



SUPREME COURT OF GEORGIA

Atlanta May 5, 2016

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 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 17, 18, 31, 32, 33, 65, and 72) and Supplement 1 (Guardian Ad Litem), Supplement 2 (Special Process Server), and Supplement 5 (Testamentary Guardianship Petition) be hereby amended; that GPCSF 6, 35, and 60 be hereby reserved; and that new Supplement 4 (Oath) and Supplement 6 (Interrogatories) be hereby approved, effective July 1, 2016, 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.

Therese A. Banne, Clerk

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

Cumulative List (July 2016)

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GPCSF 14	Petition of Conservator for Leave to Sell Property or Rent, Lease, or Otherwise Dispose of Property	7/11
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GPCSF 21	Bond of Administrators, Conservators & Executors, Etc.	7/08
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GPCSF 32	Petition by Personal Representative for Waiver of Bond and/or Grant of Certain Powers	7/16
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GPCSF 34	Petition of Conservator for Final Settlement of Accounts and Discharge from Office and Liability	7/11
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GPCSF 36	Petition for the Appointment of a Temporary Medical Consent Guardian for a Proposed Medical Consent Ward	7/11
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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.

GENERAL INSTRUCTIONS APPLICABLE TO ALL GEORGIA PROBATE COURT STANDARD FORMS

These instructions are designed to aid the word processing construction of pleadings filed in the Probate Court. They are also applicable, in part, to the manual preparation of pleadings.

1. To the extent practical, all material presented for filing in any probate court shall be typed, legibly written, or printed in black ink suitable for reproduction on opaque white paper, measuring 8½" x 11", of a good quality, grade, and weight, on only one side of the paper. The format and sequence of the forms shall be preserved as far as practical.
2. Please complete all portions of the form. Check with your Probate Court to determine its policies in regard to the level of completion which is required of you with respect to the "Court's portion" of the form. The Court's portion includes the Court's signatures and dates, name and answer of any guardian ad litem, evaluator, or other person appointed by the Court, and other information that is not reasonably within the petitioner's knowledge.
3. Whenever an instruction within the form indicates that the petitioner should check a blank if applicable, any clear mark is acceptable. If the form indicates that initials are required, then only handwritten initials by the party will be accepted. Typed initials are not acceptable.
4. If the space provided in the form is not adequate to provide a full answer, then additional sheets may be attached so long as the name of the decedent, proposed ward, ward, or minor; caption of the case; and appropriate paragraph number(s) are shown on each additional sheet.
5. If you make material changes to the form, then you must identify those changes by formatting them in all capital letters, in bold, and underlined or by other clear indication.
 - "Material changes" do NOT include changes that are grammatical, changes in gender, changes from singular to plural, omission of optional or alternative language, and the inclusion of information such as names and addresses.
 - For words with Latin endings, such as "executor," "administrator," "testator," and "caveator," include the plural and/or feminine if the context so implies.
6. If there is language in the standard form that is considered inapplicable, then it should be stricken with a single strikethrough (~~strikethrough~~), or otherwise clearly indicated.
 - Words in parentheses should be left in the form, if applicable, or stricken through if not applicable. However, where the letter "s" appears in parentheses to denote the plural, it is not necessary to strike the "s" when the singular applies if otherwise clear from the context.
 - If a blank or paragraph is not applicable, then it should be marked "N/A."
 - If an entire page is not applicable, the page may be omitted and beside the number of the next applicable page there should be placed a similar notation to the following: "Page(s) _____ not applicable."

7. Additional paragraphs or interlineations may be added if they are necessary, but they must be clearly identified.
8. Any change to a form that might be appropriate due to a change in law that occurred after the form was adopted by the Probate Court Judges Council of Georgia may be added but should be clearly identified.
9. If a standard form is available, but not used, then the content of the substituted pleading or document must conform to the standard form. Such pleading or document should indicate all changes from the standard form. Any material deletions must be shown with a single strikethrough, or otherwise clearly indicated.
 - At the end of any such substituted pleading or document, the attorney must sign the following statement: “I certify that the content of the foregoing is identical in all material respects with the Georgia Probate Court Standard Form entitled _____ but for the additions and/or deletions indicated therein, as required by the Uniform Probate Court Rules.”
 - In any proceeding for which a standard form has been adopted but not used, the Court may, in its discretion, decline to process the pleading or document not on said standard form that does not possess the above statement and signature.
10. All pleadings and other documents shall be signed by the responsible attorney or party who prepared the documents with his or her name, proper address, and telephone number typed or printed beneath said signature. If a party is represented in the matter by an attorney of record, that attorney must sign the pleading or document for it to be eligible for filing.
11. Prior to letters issuing in any case appointing an Administrator, Executor, Personal Representative, Conservator, or Guardian, an oath of office must be administered. The oath must be administered to the petitioning party by a Probate Judge or Clerk (the oath cannot be administered by a notary public). The oath of office may not be included as part of the form petition. Georgia Probate Court Standard Form 53, Commission to Administer Oath, can be used if the oath is to be administered to a petitioning party by a court outside the State of Georgia.
12. Whenever any petition is filed in Probate Court, proper jurisdiction must be established. In the event that jurisdiction is through the ownership of property rather than the domicile of a particular individual, those facts should be set out in the paragraph for “Additional Data: Where full particulars are lacking,” which is usually the last paragraph of any Georgia Probate Court Standard Form.

If you need additional assistance preparing the pleading or document, it may be appropriate to consult the Civil Practice Act, the Official Code of Georgia, the Georgia Uniform Probate Court Rules, or an attorney.

PETITION FOR TEMPORARY LETTERS OF ADMINISTRATION

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for a Petition for Temporary Letters of Administration pursuant to O.C.G.A. § 53-6-30 et seq.
2. The Probate Court may at any time and without notice grant Temporary Letters of Administration on an unrepresented estate to continue in full force and effect until the Temporary Administrator is discharged or a personal representative is appointed according to O.C.G.A. § 53-6-30. According to O.C.G.A. § 53-11-5, “The probate judge may direct any additional service or notice or extend the time to respond with respect to any proceedings covered by this chapter....”
3. 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 deceased heir’s 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.gov.] Examples of such statement would be: (a) “Decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein”; (b) “Decedent had no other siblings half or whole other than those listed herein”; (c) “the Decedent’s brother who died previously had no other children born, adopted, living or deceased, other than listed herein.”
4. Temporary Administrator(s) should only collect and preserve the assets of the estate and only expend funds, if approved, by the Judge of the Probate Court according to O.C.G.A. § 53-6-31.
5. An oath must be administered by a Probate Judge or Clerk (the oath cannot be administered by a notary public). Use Georgia Probate Court Supplement 4 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.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court or at www.gaprobate.gov, labeled GPCSF 1.

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 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. 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.

Under the law, it is necessary that a Temporary Administrator collect and preserve said estate and _____ should be appointed Administrator(s) by reason of:

[Initial one]

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

6.

To the knowledge of the petitioner(s):
[Initial all that apply]

- _____ (a) No petition for appointment of a Personal Representative has been filed.
- _____ (b) A petition for Letters of Administration has been filed but is delayed.
[If a petition is pending, list the county and state where the action is pending (if other than the above styled court) _____.]
- _____ (c) A petition to Probate has been filed but is delayed or contested.
[If a petition is pending, list the county and state where the action is pending (if other than the above styled court) _____.]

7.

The Decedent passed leaving an estate of real property located in _____
_____ County(ies), Georgia [list real property that is located in another state and/or country] having a total fair market value of approximately \$ _____.

Decedent passed leaving personal property as follows [provide approximate value]:

- _____ (a) Cash/bank accounts/certificates of deposit; \$ _____
- _____ (b) Stocks/bonds/brokerage accounts; \$ _____
- _____ (c) Other assets of significant value [list]; \$ _____

APPROXIMATE TOTAL VALUE OF PERSONAL PROPERTY \$ _____

8.

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

Request(s) for specific authorization(s) in order to preserve the assets are as follows:

9.

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

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

Signature of Petitioner

Printed Name

Mailing Address

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 for Temporary Letters of Administration 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 OF _____ COUNTY
STATE OF GEORGIA**

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

ORDER APPOINTING TEMPORARY ADMINISTRATOR

A Petition for Temporary Letters of Administration for the above-named Decedent was filed. _____ was/were nominated Temporary Administrator(s) in the Petition and is/are hereby found to be legally qualified for said office. 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 finds that the estate is currently unrepresented. The Court further finds that no objection has been filed, all requirements of law have been fulfilled, that this appointment is in the best interests of the estate, and that it is necessary that temporary letters should issue for the sole purpose of collecting and preserving the assets of the Decedent until a personal representative is appointed.

ACCORDINGLY, IT IS ORDERED that the person(s) named above is/are found to be qualified for such office and is/are hereby appointed Temporary Administrator(s) of the estate of the Decedent, and that Temporary Letters be issued upon said Temporary Administrator(s) giving bond with approved surety in the sum of \$_____ and taking the oath as provided by law.

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

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

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

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

TEMPORARY LETTERS OF ADMINISTRATION

At a regular term of Probate Court, this Court granted an order allowing _____ to qualify as Temporary Administrator(s) 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, and that upon so doing, Temporary Letters of Administration be issued to such Temporary Administrator(s).

THEREFORE, the said Temporary Administrator(s), having taken the oath of office and complied with all necessary prerequisites of the law, is/are legally authorized to collect and preserve the assets of the Decedent until a Personal Representative is appointed (or the Temporary Administrator is discharged); and thereupon to deliver up such assets to the Personal Representative of the estate of said Decedent, according to Georgia law.

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: _____ [Seal]

Clerk of the Probate Court

PETITION FOR LETTERS OF ADMINISTRATION

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for a Petition for Letters of Administration pursuant to O.C.G.A. § 53-6-20 et seq.
2. Use of this form is permissible, but not mandatory, in connection with a Petition for Appointment of a Successor Administrator, pursuant to O.C.G.A. § 53-6-21(b). Appropriate strikethroughs must be made, and additional information must be given concerning the identity of the previous Administrator, the reason for the vacancy in the office, and the date the office became vacant.
3. With respect to the conditions under which the judge may, pursuant to O.C.G.A. § 53-7-1(b), waive bond and/or grant certain powers contained in O.C.G.A. § 53-12-261, note:
 - (a) All of the heirs must consent, and
 - (b) Notice must be published.

[NOTE: Acknowledgments must be on separate pages. Acknowledgments that are submitted on the same page will not be accepted.]

4. Signatures of heirs 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; 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.
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 deceased heir's Personal Representative if applicable. The Personal Representative of a deceased heir(s) 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.gov.] Examples of such statement would be: (a) "Decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein"; (b) "Decedent had no other siblings half or whole other than those listed herein"; (c) "the Decedent's brother who died previously had no other children born,

adopted, living or deceased, other than listed herein.”

7. According to Probate Court Rule 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 may 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.
8. Use Supplement 3 when an additional certificate of service is necessary.
9. 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.
10. An oath must be administered by a Probate Judge or Clerk (the oath cannot be administered by a notary public). Use Georgia Probate Court Supplement 4 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.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court or at www.gaprobate.gov, labeled GPCSF 1.

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 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. 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.

Under the law, it is necessary that said estate be administered and _____
_____ should be appointed Administrator(s)
by reason of:

[Initial one]

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

6.

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

7.

The Decedent passed leaving an estate of real property located in _____
_____ County(ies), Georgia [list real property that is located in another state and/or
country] having a total fair market value of approximately \$ _____.

Decedent passed leaving personal property as follows [provide approximate value]:

- _____ (a) Cash/bank accounts/certificates of deposit; \$ _____
- _____ (b) Stocks/bonds/brokerage accounts; \$ _____
- _____ (c) Other assets of significant value [list]; \$ _____

APPROXIMATE TOTAL VALUE OF PERSONAL PROPERTY \$ _____

8.

[Petitioner(s) MUST initial one]

- _____ (a) All heirs have consented to the waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261 to the Administrator(s). Therefore, the Petitioner(s) hereby move(s) the Court to publish notice of the filing of the Petition and tender(s) with this Petition publication fees. **[This only applies if all heirs have properly selected, acknowledged and consented to this option.]**
- _____ (b) The identities and/or addresses of all heirs are not known. Therefore, the Petitioner(s) hereby move(s) the Court to publish notice of the filing of the Petition, and tender(s) with this Petition publication fees.
- _____ (c) Notice of this Petition need not be published because the Petitioner(s) has/have listed all heirs at law and their addresses, and Petitioner(s) is/are not requesting a waiver of bond, inventory and returns, or the grant of powers contained in O.C.G.A. § 53-12-261.

9.

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

WHEREFORE, Petitioner(s) pray(s):

1. Service be perfected; and
2. That if no good cause is shown to the contrary, _____
be appointed Administrator(s) of the estate of said Decedent.

Signature of Petitioner

Printed Name

Mailing Address

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 for Letters of Administration and the attached Exhibits 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

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 OF _____)
)
) **ESTATE NO.** _____
DECEASED)

**PETITION FOR LETTERS OF ADMINISTRATION
ORDER FOR SERVICE OF NOTICE**

____ (a) Since the heirs have not made a unanimous selection;

IT IS ORDERED that notice be issued and served upon each heir who did not acknowledge service. Notice of this Petition shall be mailed by first-class mail to each heir with a known address at least thirteen (13) days prior to the date on or before which any objection is required to be filed. If there is any heir whose current address is unknown, notice shall be published once a week for four weeks prior to the date for which any objection must be filed.

____ (b) Since the heirs have made a unanimous selection, and the Petitioner(s) has/have requested the waiver of bond and/or grant of certain powers,

IT IS ORDERED that notice shall be published once each week for four weeks prior to the week which includes the date on or before which any objection must be filed.

SO ORDERED this ____ day of _____, 20____.

