the Probate Court

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

NOTICE

An Order for Service of Notice was entered by this Court on _____, 20____ regarding a Petition to Probate Will (and Codicil(s)) in Solemn Form (and for Letters of Administration with Will Annexed) seeking the appointment of a Testamentary Guardian and requiring the following:

TO: _____,
[List all of the Minor's great-grandparents, aunts, uncles, great-aunts, or great-uncles being served by certified, registered, or statutory overnight delivery mail]

This is to notify you to file objection, if there is any, to the appointment of the Testamentary Guardian(s) nominated in 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, registered, or statutory overnight delivery mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such thirteen (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.

BE NOTIFIED FURTHER: All objections to the appointment of the Testamentary Guardian(s) must be in writing and must include allegations and facts, stated with reasonable specificity, regarding why the nominated Testamentary Guardian(s) is/are unfit to serve. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with the objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are timely filed, an expedited hearing will be held within thirty (30) days of the date of the filing of the last objection. If no objections are filed, the Testamentary Guardian(s) may be appointed without a hearing.

Address

Telephone Number

Judge of the Probate Court
By: _____
Clerk/Deputy Clerk of the Probate Court

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

NOTICE

An Order for Service of Notice was entered by this Court on _____, 20____ regarding a Petition to Probate Will (and Codicil(s)) in Solemn Form (and for Letters of Administration with Will Annexed) seeking the appointment of a Testamentary Guardian and requiring the following: *[For use if a relative of the Minor(s) is required to be served by publication:]*

TO: _____,
[List here all of the Minor's(s') relatives having unknown addresses, to be served by publication]

This is to notify you to file objection, if there is any, to the appointment of the Testamentary Guardian(s) nominated in the above referenced Petition, in this Court on or before _____, 20____.

BE NOTIFIED FURTHER: All objections to the appointment of the Testamentary Guardian(s) must be in writing and must include allegations and facts, stated with reasonable specificity, regarding why the nominated Testamentary Guardian(s) is/are unfit to serve. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with the objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are timely filed, an expedited hearing will be held within thirty (30) days of the date of the filing of the last objection. If no objections are filed, the Testamentary Guardian(s) may be appointed without a hearing.

Address

Telephone Number

Judge of the Probate Court

By: _____
Clerk/Deputy Clerk of the Probate Court

**IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

CERTIFICATE OF SERVICE

I certify that I have on this date mailed, unless otherwise noted, in an envelope with the proper postage affixed thereto for delivery by certified, registered, or statutory overnight delivery mail, return receipt requested, copies of the Petition to Probate Will (and Codicil(s)) in Solemn Form (and for Letters of Administration with Will Annexed) seeking the appointment of a Testamentary Guardian to the following parties at the addresses set forth below:

This _____ day of _____, 20____.

Clerk/Deputy Clerk of the Probate Court

Address

Telephone Number

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

LETTERS OF TESTAMENTARY GUARDIANSHIP OF MINOR

TO: _____, Testamentary Guardian(s)
RE: _____, Minor
_____, Date of Birth

Pursuant to the Last Will and Testament (and Codicil(s)) of _____, deceased, you have been appointed Testamentary Guardian(s) of the Minor(s). You have assented to this appointment by taking your oath, and no objection to your appointment has been filed. In general, your duties as Testamentary Guardian(s) are to protect and maintain the person of the Minor(s) and your power over the Minor(s) shall be the same as that of a parent over a child, the guardian(s) standing in place of the parent(s). A Testamentary Guardian shall at all times act as a fiduciary in the Minor('s)(s') best interest and exercise reasonable care, diligence, and prudence.

Special Instructions:

1. It is your duty to see that the Minor(s) is/are adequately fed, clothed, sheltered, educated, and cared for, and that the Minor(s) receive(s) 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 address of the Minor(s).
4. You shall, within sixty (60) days of appointment and within sixty (60) days after each anniversary date of appointment, file with this Court and provide to the Conservator(s) of the Minor(s), if any, a personal status report concerning the Minor(s).
5. You shall promptly notify the Court of any conflict of interest which may arise between you as Guardian(s) and the Minor(s) 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)(s') Conservator(s), if appointed, or if not, with others who have custody of the Minor('s)(s') property.
8. 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, the ____ day of _____, 20____.

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

Judge of the Probate Court

Issued by:

[Seal]

Clerk/Deputy Clerk of the Probate Court