Petition of Conservator for Final Settlement of Accounts and Discharge from Office and Liability.

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used by a conservator for a final settlement of accounts and discharge from office and liability pursuant to O.C.G.A. §29-3-71 (conservator of minor); and O.C.G.A. §29-5-81 (conservator of adult ward).

2. According to Probate Court Rule 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. Pages after 6 which are labeled court are to be completed by the moving party, unless otherwise directed by the "Court".

II. General Instructions

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

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:	)	**ESTATE NO. _____**
	)	
_____,	)	**PETITION OF CONSERVATOR**
MINOR/WARD	)	**FOR FINAL SETTLEMENT**
	)	**OF ACCOUNTS AND DISCHARGE FROM**
_____,	)	**OFFICE AND LIABILITY**
CONSERVATOR(S)	)	

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of _____, Conservator(s) of the estate of _____, former (minor)(adult ward), shows:

1.

Conservator(s) has/have fully discharged all duties as such, and is/are entitled to be discharged from office and liability. Conservator(s) further show(s) that all required inventories and returns have been filed with this Court.

2.

Conservator(s) further show(s) (initial a or b:)

_____a. The former minor is now of age.

_____b. There is no longer a necessity to continue the conservatorship because

_____ (i) the minor or adult ward is deceased.

_____ (ii) the ward's powers have been restored.

_____ (iii) the conservator(s) has/have filed a Petition to Resign.

_____(iv) other: _____

_____.

3.

Conservator(s) pray(s) that (initial applicable)

_____a. Since the ward is/was an adult ward,

_____ (i) the Court waive the hearing requirements pursuant to O.C.G.A. §29-3-71 or O.C.G.A. §29-5-81 and discharge the conservator/s from office and liability because the former adult ward or the personal representative of his/her estate (being someone other than the conservator) has signed an acknowledgment of receipt of property and release of liability, attached hereto.

_____ (ii) as Conservator(s) of an adult ward who is deceased, the Court cite the adult ward's personal representative for a final settlement of the conservator's accounts. The adult ward's personal representative, who is not the petitioner, is_____ and can be found at the following address: _____ _____ _____ telephone: _____

_____ (iii) as Conservator(s) of a deceased adult ward and also being personal representative(s) of the ward's estate, a guardian ad litem must be appointed to represent the deceased adult ward's estate.

_____ (iv) as Conservator(s) of an adult ward who is living and has been restored to capacity, the Court cite the former adult ward for a final settlement of the conservator's accounts. The former adult ward can be found at the following address: _____ _____ _____ telephone: _____.

_____ (v) as Conservator(s) of an adult ward who is living but has *not* been restored to capacity, the Court cite the adult ward for a final settlement of the conservator's accounts and appoint a guardian ad litem for the ward. The adult ward's successor conservator is _____ _____ and can be found at the following address: _____ _____ telephone: _____ _____.
The adult ward can be found at the following address: _____ _____ telephone: _____.
The ward's guardian, if any, can be found at the following address: _____ _____ _____ telephone: _____.

_____ (vi) As Conservator(s) of a deceased adult ward, and there being no assets remaining in the estate, a guardian ad litem must be appointed to represent the deceased adult ward's estate.

_____b. since the ward is/was a minor,

_____ (i) the Court waive the hearing requirements pursuant to O.C.G.A. §29-3-71 or O.C.G.A. §29-5-81 and discharge the conservator/s from office and liability because the former minor or the personal representative of his/her estate (being someone other than the conservator) has signed an acknowledgment of receipt of property and release of liability, attached hereto.

_____ (ii) as Conservator(s) of a minor who is now 18 years of age, the Court cite the former minor for a final settlement of the conservator's accounts. The former minor can be found at the following address: _____
_____
_____
telephone: _____.

_____ (iii) as Conservator(s) of a minor who is deceased, the Court cite the minor's personal representative for a final settlement of the conservator's accounts. The minor's personal representative is _____
_____ and can be found at the following address:
_____
_____telephone:_____

_____ (iv) as Conservator(s) of a minor who is deceased and also being the personal representative of the minor's estate, a guardian ad litem must be appointed to represent the minor's interest.

_____ (v) as Conservator(s) of a minor who is living, the Court cite the successor conservator(s) for a final settlement of the conservator's accounts. A guardian ad litem must be appointed to represent the minor. The minor's successor conservator is _____
and can be found at the following address: _____
_____
_____ telephone: _____
The minor can be found at the following address: _____
_____
_____ telephone: _____
_____.

4.

Attached as Exhibit "A" is the final return showing to whom the estate assets have been disbursed.

5.

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

_____

_____

WHEREFORE, conservator(s) seek(s) discharge from office and all liability and, therefore, pray(s)

1. that the Court issue citation as requested above pursuant to O.C.G.A. §29-3-71(b) or O.C.G.A. §29-5-81(b);
2. that the Court examine all returns and accounts of the conservator(s) during the settlement period;
3. that notice be served and published as required by law and
4. that an order issue releasing and discharging the conservator(s) from office and from all liability.

_____	_____
Signature of conservator	Signature of co-conservator, if any
_____	_____
Printed Name	Printed Name
_____	_____
Address	Address
_____	_____
_____	_____
Telephone Number	Telephone Number

Signature of Attorney: _____

Typed/printed name of Attorney: _____

Address: _____

_____

Telephone: _____ State Bar #_____

VERIFICATION

GEORGIA, _____ COUNTY

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

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

_____
Conservator

_____
NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

_____
Printed Name

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

_____
Co-Conservator, if any

_____
NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

_____
Printed Name

CAUTION: DO NOT SIGN UNTIL YOU READ AND UNDERSTAND

ACKNOWLEDGMENT OF RECEIPT OF PROPERTY AND RELEASE OF LIABILITY

IN RE: ESTATE OF _____ ESTATE NO. _____

The undersigned acknowledges that the conservator(s) has/have turned over all assets held in the conservatorship to the undersigned, being (initial one:)

_____a. the personal representative(s) of the former minor/ward's estate.
_____b. the former minor ward upon reaching the age of eighteen or his or her emancipation.
_____c. the former adult ward after restoration to competency.
_____d. the successor conservator(s).