Judge of the Probate Court

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

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

**PETITION FOR LETTERS OF ADMINISTRATION
NOTICE**

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

TO: _____
[List here all heirs who have not acknowledged service]
and to whom it may concern:

_____ has petitioned for (_____) to be appointed Administrator(s) of the estate of _____ deceased, of said County. (The Petitioner has also applied for waiver of bond and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) 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____.

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.

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

Address

Telephone Number

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

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

CERTIFICATE OF SERVICE

I certify that I have this date mailed (unless otherwise noted) in an envelope with the proper postage affixed thereto for first-class mail delivery a copy of the Petition for Letters of Administration, Order for Service of Notice, including any attached exhibits and the Notice to the following parties:

This _____ day of _____, 20____.

Clerk of the Probate Court

Address

Telephone Number

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

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

ORDER APPOINTING ADMINISTRATOR

A Petition for Letters of Administration for the above named Decedent was filed.

_____ was/were nominated Administrator(s) in the Petition and is/are hereby found to be legally qualified for said office. 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 finds that the Decedent died intestate. 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.

ACCORDINGLY, IT IS ORDERED that the person(s) named above is/are found to be qualified for such office and is/are hereby appointed Administrator(s) of the estate of the Decedent, and that appropriate Letters be issued upon said Administrator(s) giving bond with approved surety in the sum of \$_____ and taking the oath as provided by law. The Administrator(s) shall not make any distribution to a person for the benefit of a minor unless that person is qualified to receive such funds according to law.

IT IS FURTHER ORDERED that upon unanimous consent and publication of notice as necessary, the Court hereby: *[Initial if applicable.]*

- _____ (a) **POWERS GRANTED:** Grants to the Administrator(s) all of the powers contained in O.C.G.A. § 53-12-261.
- _____ (b) **REPORTS WAIVED:** Grants to the Administrator(s) the specific power to serve without making and filing inventory, and without filing any annual or other returns or reports to any court; but the fiduciary(ies) shall furnish to the heirs, at least annually, a statement of receipts and disbursements.
- _____ (c) **BOND WAIVED:** Waives the specific requirement to post bond.

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

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

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

LETTERS OF ADMINISTRATION

[Bond Waived and/or Certain Powers Granted at Time of Appointment]

At a regular term of Probate Court, this Court granted an order allowing _____ to qualify as Administrator(s) 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, and that upon so doing, Letters of Administration be issued to such Personal Representative(s).

THEREFORE, the said Administrator(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 Personal Representative(s), according to Georgia law. In addition this Court:

[Initial all which apply]

- _____ (a) **POWERS GRANTED:** Grants to the Administrator(s) all of the powers contained in O.C.G.A. § 53-12-261.
- _____ (b) **REPORTS WAIVED:** Grants to the Administrator(s) the specific power to serve without making and filing inventory, and without filing any annual or other returns or reports to any court; but the fiduciary(ies) shall furnish to the heirs, at least annually, a statement of receipts and disbursements.
- _____ (c) **BOND WAIVED:** Waives the specific requirement to post bond.

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: _____ *[Seal]*

Clerk of the Probate Court

INSTRUCTIONS

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

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

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

LETTERS OF ADMINISTRATION
[Bond, Inventory and Returns Required]

At a regular term of Probate Court, this Court granted an order allowing _____ to qualify as Administrator(s) 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, and that upon so doing, Letters of Administration be issued to such Personal Representative(s).

THEREFORE, the said Administrator(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 Personal Representative(s), according to Georgia law.

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: _____ *[Seal]*

Clerk of the Probate Court

(SEE INSTRUCTIONS)

INSTRUCTIONS

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

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 Will Annexed [see Petition to Probate Will in Solemn Form and for Letters of Administration with Will Annexed, GPCSF 7].
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. 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 deceased heir's 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.gov.] 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."

9. 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. 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. An oath must be administered by a Probate Judge or Clerk (the oath cannot be administered by a notary public). Use Georgia Probate Court Supplement 4 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.
13. 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 or at www.gaprobate.gov, labeled GPCSF 1.

**IN THE PROBATE COURT OF _____ COUNTY
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:

<i>Name</i>	<i>Age (or over 18)</i>	<i>Address</i>	<i>Relationship</i>

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 similar 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
------	---------

_____ (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
------	---------

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

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 Petitioner

Printed Name

Mailing Address

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 to Probate Will in Common Form 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

Printed Name of Petitioner

My Commission Expires _____

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 OF _____)
)
_____,) **ESTATE NO.** _____
DECEASED)

ORDER ADMITTING WILL (AND CODICIL(S)) TO PROBATE IN COMMON 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 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 Common 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 OF _____ COUNTY
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 Decedent, 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 of the Probate Court

**IN THE PROBATE COURT OF _____ COUNTY
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 Decedent, 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____.

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 of the Probate Court

**IN THE PROBATE COURT OF _____ COUNTY
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(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____.

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 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 deceased heir's 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.gov.] 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 public). Use Georgia Probate Court Supplement 4 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 or at www.gaprobate.gov, labeled GPCSF 1.

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 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. 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(s) and address(es) of each Petitioner and the name(s) and address(es) of any appointed Administrator(s), if any, are 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
------	---------

_____ (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
------	---------

7.

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

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 Petitioner

Printed Name

Mailing Address

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 to Probate Will in Solemn Form (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 OF _____ COUNTY
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_____

Signature of Testamentary Conservator

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Testamentary Conservator

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

Signature of Testamentary Conservator

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Testamentary Conservator

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 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 registered or 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 OF _____ COUNTY
STATE OF GEORGIA**

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

NOTICE

IN RE: The Petition to Probate Will (and Codicil(s)) in Solemn Form in the above-referenced estate

[Strike any paragraph if not applicable]

TO: _____
[List here all interested parties who reside in Georgia to be served personally or by registered or certified mail or statutory overnight delivery 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 registered or certified mail or statutory overnight delivery 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, 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 registered or certified or statutory overnight delivery 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, 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 of the Probate Court

IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA

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

CERTIFICATE OF SERVICE

I certify that I have 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 of the Probate Court

Address

Telephone Number

**IN THE PROBATE COURT OF _____ COUNTY
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 OF _____ COUNTY
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 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 Decedent, 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 of the Probate Court

**IN THE PROBATE COURT OF _____ COUNTY
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 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 Decedent, 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____.

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 of the Probate Court

IN THE PROBATE COURT OF _____ COUNTY
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(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____.

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 of the Probate Court

**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 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. 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. § 53-6-15 (b) provides that the petition shall be served on the beneficiaries of the Will and the executor, if any, of any deceased executor whose death created the vacancy in the manner described in Chapter 11 of Title 53. O.C.G.A. § 53-11-3 (a).
6. 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).

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 similar 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 deceased heir's 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.gov.] 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."
8. 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.
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. An oath must be administered by a Probate Judge or Clerk (the oath cannot be administered by a notary public). Use Georgia Probate Court Supplement 4 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.
13. 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 or at www.gaprobate.gov, labeled GPCSF 1.

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 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. If any heirs 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. 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.

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 or persons who succeeded to the interest of any heir or beneficiary who died after the decedent.

<i>Name</i>	<i>Age (or over 18)</i>	<i>Address</i>

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 that apply]

- _____ (a) The Decedent failed to nominate an executor in the Will.
 - _____ (b) The nominated Administrator has not reached age of majority.
 - _____ (c) The nominated Executor is deceased.
 - _____ (d) The nominated 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 Decedent.
- _____ (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; 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
------	---------

_____ (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
------	---------

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 name(s) and address(es) of the Propounder(s) and the name(s), address(es) and age(s) 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(s) and address(es) of each Petitioner, and the name(s) and address(es) of any appointed Administrator(s), 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. 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 of Administration with Will Annexed issue; and
6. That this Court order such other relief as may be proper under the circumstances.

Signature of Petitioner

Printed Name

Mailing Address

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 to Probate Will in Solemn Form and for Letters of Administration with Will Annexed 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

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 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, service is ordered as follows:

[Initial any and all that apply]

_____ Notice together with a copy of the Petition and purported Will (and Codicil(s)) shall be served personally, or by registered or 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, or statutory overnight delivery 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

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.

Judge of the Probate Court

By: _____

Clerk of the Probate Court

Address

Telephone Number

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

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

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

An alleged Last Will and Testament dated _____
(and Codicil(s) dated _____) was/were propounded.
Petitioner requested that the Court appoint _____ as
Administrator with Will Annexed. 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 and beneficiaries under the propounded Will 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 person(s) named above has/have leave to qualify
as Personal Representative(s) by taking the required oath, after which Letters of Administration
with Will Annexed 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 *[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 OF _____ COUNTY
STATE OF GEORGIA**

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

LETTERS OF ADMINISTRATION WITH WILL ANNEXED
[Bond Waived and/or Certain Powers Granted at Time of Appointment]

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 _____ 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 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 Decedent and of Administrator(s) with Will Annexed according to the Decedent's Will and the law. In addition, this Court:

[Initial all that apply]

- _____ (a) **POWERS GRANTED:** Grants to the Administrator(s) all of the powers contained in O.C.G.A. § 53-12-261.
- _____ (b) **REPORTS WAIVED:** Grants to the Administrator(s) the specific power to serve without making and filing inventory, and without filing any annual or other returns or reports to any court; but the fiduciary(ies) shall furnish to the beneficiaries at least annually, a statement of receipts and disbursements.
- _____ (c) **BOND WAIVED:** Waives the specific requirement to post bond.

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 of the Probate Court

**IN THE PROBATE COURT OF _____ COUNTY
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 the anniversary date of appointment until the Administration with Will Annexed is fully discharged.

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 of the Probate Court

**PETITION FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED
(WILL PREVIOUSLY PROBATED)**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used in connection with a Petition for Letters of Administration with Will Annexed when the Will has been previously probated pursuant to O.C.G.A. § 53-6-15 (b). In the event the will has not been previously probated, Form 7, Petition for Letters of Administration with Will Annexed, should be used.
2. Signatures of 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 a beneficiary; however, the attorney must certify that he or she currently represents that 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.
3. O.C.G.A. § 53-6-15 (b) provides that the petition shall be served on the beneficiaries of the Will and the Executor, if any, of any deceased Executor whose death created the vacancy in the manner described in Chapter 11 of Title 53. O.C.G.A. § 53-11-3 (a).
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. Use Supplement 2 if the Court determines it is appropriate to appoint a special process server.
6. Use Supplement 3 when an additional certificate of service is necessary.
7. 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.
8. An oath must be administered by a Probate Judge or Clerk (the oath cannot be administered by a notary public). Use Georgia Probate Court Supplement 4 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.

9. 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. All pages after 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 or at www.gaprobate.gov, labeled GPCSF 1.

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

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

**PETITION FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED
(WILL PREVIOUSLY PROBATED)**

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.

The Will dated _____, 20__ (and Codicil(s) dated _____,
20__) was/were previously probated and a Final Order was entered on _____,
20__.

2.

Listed below are all of the beneficiaries under said Will previously probated who have a present interest, including but not limited to a vested remainder interest but not including trust beneficiaries where there is a trustee who is not the nominated Administrator with Will Annexed.

<i>Name</i>	<i>Age (or over 18)</i>	<i>Address</i>	<i>Relationship</i>

3.

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

[Initial all that apply]

- ____ (a) The appointed Executor is deceased.
- ____ (b) The appointed Executor has renounced or declined his/her right to serve as such. *[Attach Renunciation as Exhibit “ ____.”]*
- ____ (c) Other reason a testate estate is unrepresented: _____

4.

The Petitioner(s) _____ is/are entitled to be appointed Administrator(s) 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, which was previously probated, who are capable of expressing a choice. If the sole beneficiary is the Decedent’s Surviving Spouse, no action for divorce or separate maintenance was pending at the time of death of the Decedent.
- ____ (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 were 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.

5.

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).

6.

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

7.

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 Letters of Administration with Will Annexed, Will previously probated, issue to the proposed Administrator(s) with Will Annexed named above;
3. That this Court grant such other and further relief as it deems proper under the circumstances.

Signature of Petitioner

Printed Name

Mailing Address

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 for Letters of Administration with Will Annexed (Will Previously Probated) and the attached Exhibits(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 OF _____ COUNTY
STATE OF GEORGIA**

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

**ACKNOWLEDGMENT OF SERVICE AND
SELECTION BY BENEFICIARIES**

The undersigned, being 18 years of age or older, laboring under no legal disability and being a beneficiary of the above-referenced estate, hereby acknowledges service of a copy of Petition for Letters of Administration with Will Annexed (Will Previously Probated), and notice, waives copies of same and all further service and notice, selects the person proposed in said petition to be Administrator with Will Annexed and consents to the Petition.

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

Signature of Beneficiary

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Beneficiary

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

Signature of Beneficiary

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Beneficiary

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

Signature of Beneficiary

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Beneficiary

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 OF _____)
)
) **ESTATE NO.** _____
DECEASED _____)

ORDER FOR SERVICE OF NOTICE

The foregoing Petition for Letters of Administration with Will Annexed (Will Previously Probated) having been filed, service is ordered as follows:

[Initial any and all that apply]

_____ Notice together with a copy of the Petition and Will shall be served personally, or by registered or certified mail or statutory overnight delivery, as requested by the Petitioner together with a copy of the Petition and pursuant to O.C.G.A. § 53-11-3 and the Will (and codicil(s)), at least ten (10) days before the Petition can be granted 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 Will shall be served by registered or certified mail or statutory overnight delivery, 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 OF _____ COUNTY
STATE OF GEORGIA**

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

NOTICE

IN RE: Petition for Letters of Administration with Will Annexed (Will Previously Probated)

[Strike any paragraph if not applicable.]

TO: _____
[List here all interested parties who reside in Georgia to be served personally or by registered or certified mail or statutory overnight delivery 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 above-referenced Petition 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 parties having known addresses outside the continental U.S. to be served by registered or certified mail or statutory overnight delivery 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 above-referenced Petition in this Court on or before the thirtieth (30th) day after _____, 20____ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 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 known addresses in the continental U.S. to be served by registered or certified mail or statutory overnight delivery with restricted delivery to the addressee, if specifically requested by Petitioner(s)]
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.

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 above referenced Petition, in this Court on or before _____, 20_____.

BE NOTIFIED FURTHER: All objections to the Petition must be in writing, setting forth the grounds of any such objections. All objections must 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 of the Probate Court

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

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

CERTIFICATE OF SERVICE

I certify that I have 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 of the Probate Court

Address

Telephone Number

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

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

ORDER

The foregoing petition for Letters of Administration with Will Annexed (Will Previously Probated) having been duly filed,

And it appearing that the Will of the Decedent was previously probated in this Court,

And it also appearing that _____
has/have leave to qualify as Administrator(s) with Will Annexed,

The Court further finds that all of the beneficiaries of the Will were served or acknowledged service. The Court further finds that no objection has been filed, and all requirements of law have been fulfilled.

ACCORDINGLY, IT IS ORDERED that that the person(s) found above has/have leave to qualify as Administrator(s) with Will Annexed by taking the required oath, after which Letters of Administration with Will Annexed shall issue. The Clerk shall serve the Administrator(s) with Will Annexed 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.

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

**IN THE PROBATE COURT OF _____ COUNTY
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)(Common Form) and was admitted to record by order, and it was further ordered that _____ be allowed to qualify as Administrator with the Will Annexed, and that upon doing so, Letters of Administration with the Will Annexed be issued to said individual(s).

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

IT IS FURTHER ORDERED that the undersigned judge does hereby

[Initial all that apply]

- _____ (a) **POWERS GRANTED:** Grant to the Administrator(s) all of the powers contained in O.C.G.A. § 53-12-261.
- _____ (b) **REPORTS WAIVED:** Grant to the Administrator(s) the specific power to serve without making and filing inventory, and without filing any annual or other returns or reports to any court; but the fiduciary(ies) shall furnish to the heirs, at least annually, a statement of receipts and disbursements.
- _____ (c) **BOND WAIVED:** Waive the specific requirement to post bond.

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 of the Probate Court

**IN THE PROBATE COURT OF _____ COUNTY
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 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)(Common 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 Decedent and of Administrator(s) with Will Annexed according to the Decedent's Will and the law and is/are hereby required to render a true and correct inventory of property, both real and personal, and any and all debts of the estate and make a return of them to this Court, and further, to file a proper annual or final return with this Court each year within sixty (60) days after the anniversary date of appointment until the Administration is fully discharged.

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 of the Probate Court

PETITION FOR ORDER DECLARING NO ADMINISTRATION NECESSARY

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when filing a Petition for an Order Declaring No Administration Necessary, pursuant to O.C.G.A. § 53-2-40 et seq., and should only be used when the Decedent died intestate (without a Will).
2. Unanimous consent of the heirs at law to the agreed upon division is required according to O.C.G.A. § 53-2-40 (b).
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. It is not necessary that all acknowledgments appear on the same page.
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. § 53-2-40 (c) provides that the personal representative of a deceased heir is authorized to agree to the division of property.
6. A signed original agreement setting out the heirs' agreed upon distribution of the estate must be attached to the Petition. The legal description included in the agreement must sufficiently identify the property in order to pass good title.
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 deceased heir's Personal Representative if applicable. The Personal Representative of a deceased heir is authorized to consent on behalf of that heir. O.C.G.A. § 53-6-30. [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.gov.] 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 or at www.gaprobate.gov, labeled GPCSF 1.

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

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

PETITION FOR ORDER DECLARING NO ADMINISTRATION NECESSARY

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
died intestate (without a will) on _____, 20 _____, owning property in this state.

2.

The above named Decedent died without a valid Last Will and Testament.

3.

Listed below are 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:

<i>Name</i>	<i>Age (or over 18)</i>	<i>Address</i>	<i>Relationship</i>

7.

As to the estate of said Decedent:

[Initial any and all that apply]

- _____ (a) The estate of Decedent owes no debts.
- _____ (b) The estate of Decedent owes no debts, other than an outstanding security deed held by (complete name(s) and address(es) including zip codes must be provided for each creditor so listed)_____, who must be properly served in this matter unless such holder has consented in writing below to the petition.
- _____ (c) The estate of Decedent owes no debts, other than to such creditor(s) as have consented in writing to the petition, as shown on the consent below.
- _____ (d) The estate of Decedent owes no debts, other than (complete name(s) and address(es) including zip codes must be provided for each creditor so listed) are listed immediately below who have not consented in writing and must be served as provided by law:

8.

All the heirs have amicably agreed upon a division of the estate among themselves as shown by the written agreement attached hereto containing original signatures of all heirs, attested to by a notary public or Probate Court Clerk.

9.

To the knowledge of the Petitioner, no other proceedings with respect to this estate are pending, or have been completed, in any other Probate Court in this state.

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

Signature of Petitioner

Printed Name

Mailing Address

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 for Order Declaring No Administration Necessary (and the attached exhibits) 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

Address

Telephone Number

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

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

**AGREEMENT AND
ACKNOWLEDGMENT OF SERVICE AND CONSENT**

We, being all of the heirs of the above-named Decedent, hereby agree to the division of the Decedent's estate among ourselves in the amounts and portions which would otherwise be determined in accordance with the rules of inheritance when a Decedent dies without a will, or if different, as follows:

We hereby agree that the following interests vest as set forth below:

[Full Name of individual to receive interest]

[Complete address including zip code of individual to receive interest]

[Date of Birth or Majority Status]

[Interest or percentage received pursuant to this Order]

[Full Name of individual to receive interest]

[Complete address including zip code of individual to receive interest]

[Date of Birth or Majority Status]

[Interest or percentage received pursuant to this Order]

Each of the undersigned heirs or creditors (including any security deed holder) hereby acknowledges due and legal service of the foregoing Petition, waives copies of same and all further service and notice in this matter, and consents to this agreement the terms of which shall be included in the Final Order Declaring that No Administration is Necessary. For each individual named put the appropriate letter to show the relationship to the Decedent - Heir (H), or Creditor (C).

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

Signature of Interested Party

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Interested Party

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

Signature of Interested Party

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Interested Party

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

Signature of Interested Party

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Interested Party

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

Signature of Interested Party

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Interested Party

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 OF _____)
)
) **ESTATE NO.** _____
DECEASED _____)

ORDER FOR SERVICE OF NOTICE
[NOT NEEDED IF ALL CREDITORS HAVE CONSENTED]

The foregoing Petition for Order Declaring No Administration Necessary having been filed, service is ordered as follows:

[Initial any and all that apply]

_____ Notice together with a copy of the Petition shall be served personally, or by registered or 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 petition can be granted 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 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:

OR

Upon reading and considering the foregoing Petition for Order Declaring No Administration Necessary, IT IS ORDERED that notice issue thereon as required by law, requiring all non sui juris heirs by and through guardian ad litem and/or creditors who have not consented to the Petition to show cause in writing filed in this Court on or before a day certain, if published, or within ten (10) days of personal service, whichever is later, why the prayers of the Petitioner should not be granted as prayed, and an Order granted that no administration is necessary in this estate. Further Ordered that any security deed holder or other creditor who has not consented in writing to the Petition and whose current address is known be served with a copy of the Petition, this Order, and the following Notice, personally or by registered or certified mail or statutory overnight delivery, as requested by the Petitioner(s) pursuant to O.C.G.A. § 53-11-3, if a resident of this state, or by registered or certified mail, return receipt requested, if a nonresident with a known current address. Any creditor whose current address is not known must be served by publishing the notice once a week for four (4) weeks.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

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

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

NOTICE

The Petition of _____, for an Order Declaring No Administration is Necessary in the above-referenced estate having been duly filed, *[Strike any paragraph if not applicable]*

TO: _____
[List here all interested parties having known addresses in Georgia to be served personally or by registered or certified mail or statutory overnight delivery 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, 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 parties having known addresses outside the continental U.S. to be served by registered or certified mail or statutory overnight delivery 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, 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 known addresses in the continental U.S. to be served by registered or certified or statutory overnight delivery 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, 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.

This _____ day of _____, 20__.

Address

Telephone Number

Judge of the Probate Court

By: _____
Clerk of the Probate Court

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

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

CERTIFICATE OF SERVICE

I certify that I have this date mailed (unless otherwise noted) in an envelope with the proper postage affixed thereto for first-class mail delivery copies of the Petition for Order Declaring No Administration Necessary, Order for Service of Notice, including any attached Exhibits and the Notice to the following parties at the addresses below:

This _____ day of _____, 20____.

Clerk of the Probate Court

Address

Telephone Number

Probate Court Return Mailing Address:

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

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

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

PETITION FOR ORDER DECLARING NO ADMINISTRATION NECESSARY

FINAL ORDER

A Petition for Order Declaring No Administration Necessary on the above estate was filed. It appearing that the Decedent died intestate domiciled within, or domiciled outside the State of Georgia but owning real property within, the above County; that all of the heirs of said Decedent have agreed upon a division of the estate as evidenced by the Agreement attached to the Petition and incorporated herein by reference; that the estate of said Decedent owes no debts, except to creditors, if any, including any security deed holders, who have consented or been served in this matter; and that no objection has been filed.

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

GRANTOR: (NAME OF DECEDENT) _____

ADDRESS OF THE DECEDENT _____

GRANTEES: (For each person to receive an interest in any property according to the Agreement and hereby Ordered by this Court)

[Full Name of individual to receive interest]

[Complete address including zip code of individual to receive interest]

[Date of Birth or Majority Status]

[Interest or percentage received pursuant to this Order]

[Full Name of individual to receive interest]

[Complete address including zip code of individual to receive interest]

[Date of Birth or Majority Status]

[Interest or percentage received pursuant to this Order]

[Full Name of individual to receive interest]

[Complete address including zip code of individual to receive interest]

[Date of Birth or Majority Status]

[Interest or percentage received pursuant to this Order]

[Full Name of individual to receive interest]

[Complete address including zip code of individual to receive interest]

[Date of Birth or Majority Status]

[Interest or percentage received pursuant to this Order]

Legal Description and location of any Real Property:

IT IS FURTHER ORDERED that the Clerk shall send a certified copy of this Order to the Clerk(s) of the Superior Court(s) for recording on the deed records of the following County(ies) in which real property is located _____
_____ County(ies).

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

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

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

**CERTIFICATION OF SERVICE OF ORDER
FOR NO ADMINISTRATION NECESSARY**

I certify that I have this date mailed (unless otherwise noted) in an envelope with the proper postage affixed thereto for first-class mail delivery a certified copy of the Order of No Administration Necessary and the Agreement of the Parties in the No Administration Necessary to each party and county(ies) named below as addressed herein and deposited in the United States Mail, with the return address of this Court thereon.

This _____ day of _____, 20_____.

Clerk of the Probate Court

Address

Telephone Number

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 who 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 deceased heir’s 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.gov.] 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 or at www.gaprobate.gov, labeled GPCSF 1.

- _____ (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 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. 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.

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 # _____

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 for Year's Support 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

Probate Court Return Mailing Address:

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

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

IN RE:

_____,)
DECEASED) **ESTATE NO.** _____)

**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

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:

_____,
DECEASED

)
)
)
)

ESTATE NO. _____

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 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 of the Probate Court

Address

Telephone Number

**PETITION FOR THE APPOINTMENT OF AN
EMERGENCY GUARDIAN AND/OR CONSERVATOR FOR A PROPOSED WARD**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for filing a Petition for the Appointment of an Emergency Guardian and/or Conservator for a Proposed Ward pursuant to O.C.G.A. §§ 29-4-14 and/or 29-5-14.
2. In determining if this Court is the proper place to bring this action, Petitioner(s) should consult Georgia law, including but not limited to, Chapters 4, 5 and 11 of Title 29, as applicable.
3. Regarding the need for the pre-hearing appointment of an Emergency Guardian/Emergency Conservator, O.C.G.A. §§ 29-4-15 (c) (5) and 29-5-15 (c) (5) provide as follows: If the court determines that there is probable cause to believe that the Proposed Ward is in immediate need of an emergency guardian, the court shall appoint a pre-hearing emergency guardian to serve until the emergency hearing, with or without prior notice to the Proposed Ward, but only if the threatened risk is so immediate and the potential harm so irreparable that any delay is unreasonable and the existence of the threatened risk and potential for irreparable harm is certified by the affidavit of a physician licensed to practice medicine under Chapter 34 of Title 43, a psychologist licensed to practice under Chapter 39 of Title 43, or a licensed clinical social worker. However, pending the emergency hearing, the court shall order that no withdrawals may be made from any account on the authority of the Proposed Ward's signature without the court's prior approval and that the emergency conservator shall not expend any funds of the Proposed Ward without prior court approval.
4. Further, if a pre-hearing emergency guardian/emergency conservator is appointed to serve until the emergency hearing, then such guardian and/or conservator shall, prior to the issuance of Letters of Emergency Guardianship/Emergency Conservatorship, take an oath and post such bond as the court may require.
5. In any case involving the creation of a Conservatorship when the Proposed Ward owns real property in Georgia, a certificate of creation of conservatorship will be completed by the Clerk of the Probate Court and filed with the Clerk of the Superior Court of each county in which the Proposed Ward owns real property within thirty (30) days of the date of such order.