By signing this document, the undersigned acknowledges that he/she has received a copy of the Petition for Discharge from Office and Liability, the Final Return, and the receipt of $ _____ _____ and all other property from the conservator(s); waives any hearing required under O.C.G.A. §29-3-71 or O.C.G.A. §29-5-81; and further consents that the conservator(s) may be discharged from office and from all liability. **By signing this document you are agreeing that the conservator acted appropriately, the amount that you are receiving is correct and you have no objections to the conservator's actions.**

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

_____
Personal Representative(s), Former
Minor/Ward, or Successor Conservator(s)

_____
Notary Public/Clerk of Probate Court
My Commission Expires _____

_____
Printed name

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

_____
Second Personal Representative(s), Former
Minor/Ward, or Successor Conservator(s), if any

_____
Notary Public/Clerk of Probate Court
My Commission Expires _____

_____
Printed name

NOTICE:

THE FOLLOWING PAGES ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT. SEE PROBATE COURT RULE 5.6 (A).

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:	)	**ESTATE NO. _____**
	)	
_____,	)	**PETITION OF CONSERVATOR**
(MINOR)(ADULT WARD)	)	**FOR FINAL SETTLEMENT**
	)	**OF ACCOUNTS AND DISCHARGE FROM**
_____,	)	**OFFICE AND LIABILITY**
CONSERVATOR(S)	)	

ORDER FOR CITATION, PUBLICATION, AND APPOINTMENT OF GUARDIAN AD LITEM, IF NECESSARY

The above petition having been read and considered, it is

Ordered that citation issue and be published one time at least 30 days before the deadline for objections.

(Initial any and all which apply:)

_____a. IT IS ORDERED that, discharge from liability being sought, and the former minor/ward or successor conservator(s) or representative(s) of the deceased ward's estate not waiving service, notice be served personally, together with a copy of the petition, at least ten days before the deadline for filing objections, on _____.

_____b. IT IS ORDERED that, discharge from liability being sought, notice be served by first class mail together with a copy of the petition and final return on the registered agent for service of process for _____, the surety for the conservator (and the guardian of the above ward).

_____c. IT IS ORDERED that the ward being a minor still under the age of majority, or an adult ward still in need of a conservator, or the representative of the deceased ward's estate being the former conservator, that _____ is appointed guardian ad litem for the minor/ward, and that said guardian ad litem be personally served with a copy of the foregoing Citation and Petition for Discharge and notice of this appointment, and that upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer thereto. This appointment is limited to this proceeding only and shall cease when a final order is entered on this petition.

SO ORDERED this _____ day of _____, 20____.

_____
Probate Judge

CITATION

PROBATE COURT OF _____ COUNTY

RE: ESTATE OF _____, (FORMER) MINOR/WARD.

Date of Publication, if any: _____

TO WHOM IT MAY CONCERN AND : _____:

The conservator(s) of the above estate, has/have applied for Discharge from said trust. This is to notify the above interested party(ies) to show cause, if any they can, why said conservator(s) should not be discharged from office and liability. All objections must be in writing, setting forth the grounds of any such objections, and filed with the above Probate Court, (address) _____ _____ on or before _____ , 20___, said date being more than 30 days from the date of publication, or if personally served, then 10 days from the date of such service. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/telephone number for the required amount of filing fees.

If any objections are filed, a hearing will be (held on_____ at _____ o'clock ___ m. at _____ _____) (scheduled for a later date). If no objections are filed, the petition may be granted without a hearing.

_____
PROBATE JUDGE

By: _____
PROBATE CLERK/DEPUTY CLERK

_____
ADDRESS

_____

_____
TELEPHONE

CERTIFICATE OF MAILING

This is to certify that I have this day served the registered agent for service of process as designated by the conservator's surety with a copy of the petition, Order for Citation, and Citation by placing a copy of same in an envelope addressed to the registered agent for service of process as designated by the conservator's surety and depositing same in the United States Mail, first-class, with adequate postage thereon.

_____ DATE

_____ PROBATE CLERK/DEPUTY CLERK

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:	)	**ESTATE NO. _____**
	)	
_____,	)	**PETITION OF CONSERVATOR**
(MINOR)(ADULT WARD)	)	**FOR FINAL SETTLEMENT OF**
	)	**ACCOUNTS AND DISCHARGE FROM**
_____,	)	**OFFICE AND LIABILITY**
CONSERVATOR(S)	)	

ORDER

The above petition, averring that the conservator(s) has/have fully discharged the duties of conservator's(s') trust, was duly filed in this Court, citation was duly issued and published as required by law, and no objection being filed, and it appears from an examination of the condition of the estate and the conduct and accounts of the conservator(s) that the conservator(s) has/have faithfully and honestly discharged the trust and confidence reposed in the conservator(s) and that conservator(s) is/are legally entitled to discharge therefrom, (initial applicable)

_____ a. and that the former minor/ward has acknowledged receipt of all guardianship assets

_____ b. and that the guardian ad litem has consented to said discharge

_____c. and all interested parties having consented to said discharge

and no good cause has been shown to the contrary. Therefore,

IT IS ORDERED that conservator(s) is/are hereby discharged from said trust and from office and all liability.

SO ORDERED this _____ day of _____, 20____.

_____
Probate Judge