6. The burden of proof is on the Petitioner to present clear and convincing evidence that the Proposed Ward lacks sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety and is in need of a guardianship AND/OR that there is an immediate, clear, and substantial risk of death or serious physical injury, illness, or disease unless an emergency guardian is appointed and/or that the Proposed Ward lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his or her property and is in need of a conservatorship AND that there is an immediate, substantial risk of irreparable waste or dissipation of the estate unless an emergency conservator is appointed.
7. The Certificate to the Secretary of State page is to be used only when a determinative finding has been made that the Proposed Ward's voting rights should be removed due to the lack of capacity of the ward. The order of the Court must be modified to reflect that this right was removed. The certificate must be mailed to the Secretary of State.
8. The Certificate to the GBI page shall be used in all cases where a Guardianship and/or Conservatorship is/are established. Individuals so listed in this database will be prohibited from obtaining a weapons carry license. In the event the ward's rights are restored, such restoration of rights shall be sent to the GBI, so the database can be updated. Only the Certificate needs to be sent to the GBI and not the Guardianship Order.
9. 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 that 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.
10. An oath must be administered by a Probate Judge or Clerk (the oath cannot be administered by a notary public). Use Georgia Probate Court Supplement 4 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.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court or at www.gaprobate.gov, labeled GPCSF 1.

1.

The Proposed Ward

[Full name of Proposed Ward] *First Middle Last*
 whose age is _____, date of birth is _____,
 Social Security Number is _____, domicile is

Street City County State Zip Code
 presently located at _____,
Street City County State Zip Code
 which is a [type of facility, if applicable] and can be contacted at telephone number: _____.

2.

(a) Will the Proposed Ward be moved within the next three (3) days? [Select One] Yes No

(b) Is the Proposed Ward a citizen of a foreign country? [Select One] Yes No

If you answer "Yes" to (a) and/or (b), provide the necessary information below:

(a) The following is the address where the Proposed Ward is anticipated to be moved:

Street City County State Zip Code Telephone Number

(b) The Proposed Ward is a citizen of a foreign country, said country being: _____ (if an emergency guardianship or conservatorship is granted, pursuant to The Vienna Convention, the Probate Court must notify the consul).

3.

a. Is an emergency guardianship necessary because the Proposed Ward lacks sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety and there is an immediate and substantial risk of death or serious physical injury, illness, or disease unless an emergency guardian is appointed? [Select One] Yes No

b. Is an emergency guardianship necessary because the Proposed Ward lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his or her property and there is an immediate substantial risk of irreparable waste or dissipation of the estate unless an emergency conservator is appointed? [Select One] Yes No

If you answer "Yes" to (a) and/or (b), provide the facts that support the claim of the need for an emergency guardian/emergency conservator (continued on next page):

[NOTE: Pursuant to O.C.G.A. §§ 29-4-15(b) and 29-5-14(b), the Court shall dismiss the Petition if the Petitioner(s) does/do not allege facts that cause the Court to believe that the Proposed Ward is in need of an emergency guardian/emergency conservator as stated above. The Petition cannot be granted unless sufficient facts are presented that support the claim for the need for the appointment of an emergency guardian/emergency conservator. While an attached physician's, psychologists, or social worker's affidavit is permissible, the Petitioner(s) MUST specifically allege sufficient facts to support the granting of this Petition.]

4.

- (a) It is in the best interest of the Proposed Ward for the following individual to be appointed emergency guardian: _____
- (b) It is in the best interest of the Proposed Ward for the following individual to be appointed emergency conservator: _____

5.

- (a) Is it necessary, in addition to the appointment of an emergency guardian, after notice and hearing, for the Court to immediately appoint a pre-hearing emergency guardian? [Select One] Yes No
- (b) Is it necessary, in addition to the appointment of an emergency conservator, after notice and hearing, for the Court to immediately appoint a pre-hearing emergency conservator? [Select One] Yes No

If you answer "Yes" to (a) and/or (b), provide the following on a separate page:

1. The reasons why a pre-hearing emergency guardian/emergency conservator is necessary;
2. Who should be appointed as a pre-hearing emergency guardian/emergency conservator;
3. The specific powers that should be granted to the pre-hearing emergency guardian and/or emergency conservator; and
4. Why such powers are necessary to prevent irreparable harm to the Proposed Ward.

6.

The reason(s) why the procedures for the appointment of a non-emergency (permanent) guardianship and/or conservatorship are inadequate to protect the Proposed Ward and/or his or her property is/are:

7.

Will a petition for permanent guardianship/conservatorship be filed? [Select One] Yes No

If you answer "Yes," provide the details of such filing, including the Petitioner's name, county of filing, expected date of filing, etc.:

8.

The foreseeable duration of the Proposed Ward's incapacity is _____
_____ and the Court should grant the emergency guardian/conservator the following powers and duties that do not exceed those absolutely necessary to respond to the immediate threatened risk(s) described above:

9.

- (a) Has a Power of Attorney been created by anyone for the Proposed Ward? *[Select One]* Yes No
- (b) Has a trust been created by anyone for the proposed ward? *[Select One]* Yes No
- (c) Has another document been created by anyone that gives another person authority to act on the Proposed Ward's behalf? *[Select One]* Yes No
- (d) Does anyone else have the authority to act on behalf of the Proposed Ward? *[Select One]* Yes No

If you answer "Yes" to (a), (b), (c) and/or (d), provide the following information:

1. The full name of each individual with the authority to act under a power of attorney, trust, or otherwise. A name should be listed for each affirmative answer in this paragraph;
2. The complete address of each individual with the authority to act under a power of attorney, trust, or otherwise. An address should be listed for each affirmative answer in this paragraph;
3. The telephone number of each individual with the authority to act under a power of attorney, trust, or otherwise. A telephone number should be listed for each affirmative answer in this paragraph;
4. Attach a copy of each document that creates such authority; and

For each of the individuals named in this paragraph, state whether or not it appears he or she is willing and able to act on behalf of the Proposed Ward and include the facts that give rise to that appearance.

[NOTE: If the appointment of an emergency conservator is sought and no petition for permanent conservatorship is being filed simultaneously, this form must be completed.]

**ASSETS, INCOME, OTHER SOURCES OF FUNDS, LIABILITIES, AND EXPENSES
OF PROPOSED WARD**

REAL PROPERTY

[Indicate if property is jointly owned and, if so, with whom]

Description	County	State	Joint Owner, if any	Approximate Equity:
Parcel 1: _____				\$ _____
Parcel 2: _____				\$ _____
Parcel 3: _____				\$ _____

INCOME FROM ALL SOURCES

Yearly Total:

Social Security per year:	\$ _____
SSI [<i>Supplemental Security Income</i>] per year:	\$ _____
Retirement benefits per year:	\$ _____
VA benefits per year:	\$ _____
Other income per year (e.g., alimony, annuity, or trust distributions):	\$ _____
Interest, dividend, or investment income:	\$ _____
Yearly Total of All Income:	\$ _____
<u>Total of Income Covered by Conservatorship Period:</u>	\$ _____

PERSONAL AND INTANGIBLE PROPERTY

[Indicate if property is jointly owned and, if so, with whom]

(1) Checking/Savings/Money Market/Certificates of Deposit/

Liquid Accounts:

Bank/Financial Institution/Broker	Account Number	Joint Owner, if any	
_____			\$ _____
_____			\$ _____
_____			\$ _____
_____			\$ _____

(2) Stocks/Bonds/Investments (including retirement and profit-sharing accounts):

(a) Held by Brokers:

Brokerage Firm/Institution	Account Number	Joint Owner, if any	
_____			\$ _____
_____			\$ _____
_____			\$ _____
_____			\$ _____

(b) Privately Held:

Company/Issuer	Number of Shares	Joint Owner, if any	\$ _____
_____			\$ _____

(3) Automobiles

Year/Make/Model	V.I.N.	Joint Owner, if any	\$ _____
_____			\$ _____

(4) Other assets of significant value:

Description	Joint Owner, if any	\$ _____
_____		\$ _____

Total Value of Personal and Intangible Property: \$ _____

DEBTS AND OTHER LIABILITIES

PERSONAL AND INTANGIBLE PROPERTY

The Proposed Ward has the following debts and/or liabilities:

Approximate Balance:

(1) Secured Debts

Obligor/Payee	Collateral	Joint Owner, if any	\$ _____
_____			\$ _____
_____			\$ _____

(2) Unsecured Debts

Obligor/Payee	Account Number	Joint Owner, if any	\$ _____
_____			\$ _____
_____			\$ _____

Total Debts and Other Liabilities of Proposed Ward: \$ _____

AVERAGE MONTHLY LIABILITIES AND EXPENSES

Household:

Care Facility/Rent/Mortgage Payments: \$ _____
 Property Taxes/Insurance: \$ _____
 Utilities/Lawn Care/Pest Control: \$ _____
 Miscellaneous Household Food: \$ _____
 Total Credit Account and Other Debt Payments: \$ _____
 Other [specify] _____: \$ _____

Automotive/Transportation:

Fuel and Repairs: \$ _____
 Tags, License Fees, Insurance: \$ _____
 Bus/Train/Taxi Fares: \$ _____

Minors or Other Dependents of Proposed Ward:

Childcare: \$ _____
 School Tuition/Supplies/Expenses/Lunches: \$ _____
 Clothing/Diapers/Grooming/Hygiene: \$ _____
 Medical/Dental/Prescription: \$ _____

Other Insurance:

Health: \$ _____
 Life/Disability: \$ _____
 Other [specify] _____: \$ _____

Proposed Ward's Other Expenses:

Laundry/Clothing/Grooming/Hygiene: \$ _____
 Medical/Dental/Prescriptions/Medications: \$ _____
 Entertainment/Vacations/Subscriptions/Dues: \$ _____
 Personal Caretakers/Cleaning Personnel: \$ _____

Total Expenses: \$ _____

PAYMENTS TO CREDITORS

Is the Proposed Ward behind on any debt payments? [Select One] Yes No

If so, payee and amount: _____ \$ _____

SUMMARY

(1) Average Monthly Income: \$ _____

(2) Average Monthly Expenses: \$ _____

11.

This Court has jurisdiction to hear this action under Georgia law, and particularly under Chapters 4, 5, and 11 of Title 29 because: _____

12.

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

WHEREFORE, Petitioner(s) pray(s):

1. that service be perfected as required by law;
2. that the Court appoint legal counsel and an evaluator for the Proposed Ward and order an evaluation as required by law;
3. that the Court order an emergency hearing to be conducted not sooner than three (3) days nor later than five (5) days after the filing of this Petition;
4. that an emergency guardian/emergency conservator be appointed for the Proposed Ward; and
5. that, if requested, the Court immediately appoint a pre-hearing emergency guardian/emergency conservator with such powers and duties as the Court shall direct.

Signature of First Petitioner

Signature of Second Petitioner, if any

Printed Name

Printed Name

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 for the Appointment of an Emergency Guardian and/or Emergency Conservator for a Proposed Ward 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

The following facts support my opinion of incapacity and the existence of (an) immediate threat(s) or risk(s) to the Proposed Ward: _____

_____.

The foreseeable limits on the duration of such incapacity are: _____

_____.

Optional: Affiant's opinions as to any other limitations on the emergency guardianship and/or emergency conservatorship are: _____

_____.

WITNESS MY HAND AND SEAL this _____ day of _____, 20____.

Signature of Physician/Psychologist/LCSW

Printed Name of Evaluator

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

NOTICE:

1. *As to the Certificate to the Secretary of State, this page is to be used **only** when a determinative finding has been made that voting rights should be removed due to the lack of capacity of the Proposed Ward. The Order must be modified to reflect that this right was removed. The certificate must be mailed to the Secretary of State.*
2. *As to the Certificate to the GBI, this page shall be used in all cases where a Guardianship and/or Conservatorship is established. Individuals so listed in this database will be prohibited from obtaining a firearm permit. In the event the Proposed Ward's rights are restored, such restoration of rights **shall** be sent to the GBI so the database can be updated. Only the Certificate needs to be sent to the GBI and not the Guardianship Order.*

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.** _____
PROPOSED WARD)

**ORDER FOR EVALUATION, APPOINTMENT OF COUNSEL,
AND NOTICE OF HEARING**

The above and foregoing Petition for the Appointment of an Emergency Guardian and/or Emergency Conservator for a Proposed Ward having been read and considered, and it appearing that there is sufficient evidence to believe that the Proposed Ward is in need of an emergency guardian and /or emergency conservator within the meaning of O.C.G.A. §§ 29-4-14 and/or 29-5-14,

IT IS HEREBY ORDERED that _____
(physician) (psychologist) (licensed clinical social worker), telephone number _____, is appointed to evaluate the above-named Proposed Ward at _____: _____ M., on _____, 20__ at [location name and address] _____. In compliance with Georgia law and federal law, including HIPAA, healthcare providers shall permit the above evaluator to have access to the Proposed Ward's medical records;

IT IS FURTHER ORDERED that the Clerk shall immediately notify the Proposed Ward of these proceedings by having all pleadings, as well as this order, personally served on the Proposed Ward; and

IT IS FURTHER ORDERED that the above-named Proposed Ward shall submit to an evaluation at the time and place stated above and that a written report shall be furnished to the Court and made available to the parties within seventy-two (72) hours after this order being issued.

IT IS FURTHER ORDERED that the evaluator shall explain the purpose of the evaluation to the Proposed Ward.

IT IS FURTHER ORDERED that _____, attorney at law, telephone number _____ is hereby appointed to represent the Proposed Ward.

IT IS FURTHER ORDERED that an emergency hearing shall be conducted in the Probate Court of _____ County, courtroom _____, [address] _____, Georgia OR at the following address: _____ at _____: _____ M., on _____, 20__, which is not sooner than three (3) days nor later than five (5) days after the filing of the Petition.

[initial if applicable]

_____ (a) IT IS FURTHER ORDERED that, based on the affidavit filed with the Petition, it appears that the threatened risk of death or serious physical injury, illness, or disease of the Proposed Ward is so immediate and the potential harm so irreparable that any delay is unreasonable, and _____ is named as pre-hearing emergency guardian of the Proposed Ward, to serve pending the hearing as scheduled above. Emergency Letters of Guardianship shall be issued upon said pre-hearing emergency guardian taking the oath.

_____ (b) IT IS FURTHER ORDERED that, based on the affidavit filed with the Petition, it appears that the threatened risk of waste or dissipation of the Proposed Ward's property is so immediate and the potential harm so irreparable that any delay is unreasonable, and _____ is named as pre-hearing emergency conservator of the Proposed Ward, to serve pending the hearing as scheduled above. Emergency Letters of Conservatorship shall be issued upon said pre-hearing emergency conservator posting a surety bond in the amount of \$_____ and taking the oath.

[initial if applicable]

_____ (i) IT IS FURTHER ORDERED that, pending the emergency hearing, the Court hereby orders that no withdrawals may be made from any account on the authority of the Proposed Ward's signature without the Court's prior approval and that the pre-hearing emergency conservator shall not expend any funds of the Proposed Ward without prior Court approval.

NOTICE TO PROPOSED WARD:

This is to notify you of a proceeding initiated in this Court by _____
_____ seeking to appoint:

[initial one or both]

- _____ (a) an emergency guardian for your person; and/or
- _____ (b) an emergency conservator for your property.

BY THIS ORDER, THE COURT HAS APPOINTED AN ATTORNEY TO REPRESENT YOU AND HAS SCHEDULED A HEARING. YOU AND YOUR ATTORNEY HAVE THE RIGHT TO ATTEND ANY HEARING HELD ON THIS MATTER.

IF AN EMERGENCY GUARDIAN IS APPOINTED FOR YOU, YOU MAY LOSE IMPORTANT RIGHTS TO CONTROL AND MANAGE YOUR PERSON.

IF AN EMERGENCY CONSERVATOR IS APPOINTED FOR YOU, YOU MAY LOSE IMPORTANT RIGHTS TO CONTROL AND MANAGE YOUR PROPERTY.

ALTHOUGH YOU MUST ATTEND THE EVALUATION, YOU DO NOT HAVE TO RESPOND TO QUESTIONS.

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

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

IN RE: _____)
)
) **ESTATE NO.** _____
PROPOSED WARD)

ORDER FOR DISMISSAL

The above and foregoing Petition for the Appointment of an Emergency Guardian and/or Emergency Conservator for a Proposed Ward having been read and considered pursuant to O.C.G.A. §§ 29-4-15 and/or 29-5-15, and based on the Petition and prior to the court-ordered evaluation, it appears that there is not probable cause to believe that the Proposed Ward is in need of an emergency guardian and/or emergency conservator; therefore,

IT IS HEREBY ORDERED that the Petition is dismissed.

IT IS FURTHER ORDERED that a copy of the Petition, the medical affidavit, if any, and this order be served on the Proposed Ward by first-class mail, and a copy of this order be served in the same manner upon the Petitioner(s) or his/her/their attorney, if any.

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

The following is a description of the overall social condition of the Proposed Ward, including support, care, education, well-being, and the functional capabilities of the Proposed Ward, determined by the evaluator:

The following are my findings as to the needs of the Proposed Ward and their foreseeable duration:

[initial all applicable]

_____ (a) I find the Proposed Ward to be incapacitated by reason of _____

_____ to the extent that said Proposed Ward:

_____ (i) *[for emergency guardianship]* lacks sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety and there is an immediate, clear, and substantial risk of death or serious physical injury, illness, or disease unless an emergency guardian is appointed; and/or

_____ (ii) *[for emergency conservatorship]* lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his or her property and there is an immediate, substantial risk of irreparable waste or dissipation of the Proposed Ward's estate unless an emergency conservator is appointed,

_____ (b) I do not find that the Proposed Ward meets the standards for emergency guardianship set out in (a) (i) above.

_____ (c) I do not find that the Proposed Ward meets the standards for emergency conservatorship set out in (a) (ii) above.

Physician licensed under Chapter 34 of Title 43 of the
Official Code of Georgia Annotated/
Psychologist licensed under Chapter 39 of Title 43 of the
Official Code of Georgia Annotated/
Licensed Clinical Social Worker

Printed Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

[NOTE: This report must be filed with the Probate Court no later than seventy-two (72) hours after the Order for Evaluation being issued.]

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

IN RE: _____)
)
) **ESTATE NO.** _____
PROPOSED WARD _____)

FINAL ORDER

A hearing was held on the above-referenced Petition for the Appointment of an Emergency Guardian and/or Emergency Conservator for a Proposed Ward on _____, 20____, and after considering the pleadings, the evaluation report, and the evidence taken at the hearing, the Court makes the following:

FINDINGS OF FACT

1.

All procedural requirements of O.C.G.A. §§ 29-4-14 and/or 29-5-15 have been met.

2.

The above-named ward (does) (does not) lack sufficient capacity to make or communicate significant responsible decisions concerning the management of his or her health and safety and there is an immediate and substantial risk of death or serious physical injury, illness, or disease due to *[state how or why lacks capacity]*: _____

_____.

The above-named ward (does) (does not) lack sufficient capacity to make or communicate significant responsible decisions concerning the management of his or her property and there is an immediate, substantial risk of irreparable waste or dissipation of the ward's property due to *[state how or why lacks capacity]*: _____

_____.

Such need appears to be limited to the following number of days: _____.

3.

The current value of the personal property and income covering the emergency period of the ward, is approximately \$ _____. The ward has an interest in real property in the following locations:

- (a) _____ County, (state) _____;
- (b) _____ County, (state) _____;
- (c) _____ County, (state) _____.

The ward has outstanding debts of \$ _____ and average expenditures of \$ _____ per month.

4.

Petitioner(s) moved the Court to appoint _____
as emergency guardian and _____
as emergency conservator asserting those individual(s) should serve because: _____

[initial if applicable]

_____ (a) Another individual, being _____, was
nominated/designated by the ward to serve as guardian,
_____ (i) and no good cause was shown to override such preference.
_____ (ii) but good cause was shown not to appoint said individual,
being: _____
_____.

_____ (b) Another individual with higher preference, being _____,
was nominated/designated to serve as guardian by someone other than the
ward, and/but it (is) (is not) in the best interest of the ward to appoint
him/her guardian because _____
_____.

_____ (c) Another individual, being _____, was
nominated/designated by the ward to serve as conservator,
_____ (i) and no good cause was shown to override such preference.
_____ (ii) but good cause was shown not to appoint said individual,
being: _____
_____.

_____ (d) Another individual with higher preference, being _____,
was nominated/designated to serve as conservator by someone other than
the ward, and/but it (is) (is not) in the best interest of the ward to appoint
him/her conservator because _____
_____.

5.

The Petitioner(s) asserted that the following additional powers pursuant to O.C.G.A. §§
29-4-23 (b) and 29-5-23 (c) were absolutely necessary to respond to the immediate and threatened
risks alleged in the Petition:

For the emergency guardian: _____
_____;

For the emergency conservator: _____
_____.

The Court finds, by clear and convincing evidence, that the above-named ward (hereinafter referred to as the “ward”) is in need of:

[initial all applicable]

_____ (a) an emergency guardian because the ward lacks sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety and there is an immediate and substantial risk of death or serious physical injury, illness, or disease unless an emergency guardian is appointed.

_____ (b) an emergency conservator because the ward lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his or her property and there is an immediate, substantial risk of irreparable waste or dissipation of the ward’s property unless an emergency conservator is appointed.

The duration of the emergency guardianship and/or emergency conservatorship is for

[initial one]

_____ (a) sixty (60) days, or until the effective date of the appointment of permanent guardianship and/or conservatorship, or until the emergency guardian(s) and/or conservator(s) are removed, or the dismissal of a Petition for the appointment of an emergency guardian/emergency conservator, whichever occurs first.

_____ (b) a date certain prior to the time identified in (a) above, being _____, 20_____.

IT IS ORDERED that _____ should be, and hereby is/are, appointed emergency guardian(s) and _____ should be, and hereby is/are, appointed emergency conservator(s) of the ward because:

_____. Letters of emergency guardianship and/or emergency conservatorship shall issue to such emergency guardian(s) and/or emergency conservator(s) upon taking the required oath and upon the emergency conservator’s(s) posting bond in the amount of \$_____.

The appointed emergency guardian(s) and/or emergency conservator(s) shall have no authority to act on behalf of the ward until Letters of Emergency Guardianship and/or Emergency Conservatorship have issued.

IT IS FURTHER ORDERED that the emergency guardian(s) shall have only the following powers and duties determined by the Court to be absolutely necessary to respond to the immediate threatened risk: _____.

IT IS FURTHER ORDERED that the emergency conservator(s) shall have only the following powers and duties determined by the Court to be absolutely necessary to respond to the immediate threatened risk: _____.

IT IS FURTHER ORDERED that the emergency guardian(s) shall file the following reports with the Court: _____

IT IS FURTHER ORDERED that the emergency conservator(s) shall file the following reports with the Court: _____

IT IS FURTHER ORDERED that a copy of this Order shall be hand delivered or mailed by first class mail to the ward, the ward's attorney, the guardian ad litem, if any, the emergency guardian and/or emergency conservator, the Petitioner(s) and his/her/their attorney(s), if any.

IT IS FURTHER ORDERED that the ward's legal counsel shall make reasonable efforts to explain to the ward this Order and the ward's rights under this Order.

IT IS FURTHER ORDERED that, within thirty (30) days of the date hereof, the Clerk shall file the certificate of creation of conservatorship in accordance with O.C.G.A. § 29-5-13 (d) with the Clerk of Superior Court of each county in this state in which the ward owns real property.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court/Hearing Officer exercising
the jurisdiction of the Probate Court pursuant to
O.C.G.A. §§ 29-4-12 (d) (7) and/or 29-5-12 (d) (7)

Probate Court Return Mailing Address:

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

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

IN RE: _____)
_____)
_____) **ESTATE NO.** _____
WARD _____)

CERTIFICATE OF CREATION OF EMERGENCY CONSERVATORSHIP
[Pursuant to O.C.G.A. § 29-5-13 (d)]

DATE ORDER ISSUED: _____
GRANTOR *[NAME OF WARD]*: _____
GRANTEE *[NAME OF EMERGENCY CONSERVATOR(S) OF ABOVE WARD]*: _____

An emergency conservatorship has been created for the above-named ward. Said emergency conservatorship expires:

[initial one]

- _____ (a) in sixty (60) days, or on the effective date of the appointment of a permanent conservator, or when the emergency conservator(s) is/are removed, or the dismissal of a Petition for the appointment of a conservator, whichever occurs first.
- _____ (b) on a date certain, being _____, 20_____.

Original Certificate delivered or mailed to Clerk of Superior Court of _____
County on _____, 20_____.

I do hereby certify that the above information is based on the Order of the Probate Court issued on the date set out above and that the above information is true and correct.

By: _____
Clerk of the Probate Court

IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA

IN RE: _____)
)
) ESTATE NO. _____
WARD _____)
)
)
DATE OF BIRTH _____)

LETTERS OF EMERGENCY GUARDIANSHIP OF ADULT WARD

FROM: the Judge of the Probate Court of said County

TO: _____, Guardian(s)

The above-named adult ward was found by this Court to be in need of an emergency guardian, and this Court entered an order designating you as such emergency guardian. You have assented to this appointment by taking your oath. In general, your duties as emergency guardian were declared by the Court to be those absolutely necessary to respond to the immediate threatened risk, specifically _____

These letters expire *[initial one]*:

- _____ (a) in sixty (60) days, or on the effective date of the appointment of a permanent guardian, or when the emergency guardian(s) is/are removed, or upon the dismissal of a petition for the appointment of a permanent guardian, whichever occurs first.
- _____ (b) on a date certain, being _____, 20_____.

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

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 of the Probate Court

(Seal)

IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA

IN RE: _____)
)
) ESTATE NO. _____
WARD _____)
)
)
DATE OF BIRTH _____)

LETTERS OF EMERGENCY
GUARDIANSHIP AND CONSERVATORSHIP OF ADULT WARD

FROM: the Judge of the Probate Court of said County.

TO: _____, Guardian(s) and Conservator(s)

The above-named adult ward was found by this Court to be in need of an emergency guardian and conservator and has designated you as such emergency guardian(s) and emergency conservator(s). You have assented to this appointment by taking your oath and posting a bond. In general, your duties as emergency guardian(s) and emergency conservator(s) were declared by the Court to be those absolutely necessary to respond to the immediate threatened risk, specifically,

_____.

These letters expire *[initial one]*:

_____ (a) in sixty (60) days, or on the effective date of the appointment of a permanent guardian and conservator, or when the emergency guardian(s) and emergency conservator(s) is/are removed, or upon the dismissal of a petition for the appointment of a permanent guardian and/or conservator, whichever occurs first.

_____ (b) on a date certain, being _____, 20_____.

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 of the Probate Court

(Seal)

CERTIFICATE OF GUARDIANSHIP / CONSERVATORSHIP ESTABLISHED

Make Electronic Submissions via the Georgia Criminal Justice Information System (CJIS) Network -OR- Mail Guardianship / Conservatorship forms to: <div style="float: right; text-align: center;"> Georgia Crime Information Center Attention: CJIS Operations Unit 3121 Panthersville Rd. Decatur, Georgia 30034 </div>			
*DATE OF ORDER (mm/dd/yyyy)	*JUDGE'S NAME		
*PROBATE COURT COUNTY/ORI NUMBER		*ESTATE NUMBER	
THE FOLLOWING INDIVIDUAL HAS BEEN ADJUDICATED TO LACK SUFFICIENT MENTAL CAPACITY AND GUARDIANSHIP/CONSERVATORSHIP HAS BEEN ESTABLISHED.			
*NAME (Last, First, Middle)			
*SEX	*RACE	*DATE OF BIRTH (mm/dd/yyyy)	SOCIAL SECURITY NUMBER (###-##-####)
CURRENT ADDRESS (Street Address)			
CITY		STATE	ZIP CODE
SIGNATURE (Court Official)			DATE SIGNED
*Court Official's Title			

***Mandatory Field**

**PETITION FOR THE APPOINTMENT OF A
GUARDIAN AND/OR CONSERVATOR FOR A PROPOSED WARD**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for filing a Petition for the Appointment of a Guardian and/or Conservator for a Proposed Ward pursuant to O.C.G.A. §§ 29-4-10 and 29-5-10.
2. In determining if this Court is the proper place to bring this action, Petitioner(s) should consult Georgia law, including but not limited to, Chapters 4, 5 and 11 of Title 29, as applicable.
3. In any case involving the creation of a Conservatorship when the Proposed Ward owns real property, a certificate of creation of Conservatorship will be completed by the Clerk of the Probate Court and filed with the Clerk of the Superior Court of each county of this state in which the Proposed Ward owns real property within thirty (30) days of the date of such order.
4. The burden of proof is on the Petitioner to present clear and convincing evidence that the Proposed Ward lacks sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety and is in need of a guardianship and/or that the Proposed Ward lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his or her property and is in need of a Conservatorship.
5. The Petition must state whether or not the Proposed Ward resided in another state prior to the Guardianship Petition being filed. The Petition must list the address at which the Proposed Ward resided and the individuals with whom he or she resided. The court may require additional service to these individuals according to O.C.G.A. §§ 29-4-10 (b) (17) and 29-9-7 (b).
6. The Certificate to the Secretary of State page is to be used only when a determinative finding has been made that the Proposed Ward's voting rights should be removed due to the lack of capacity of the ward. The order of the Court must be modified to reflect that this right was removed. The certificate must be mailed to the Secretary of State.
7. The Certificate to the GBI page shall be used in all cases where a Guardianship and/or Conservatorship is/are established. Individuals so listed in this database will be prohibited from obtaining a weapons carry license. In the event the ward's rights are restored, such restoration of rights shall be sent to the GBI, so the database can be updated. Only the Certificate needs to be sent to the GBI and not the Guardianship Order.

8. The Proposed Ward and his or her appointed attorney, and guardian ad litem if appointed, shall receive full copies of the entire Petition as filed. All other parties entitled to service shall receive only a notice of service herein titled: “NOTICE OF FILING OF PETITION FOR GUARDIANSHIP AND/OR CONSERVATORSHIP.”
9. 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. 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.
10. An oath must be administered by a Probate Judge or Clerk (the oath cannot be administered by a notary public). Use Georgia Probate Court Supplement 4 for the oath. The oath is not included in this form. Georgia Probate Court Form 53, Commission to Administer Oath, can be used if the oath is to be administered by a court outside the State of Georgia.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court or at www.gaprobate.gov, labeled GPCSF 1.

1.

The Proposed Ward _____
[Full name of Proposed Ward] First Middle Last

whose age is _____, date of birth is _____,

Social Security Number is _____, domicile is _____

presently located at _____,

Street City County State Zip Code

which is a [type of facility, if applicable] and can be contacted at telephone number: _____

2.

(a) Will the Proposed Ward be moved within the next three (3) days? [Select One] Yes No

(b) Is the Proposed Ward a citizen of a foreign country? [Select One] Yes No

If you answer "Yes" to (a) and/or (b), provide the necessary information below:

(a) The following is the address where the Proposed Ward is anticipated to be moved:

Street City County State Zip Code Telephone Number

(b) The Proposed Ward is a citizen of a foreign country, said country being: _____ (if an emergency guardianship or conservatorship is granted, pursuant to The Vienna Convention, the Probate Court must notify the consul).

3.

(a) Is a guardianship necessary because the Proposed Ward lacks sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety? [Select One] Yes No

(b) Is a conservatorship necessary because the Proposed Ward lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his or her property? [Select One] Yes No

If you answer "Yes" to (a) and/or (b), provide the facts that support the claim of the need for an emergency guardian/emergency conservator (continued on next page):

[NOTE: The Petition cannot be granted unless sufficient facts are presented that support the allegation that the appointment of a guardian and/or conservator is necessary. While an attached physician's, psychologist's, or social worker's affidavit is permissible, the Petition MUST specifically provide sufficient facts to support the granting of this Petition.]

4.

- (a) It is in the best interest of the Proposed Ward for the following individual to be appointed guardian: _____
- (b) It is in the best interest of the Proposed Ward for the following individual to be appointed conservator: _____

5.

The foreseeable duration of the Proposed Ward's incapacity is _____ and the Court should allow the Proposed Ward to retain the following rights and powers: _____

6.

[NOTE: The law requires notice to be given to the spouse, if any, and to all living children whose addresses are known, if any. If there are no living adult children whose addresses are known, then list at least two (2) adults in the following order of priority: lineal descendants of the Proposed Ward; parents and siblings of the Proposed Ward; and friends of the Proposed Ward. In determining the persons to whom notice is required to be given according to the foregoing rules, the Petitioner(s) should not be counted as persons receiving notice. The "Notice of Filing of Petition for Guardianship and/or Conservatorship" will be sent to these parties and not the entire Petition.]

Pursuant to law, the names, addresses, telephone numbers, and relationships of the persons to be notified are as follows:

<i>Name</i>	<i>Age (if under 18)</i>	<i>Address</i>	<i>Relationship</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7.

- (a) Was an individual nominated to serve under a living will, durable power of attorney for healthcare, or other instrument that deals with the management of the person of the Proposed Ward in the event of incapacity, prior to the filing of this Guardianship Petition? [Select One] Yes No

If you answer "Yes" to (a), provide the name(s), address(es), and relationship(s) to the Proposed Ward, if any, indicate the nature of his/her/their interest, and whether he/she/they are willing to act or have failed to act under said appointment and attach the document as an exhibit to this Petition:

- (b) Was an individual nominated in writing to serve as guardian by the Proposed Ward, or any other individual such as a spouse, adult child, or parent, to care for the Proposed Ward either because of or in the event of incapacity? [Select One] Yes No

If you answer "Yes" to (b), provide the name(s), address(es), and relationship(s) to the Proposed Ward, if any, indicate the nature of his/her/their interest, whether he/she/they are willing to act under said appointment, and whether the individual(s) is/are an owner, operator, or employee of a caregiving institution in which the Proposed Ward currently is receiving care and attach the document as an exhibit to this Petition:

- (c) Was an order relating to cardiopulmonary resuscitation issued by the Proposed Ward or another individual addressing end of life decisions and/or life sustaining procedures? [Select One] Yes No

If you answer "Yes" to (c), provide the name(s), address(es), and relationship(s) to the Proposed Ward, if any, indicate the nature of his/her/their interest, whether he/she/they are willing to act under said appointment, and attach the document as an exhibit to this Petition:

(d) Was a trust created for or by the Proposed Ward? [Select One] Yes No

If you answer "Yes" to (d), provide the name(s), address(es), and relationship(s) to the Proposed Ward (if any) of the Trustee; indicate the nature of the Ward's interest in the Trust, whether the Trustee(s) is/are willing to act under said appointment, and attach the document as an exhibit to this Petition:

(e) Was any other document created which gave another individual [Select One] Yes No authority to act on the Proposed Ward's behalf either by the Proposed Ward or someone else?

If you answer "Yes" to (e), provide the name(s), address(es), and relationship(s) to the Proposed Ward, if any, indicate the nature of his/her/their interest, whether he/she/they are willing to act under said appointment, and attach the document as an exhibit to this Petition:

(f) Does another person have the authority to act on behalf of the [Select One] Yes No Proposed Ward?

If you answer "Yes" to (f), provide the name(s), address(es), and relationship(s) to the Proposed Ward, if any, indicate the nature of his/her/their interest, whether he/she/they are willing to act under said appointment, and attach the document as an exhibit to this Petition:

8.

Does anyone named above, or the proposed guardian(s)/ [Select One] Yes No conservator(s) have a financial conflict of interest with the Proposed Ward?

[Note: A conflict of interest may exist if the proposed conservator is co-owner of real property or a joint account with the Proposed Ward.]

If you answer "Yes," list the nature of the conflict of interest:

9.

(a) On behalf of the Proposed Ward, a Petition for Emergency Guardianship and/or Conservatorship was filed. [Select One] Yes No

If you answer "Yes" to (a), provide the filing date of the Petition for Emergency Guardianship and/or Conservatorship and the name of the County and State in which it was filed: _____

(b) On behalf of the Proposed Ward, an Emergency Guardianship and/or Conservatorship was created. [Select One] Yes No

If you answer "Yes" to (b), list the full name and address of the person(s) appointed as Emergency Guardian(s) and/or Conservator(s):

Emergency Guardian(s): _____
(Full name) First Middle Last

Street City County State Zip Code

Emergency Conservator(s): _____
(Full name) First Middle Last

Street City County State Zip Code

(c) On behalf of the Proposed Ward, a Petition for Permanent Guardianship and/or Conservatorship was filed. [Select One] Yes No

If you answer "Yes" to (c), provide the filing date of the Petition for Guardianship and/or Conservatorship and the name of the County and State in which it was filed:

(d) On behalf of the Proposed Ward, a Petition for Permanent Guardianship and/or Conservatorship was created. *[Select One]* Yes No

If you answer “Yes” to (d), list the full name and address of the person(s) appointed as Guardian(s) and/or Conservator(s):

Guardian(s): _____
(Full name) First Middle Last

Street City County State Zip Code

Conservator(s): _____
(Full name) First Middle Last

Street City County State Zip Code

(e) On behalf of the Proposed Ward, a Petition for Permanent Guardianship and/or Conservatorship was denied. *[Select One]* Yes No

If you answer “Yes” to (e), provide the reason the Petition for Guardianship and/or Conservatorship was denied and whether any change of circumstances has occurred with the Proposed Ward:

[NOTE: If the appointment of an emergency conservator is sought and no petition for permanent conservatorship is being filed simultaneously, this form must be completed.]

**ASSETS, INCOME, OTHER SOURCES OF FUNDS, LIABILITIES, AND EXPENSES
OF PROPOSED WARD**

REAL PROPERTY

[Indicate if property is jointly owned and, if so, with whom]

Description	County	State	Joint Owner, if any	Approximate Equity:
Parcel 1: _____				\$ _____
Parcel 2: _____				\$ _____
Parcel 3: _____				\$ _____

INCOME FROM ALL SOURCES

Yearly Total:

Social Security per year:	\$ _____
SSI [<i>Supplemental Security Income</i>] per year:	\$ _____
Retirement benefits per year:	\$ _____
VA benefits per year:	\$ _____
Other income per year (e.g., alimony, annuity, or trust distributions):	\$ _____
Interest, dividend, or investment income:	\$ _____
Yearly Total of All Income:	\$ _____

PERSONAL AND INTANGIBLE PROPERTY

[Indicate if property is jointly owned and, if so, with whom]

(1) Checking/Savings/Money Market/Certificates of Deposit/

Liquid Accounts:

Bank/Financial Institution/Broker	Account Number	Joint Owner, if any	
_____			\$ _____
_____			\$ _____
_____			\$ _____
_____			\$ _____

(2) Stocks/Bonds/Investments (including retirement and profit-sharing accounts):

(a) Held by Brokers:

Brokerage Firm/Institution	Account Number	Joint Owner, if any	
_____			\$ _____
_____			\$ _____
_____			\$ _____
_____			\$ _____

(b) Privately Held:

Company/Issuer	Number of Shares	Joint Owner, if any	\$
_____			_____
_____			_____

(3) Automobiles

Year/Make/Model	V.I.N.	Joint Owner, if any	\$
_____			_____
_____			_____

(4) Other assets of significant value:

Description	Joint Owner, if any	\$
_____		_____
_____		_____

Total Value of Personal and Intangible Property:

\$ _____

**DEBTS AND OTHER LIABILITIES
PERSONAL AND INTANGIBLE PROPERTY**

The Proposed Ward has the following debts and/or liabilities:

Approximate Balance:

(1) Secured Debts

Obligor/Payee	Collateral	Joint Owner, if any	\$
_____			_____
_____			_____
_____			_____

(2) Unsecured Debts

Obligor/Payee	Account Number	Joint Owner, if any	\$
_____			_____
_____			_____
_____			_____

Total Debts and Other Liabilities of Proposed Ward:

\$ _____

AVERAGE MONTHLY LIABILITIES AND EXPENSES

Household:

Care Facility/Rent/Mortgage Payments:	\$ _____
Property Taxes/Insurance:	\$ _____
Utilities/Lawn Care/Pest Control:	\$ _____
Miscellaneous Household Food:	\$ _____
Total Credit Account and Other Debt Payments:	\$ _____
Other <i>[specify]</i> _____:	\$ _____

Automotive/Transportation:

Fuel and Repairs: \$ _____
Tags, License Fees, Insurance: \$ _____
Bus/Train/Taxi Fares: \$ _____

Minors or Other Dependents of Proposed Ward:

Childcare: \$ _____
School Tuition/Supplies/Expenses/Lunches: \$ _____
Clothing/Diapers/Grooming/Hygiene: \$ _____
Medical/Dental/Prescription: \$ _____

Other Insurance:

Health: \$ _____
Life/Disability: \$ _____
Other *[specify]* _____: \$ _____

Proposed Ward's Other Expenses:

Laundry/Clothing/Grooming/Hygiene: \$ _____
Medical/Dental/Prescriptions/Medications: \$ _____
Entertainment/Vacations/Subscriptions/Dues: \$ _____
Personal Caretakers/Cleaning Personnel: \$ _____

Total Expenses: \$ _____

PAYMENTS TO CREDITORS

Is the Proposed Ward behind on any debt payments? *[Select One]* Yes No
If so, payee and amount: _____ \$ _____

SUMMARY

(1) Average Monthly Income: \$ _____
(2) Average Monthly Expenses: \$ _____

11.

A guardian ad litem should be appointed because the following additional powers pursuant to O.C.G.A. §§ 29-4-23 (b) and/or 29-5-23 (b) and (c) are requested, with the reasons for seeking such powers:

12.

Was the Proposed Ward physically present in another state at least six (6) consecutive months during the year preceding the filing of this Petition? [Select One] Yes No

If you answer "Yes," list below the address, county, and state in which the Proposed Ward resided during the preceding year.

Street *City* *County* *State* *Zip Code* ;

Did the Proposed Ward live alone? [Select One] Yes No

If you answer "No," list below the name(s) and address(es) of those individuals with whom the ward resided.

(Full name) First Middle Last ;

Street City County State Zip Code ;

(Full name) First Middle Last ;

Street City County State Zip Code ;

If you answer "Yes," list the names and addresses of the friends or family members living in that area. List the two individuals in the closest degree of kinship to the Proposed Ward who live in that area, not previously listed. Include the individuals' full names and complete addresses:

(Full name) First Middle Last ;

Street City County State Zip Code ;

(Full name) First Middle Last ;

Street City County State Zip Code ;

13.

This Court has jurisdiction to hear this action under Georgia law, and particularly under Chapters 4, 5, and 11 of Title 29 because: _____

14.

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

15.

It is in the best interest of the Proposed Ward that the within nominated guardian and/or conservator be appointed.

WHEREFORE, Petitioner(s) pray(s):

1. that service be perfected as required by law;
2. that the Court appoint legal counsel and an evaluator for the Proposed Ward and order an evaluation as required by law;
3. that upon receipt of the evaluation report, the Court order a hearing to determine the need for a guardian and/or conservator for the Proposed Ward; and
4. that a guardian and/or conservator be appointed for the Proposed Ward.

Signature of First Petitioner

Signature of Second Petitioner, if any

Printed Name

Printed Name

Mailing Address

Mailing Address

Telephone Number

Telephone Number

Signature of Attorney: _____

Typed/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 for the Appointment of a Guardian and/or Conservator for a Proposed Ward 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

The foreseeable limits on the duration of such incapacity are: _____

_____.

WITNESS MY HAND AND SEAL this _____ day of _____, 20____.

Signature of Physician/Psychologist/Social Worker

Printed Name of Evaluator

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

Notary Public
My Commission Expires _____
(NOTARY SEAL AFFIXED)

NOTICE:

- 1. As to the Certificate to the Secretary of State, this page is to be used **only** when a determinative finding has been made that voting rights should be removed due to the lack of capacity of the Proposed Ward. The Order must be modified to reflect that this right was removed. The Certificate must be mailed to the Secretary of State.*
- 2. As to the Certificate to the GBI, this page shall be used in all cases where a Guardianship and/or Conservatorship is established. Individuals so listed in this database will be prohibited from obtaining a firearm permit. In the event the Proposed Ward's rights are restored, such restoration of rights **shall** be sent to the GBI so the database can be updated. Only the Certificate needs to be sent to the GBI and not the Guardianship Order.*

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).

ALTHOUGH YOU MUST ATTEND THE EVALUATION, YOU DO NOT HAVE TO RESPOND TO QUESTIONS.

Witness my hand and seal this _____ day of _____, 20_____.

Clerk of the Probate Court

Printed Name

The following are my findings as to the needs of the Proposed Ward and their foreseeable duration:

[initial all applicable]

_____ (a) I find the Proposed Ward to be incapacitated by reason of _____

_____ to the extent that said Proposed
Ward:

_____ (i) *[for guardianship:]* lacks sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety; and/or

_____ (ii) *[for conservatorship:]* lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his or her property.

_____ (b) I do not find that the Proposed Ward meets the standards for guardianship set out in (a) (i) above.

_____ (c) I do not find that the Proposed Ward meets the standards for conservator set out in (a) (ii) above.

Physician licensed under Chapter 34 of Title 43 of the
Official Code of Georgia Annotated/
Psychologist licensed under Chapter 39 of Title 43 of the
Official Code of Georgia Annotated/
Licensed Clinical Social Worker

Printed Name

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

NOTARY/ CLERK OF PROBATE COURT
My Commission Expires _____

[NOTE: This report must be filed with the Probate Court no later than seven (7) day after the Order for Evaluation being issued.]

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

IN RE:)
)
_____,) **ESTATE NO.** _____
PROPOSED WARD)

ORDER FOR SERVICE AND NOTICE OF HEARING

After review and consideration of the Petition for the Appointment of a Guardian and/or Conservator for a Proposed Ward and the court-ordered evaluation report, the Court finds that there is probable cause to support a finding that the Proposed Ward is in need of a guardian and/or conservator within the meaning of O.C.G.A. §§ 29-4-1 and/or 29-5-1; therefore

IT IS ORDERED AND ADJUDGED THAT:

- (1) A hearing shall be set for ____:____ _____.M., on _____, 20____, which is not less than ten (10) days from the date that this notice is mailed, to determine the need for the appointment of a guardian and/or conservator for the above-named Proposed Ward, to be held in the Probate Court of _____ County, courtroom _____, (address) _____.
- (2) A copy of this order and a copy of the evaluation report shall be sent to the Proposed Ward, his or her attorney, and guardian ad litem, if any. These copies shall be sent by the Clerk, first-class mail, as soon as practicable after the signing of this order.
- (3) A copy of this order and a copy of the evaluation report shall be sent to the interested person(s) shown in paragraphs 6, 7, 9, and 12 of the Petition, and to the Petitioner(s) and his/her/their attorney, if any. These copies shall be sent by the Clerk, first-class mail, as soon as practicable after the signing of this order.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

4.

Petitioner(s) moved the Court to appoint _____ as guardian and _____ as conservator asserting those individual(s) should serve because:

_____.

[initial if applicable]

_____ (a) Another individual, being _____, was nominated/designated by the ward to serve as guardian,
_____ (i) and no good cause was shown to override such preference.
_____ (ii) but good cause was shown not to appoint said individual, being: _____
_____.

_____ (b) Another individual with higher preference, being _____, was nominated/designated to serve as guardian by someone other than the ward, and/but it (is) (is not) in the best interest of the ward to appoint him/her guardian because _____

_____.

_____ (c) Another individual, being _____, was nominated/designated by the ward to serve as conservator,
_____ (i) and no good cause was shown to override such preference.
_____ (ii) but good cause was shown not to appoint said individual, being: _____
_____.

_____ (d) Another individual with higher preference, being _____, was nominated/designated to serve as conservator by someone other than the ward, and/but it (is) (is not) in the best interest of the ward to appoint him/her conservator because _____
_____.

5.

The Petitioner(s) requested that the guardian(s) and/or conservator(s) be granted the following additional powers pursuant to O.C.G.A. §§ 29-4-23 (b) and/or 29-5-23 (b) and/or (c):

_____.

CONCLUSIONS OF LAW

The Court finds, by clear and convincing evidence that the above-named ward (hereinafter referred to as the “ward”) is in need of:

[initial all applicable]

- _____ (a) a guardian because the ward lacks sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety. The duration of the guardianship is (permanent) (temporary not lasting more than _____ days); and/or
- _____ (b) a conservator because the ward lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his or her property. The duration of the conservatorship is (permanent) (temporary not lasting more than _____ days).

IT IS ORDERED that _____ should be, and hereby is/are, appointed guardian(s) and _____ should be, and hereby is/are, appointed conservator(s) of the ward because: _____

Letters of guardianship and/or conservatorship shall issue to such guardian(s) and/or conservator(s) upon taking the required oath and upon the conservator(s) posting bond in the amount of \$_____. **The appointed guardian(s) and/or conservator(s) shall have no authority to act on behalf of the ward until Letters of Guardianship and/or Conservatorship have issued.**

IT IS FURTHER ORDERED that due to the appointment of a guardian, this Order REMOVES from the ward the power to:

[initial all that are applicable]

- _____ (a) Contract marriage;
- _____ (b) Make, modify, or terminate other contracts;
- _____ (c) Consent to medical treatment;
- _____ (d) Establish a residence or dwelling place;
- _____ (e) Change domicile;
- _____ (f) Revoke a revocable trust established by the ward; and/or
- _____ (g) Bring or defend any action at law or equity, except an action relating to the guardianship.

IT IS FURTHER ORDERED that due to the appointment of a conservator, this Order REMOVES from the ward the power to:

[initial all that are applicable]

- _____ (a) Make, modify, or terminate contracts, other than the power to contract marriage;
- _____ (b) Buy, sell, or otherwise dispose of or encumber property;
- _____ (c) Enter into or conduct other business or commercial transactions;
- _____ (d) Revoke a revocable trust established by the ward; and/or
- _____ (e) Bring or defend any action at law or equity, except an action relating to the conservatorship.

IT IS FURTHER ORDERED that the guardian(s) and/or conservator(s) shall have the following additional powers as set forth in O.C.G.A. §§ 29-4-23 (b) and 29-5-23 (b) and/or (c):

IT IS FURTHER ORDERED that the following reasonable sums of property shall be provided to the guardian to provide adequately for the ward's support, care, education, health, and welfare until further Order of the Court: \$_____ per _____.

IT IS FURTHER ORDERED that the guardian shall file, in addition to the personal status report, the following supplemental report (monthly) (annually): _____.

IT IS FURTHER ORDERED that a copy of this Order shall be served by first class mail on the ward, the ward's attorney, guardian ad litem, if any, the guardian(s) and/or conservator(s), the Petitioner(s) or his/her/their attorney, if any, and the individuals listed in paragraphs 6, 7, 9, and 12 of the Petition.

IT IS FURTHER ORDERED that the ward's legal counsel shall make reasonable efforts to explain to the ward this Order and the ward's rights under this Order.

IT IS FURTHER ORDERED that, within thirty (30) days of the date hereof, the clerk shall file the certificate of creation of conservatorship in accordance with O.C.G.A. § 29-5-13 (d) with the Clerk of Superior Court of each county in this state in which the ward owns real property.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court/Hearing Officer
exercising the jurisdiction of the Probate Court
pursuant to O.C.G.A. §§ 29-4-12 (d)(7) and/or
29-5-12 (d)(7)

Probate Court Return Mailing Address:

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

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

IN RE: _____)
)
)
_____,) **ESTATE NO.** _____
WARD)

CERTIFICATE OF CREATION OF CONSERVATORSHIP
[Pursuant to O.C.G.A. § 29-5-13 (d)]

DATE ORDER ISSUED: _____

GRANTOR *[NAME OF WARD]*: _____

GRANTEE *[NAME OF CONSERVATOR(S) OF ABOVE WARD]*: _____

A conservatorship has been created for the above-named ward.

_____ (a) The Conservatorship is permanent.

_____ (b) The expiration date set by court order is _____, 20____.

Original Certificate delivered or mailed to Clerk of Superior Court of _____ County
on _____, 20____.

I do hereby certify that the above information is based on the
Order of the Probate Court issued on the date set out above
and that the above information is true and correct.

By: _____
Clerk of the Probate Court

IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA

IN RE:

WARD

)
)
)
)

ESTATE NO. _____

**CERTIFICATE OF FILING
CERTIFICATE OF CREATION OF CONSERVATORSHIP**

I have this date hand-delivered and/or mailed for filing a Certificate of Creation of Conservatorship to the Clerk of the Superior Court of each of the following counties, together with payment of any recording costs:

This _____ day of _____, 20____.

Clerk of the Probate Court

Address

Telephone Number

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

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

LETTERS OF GUARDIANSHIP OF ADULT WARD

FROM: the Judge of the Probate Court of said County
TO: _____, Guardian(s)

The above-named adult ward was found by this Court to be in need of a guardian, and this Court entered an order designating you as such guardian(s). You have assented to this appointment by taking your oath. In general, your duties as guardian are to protect and maintain the person of the ward.

Special Instructions:

1. It is your duty to see that the ward is adequately fed, clothed, sheltered, and cared for and that the ward receives all necessary medical attention.
2. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and your ward.
3. Within sixty (60) days after appointment and within sixty (60) days after each anniversary date of appointment, you must file with the Probate Court a personal status report concerning your ward which shall include:
 - (a) A description of the ward's general condition, changes since the last report, and needs;
 - (b) Your recommendations for any alteration in the guardianship order;
 - (c) All addresses of the ward during the reporting period and the living arrangements of the ward for all addresses; and
 - (d) A description of the amount of any funds received and expended by the guardian for the support of the ward.
4. Please consult your attorney if you have any questions.
5. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, the _____ day of _____, 20____

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 of the Probate Court

(Seal)

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

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

LETTERS OF CONSERVATORSHIP OF ADULT WARD

FROM: the Judge of the Probate Court of said County

TO: _____, Conservator(s)

The above-named adult ward has been found by this Court to be in need of a conservator, and this Court has entered an order designating you as such conservator(s). You have assented to this appointment by taking your oath and posting a bond. In general, your duties as conservator are to protect and maintain the property of the ward.

Special Instructions:

1. You must keep your ward's funds separate from your own. You should put your ward's funds in a separate checking or savings account, as appropriate, and make all payments by check.
2. You may not sell, mortgage, give away, or otherwise dispose of any of your ward's property without a court order.
3. Without a court order, you may not spend any of your ward's funds for any purpose except as set forth in the court approved budget.
4. You must file within two months of your appointment an inventory showing the ward's property and a plan for managing, expending, and distributing the property. Further, you must file, within 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 ward, and the guardian, if any
5. The regular commissions allowed a conservator are 2.5% on all sums of money received, and 2.5% on all sums paid out, as shown by the annual or final return. There are special rules concerning commissions for property delivered in kind, interest earned, extraordinary services, and market value of property held as of the last day of your reporting period.

6. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and your ward.
7. You should inform the Court of any change of location of your ward.
8. Please consult your attorney if you have any questions.
9. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

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

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 of the Probate Court

(Seal)

6. The regular commissions allowed a conservator are 2.5% on all sums of money received, and 2.5% on all sums paid out, as shown by the annual or final return. There are special rules concerning commissions for property delivered in kind, interest earned, extraordinary services, and market value of property held as of the last day of your reporting period.
7. You must keep the Court informed of any change in your name or address and promptly notify the Court of any conflict of interest arising between you and your ward.
8. Within sixty (60) days after appointment and within sixty (60) days after each anniversary date of appointment, you must file with the probate court a personal status report concerning your ward which shall include:
 - (a) A description of your ward's general condition, changes since the last report, and needs;
 - (b) Your recommendations for any alteration in the guardianship and/or conservatorship order; and
 - (c) All addresses of the ward during the reporting period and the living arrangements of the ward for all addresses.
9. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Given under my hand and official seal, the _____ day of _____, 20____.

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 of the Probate Court

(Seal)

PETITION OF PERSONAL REPRESENTATIVE FOR LEAVE TO SELL PROPERTY

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when a Personal Representative or Temporary Administrator petitions for leave to sell real or personal property pursuant to O.C.G.A. § 53-8-13.
2. If the petition is by a Temporary Administrator, this form should be altered as follows: The term “Temporary Administrator” should be placed wherever the term “Personal Representative” or “Administrator” appears throughout the entire form. Also if the form is used for a Temporary Administrator, the Final Order may need to be amended, especially if the original order of appointment did not give the power to sell property.
3. With regard to Paragraph 6 of the petition, a recent appraisal should be used if available; otherwise, a copy of the most recent ad valorem tax statement should be provided. If the appraised value or tax value is higher than the selling price, explain the discrepancy on an additional sheet, and add a reference to this in Paragraph 4 of the Petition. In addition, if there is a sales contract, a copy of the contract should be attached as an exhibit, labeled appropriately.
4. 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. It is not necessary that all acknowledgments appear on the same page.
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. In the event the assets are to be distributed according to a Will, only the beneficiaries need to be listed in Paragraph 2. In the event the Decedent died intestate (without a Will), Paragraph 3 requires that a definitive statement be made to show to the court that the persons named in Paragraph 2 constitute all of the heirs of the Decedent and that there are no heirs of the same or closer degree according to O.C.G.A. § 53-2-1. Provide the date of death for any deceased heirs. The Personal Representative of a deceased heir is authorized to consent on behalf of that heir. [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.gov.] 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. The service of this petition is in accordance with Chapter 11 of Title 53 per O.C.G.A § 53-8-13 (b).
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 or at www.gaprobate.gov, labeled GPCSF 1.

3.

[Initial one]

- _____ (a) A Will has been probated so no definitive statement is 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, 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 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. 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.]*

4.

Petitioner(s) desire(s) to sell certain real and/or personal property of said estate. The property and the estate's interest in said property are described as follows *[give metes and bounds description, and street address if known, if real property]*:

5.

The specific purpose of said sale of said property is *[check all which apply]*:

- _____ (a) To pay the debts of the estate and/or
 - _____ (b) To make distributions to the (heirs)(beneficiaries)
 - _____ (c) Other: _____
-

6.

The Petitioner(s) desire(s) to sell said real and/or personal property upon the following terms and conditions *[explain the proposed date, place and method of sale, including any minimum sales prices, and attach and label copies of any applicable contracts]*:

- _____ (a) Attached hereto as “Exhibit ____” is a copy of the contract for sale of real estate.
- _____ (b) Attached hereto as “Exhibit ____” is a copy of the most recent ad valorem tax or appraisal showing the current value of the property to be \$_____.

7.

At present, the Petitioner(s) has/have a bond on file in this Court in the amount of \$_____. The net proceeds to the estate from the sale of the subject property will be approximately \$_____. An additional bond in the amount of \$_____ to cover the amount by which the net proceeds from the sale, plus the amount of personal property currently in the estate, will exceed the current bond amount will be posted prior to the deadline for objections set forth in the notice.

8.

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

WHEREFORE, petitioner(s) pray(s):

1. An order directing notice be issued and served as the law requires, and
2. If no cause be shown to the contrary, your petitioner(s) be granted leave to sell said property as set forth above.

Signature of Petitioner

Printed Name

Mailing Address

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 of Personal Representative for Leave to Sell Property (and the attached exhibits) 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

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 OF _____)
)
) **ESTATE NO.** _____
DECEASED _____)

ORDER FOR SERVICE OF NOTICE

The foregoing Petition of Personal Representative for Leave to Sell Property having been filed, it is ordered that: *[Initial any and all of the following which apply]*

_____ Notice must be served personally, together with a copy of the Petition, or by registered or 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 deadline for objections on the following (heirs)(beneficiaries) who reside in Georgia and have not acknowledged service:

_____ Notice must be served by registered or certified mail, return receipt requested, together with a copy of the Petition, upon nonresident (heirs)(beneficiaries) whose current residence addresses are known:

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

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

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

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

NOTICE

The Petition of Personal Representative for Leave to Sell Property in the above-referenced estate having been duly filed,

[Strike any paragraph if not applicable.]

TO: _____
[List here all interested parties who reside in Georgia to be served personally or by registered or certified mail or statutory overnight delivery 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, 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 registered or certified mail or statutory overnight delivery 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, 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 non-resident interested parties having known addresses in the continental U.S. to be served by registered or certified mail or statutory overnight delivery 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 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.

Address

Telephone Number

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

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

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

CERTIFICATE OF SERVICE

I certify that I have this date mailed (unless otherwise noted) in an envelope with the proper postage affixed thereto for first-class mail delivery copies of the Petition of Personal Representative for Leave to Sell Property, Order for Service of Notice, including any attached Exhibits and the Notice to the following parties at the addresses below:

This _____ day of _____, 20____.

Clerk of the Probate Court

Address

Telephone Number

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

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

FINAL ORDER

The Petition of _____, as Personal Representative(s) of the estate of the above-named Decedent, for Leave to Sell Property was filed. The Court finds that all of the (heirs) (beneficiaries) 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 purpose of the transaction is lawful and that the proposed transaction is fair and is in the best interest of the estate (and the guardian ad litem having filed an answer approving said transaction);

ACCORDINGLY, IT IS ORDERED that the said Petitioner, as Personal Representative(s) of said estate, is authorized to sell the property described in the Petition upon the terms set forth in said Petition.

_____ (initial if applicable:) Said authorization is conditioned upon the Personal Representative(s) having on file with this Court a surety bond in the amount of \$_____.

IT IS FURTHER ORDERED that a report of the sale authorized by this Order shall be furnished to this Court by the Petitioner. Said report shall specify the property sold, the purchasers, the amounts received, and the terms of the sale.

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

**PETITION FOR LEAVE TO CONVEY OR ENCUMBER PROPERTY
PREVIOUSLY SET ASIDE AS YEAR'S SUPPORT**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when petitioning for leave to convey or encumber property set aside as year's support, pursuant to O.C.G.A. § 53-3-20.
2. This form is prepared on the assumption that the surviving spouse is the Petitioner. If this is not the case, modify the form accordingly. The Petition may be brought either by a surviving spouse who participated in the award or by the guardian of the property of a minor child who participated in the award.
3. A recent appraisal should be used if available; otherwise, a copy of the most recent ad valorem tax statement should be provided. If the appraised value or tax value is higher than the selling price, explain the discrepancy on an additional sheet, and add a reference to this in Paragraph 5 of the petition. In addition, if there is a sales contract, a copy of the contract should be attached to this Petition as an exhibit.
4. 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 may 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.
5. Use Supplement 3 when an additional certificate of service is necessary.
6. 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.
7. Necessity for Filing; Venue
 - a. Pursuant to O.C.G.A. § 53-3-19, it is not necessary to obtain Probate Court approval if the children for whom the award was made who are now sui juris will join in the conveyance or encumbrance, unless at least one of the children for whom the award was made is still a minor.
 - b. Venue: The petition must be filed in the county where the year's support award was originally granted. O.C.G.A. § 53-3-19 (b).
8. Method of Service pursuant to O.C.G.A. § 53-3-20 is required.
 - a. Adult children for whose benefit the year's support was set apart with known addresses in this state who do not acknowledge service shall be served personally not less than ten (10) days prior to the date set for hearing.

- b. 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
- c. Adult children for whose benefit the year's support was set apart with unknown addresses or residing out of state who do not acknowledge service shall be served by:
 - i. Publication of notice in the legal organ one (1) time not less than ten (10) days prior to the date set for hearing;
 - ii. Posting of notice at the courthouse not less than ten (10) days prior to the date set for hearing; and
 - iii. Mailing by first-class mail a copy of the notice to the last known address not less than ten (10) days prior to the date set for hearing.
- d. 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.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court or at www.gaprobate.gov, labeled GPCSF 1.

3.

The year's support award included the following described real estate located in _____ County, Georgia (the same being recorded in _____ County Probate Court). A complete legal description of such real property is:

4.

It is necessary for Petitioner to (convey) (encumber) said property for the purpose of:

5.

The nature and terms of said (conveyance) (encumbrance) are as follows:

[Initial (a) or (b)]

_____ (a) Sale according to the conditions and terms of the contract.

_____ (b) Encumbrance of the real property to secure a loan in the principal amount of \$_____, the interest rate being _____% per annum, and to be repaid at the rate of \$_____ per month for _____ months; if needed, Petitioner will execute a deed to secure debt for the purpose of securing the loan.

Attached hereto as Exhibit ___ is a copy of the contract for, sale, lien, or encumbrance of real estate.

Attached hereto as Exhibit ___ is a copy of the most recent ad valorem tax or appraisal showing the current value of the property to be \$_____.

6.

With respect to any child named in Paragraph 2 above whose current address is shown as “unknown,” Petitioner certifies that the current address is unknown to Petitioner and cannot be easily ascertained, and that the last known address for any such person is listed in Paragraph 2.

7.

Of the children named in Paragraph 2 above, _____

is/are still under the age of 18, and must have a guardian ad litem appointed to represent him/her/them.

WHEREFORE the petitioner prays in accordance with O.C.G.A. § 53-3-20:

1. That a hearing be set on this petition;
2. That a guardian ad litem be appointed to represent the minor children concerned; and
3. That the petition be granted after notice as required by law.

Signature of Petitioner

Printed Name

Mailing Address

Telephone Number

Signature of Attorney _____

Printed Name of Attorney _____

Address _____

Telephone Number _____ State Bar # _____

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner who, after being duly sworn, states that the facts set forth in the foregoing Petition for Leave to Convey or Encumber Property Previously Set Aside as Year's Support heretofore awarded from the estate of the above decedent as year's support and the attached exhibit(s) are true and correct.

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Signature of Petitioner

Printed Name of Petitioner

Mailing Address

Telephone Number

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 OF _____)
)
) **ESTATE NO.** _____
DECEASED _____)

**PETITION FOR LEAVE TO CONVEY OR ENCUMBER PROPERTY
PREVIOUSLY SET ASIDE AS YEAR'S SUPPORT**

ORDER FOR SERVICE OF NOTICE

The foregoing Petition having been read and considered, let notice issue and be served personally pursuant to O.C.G.A. § 53-11-3 upon all children with known addresses who are age 18 or over and have not acknowledged service. If there are any children whose current addresses are unknown who are age 18 or over and have not acknowledged service, then the following notice shall be published one (1) time at least ten (10) days prior to the hearing, and a copy of the notice shall be posted at the Courthouse and mailed by first-class mail to the last known addresses of any such children at least ten (10) days prior to the date set for the hearing.

This _____ day of _____, 20____.

Judge of the Probate Court

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

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

**PETITION FOR LEAVE TO CONVEY OR ENCUMBER PROPERTY
PREVIOUSLY SET ASIDE AS YEAR'S SUPPORT**

NOTICE

To: _____
_____ and to whom it may concern:

A Petition has been filed seeking an Order of this Court granting leave to (convey) (encumber) certain property heretofore set apart from the estate of the above-named decedent as year's support. This is to notify those persons named above who are not required to be personally served that they must file their response to the Petition with the Court on _____, 20____, and the persons who are required to be personally served are:

[List children with known addresses.]

and they must file their response by the above date or the tenth (10th) day after they are personally served, whichever is later.

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.

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

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

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

ACKNOWLEDGMENT OF SERVICE AND CONSENT BY ADULT CHILDREN

I hereby acknowledge service of the Petition of _____
for leave to sell or encumber the property set apart as year's support to the persons shown in the
petition. I am over 18 years of age and suffer no mental disability. I hereby consent to the granting
of the petition, and I agree the Petitioner should be allowed to make the (encumbrance)
(conveyance).

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

Signature

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

Signature

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

Signature

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

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

ORDER

The Petition of _____, praying for leave to (convey) (encumber) certain real property heretofore awarded from the estate of the above decedent as year's support, having been read and considered, and it appearing to the Court that notice was duly issued and served as required by law; it further appearing that a guardian ad litem was duly appointed to represent the interests of the minor child(ren) _____ who are still under the age of 18, who has made answer thereto approving the proposed transaction; it also appearing that no objections have been filed in this matter, and that it is necessary and in the best interests of the minor child(ren) _____ still under the age of 18 that said real property be (conveyed) (encumbered) as set forth in the petition;

IT IS ORDERED that said petition to (convey) (encumber) be, and the same is hereby, GRANTED.

This ____ day of _____, 20____.

Judge of the Probate Court

**PETITION FOR PRESUMPTION OF DEATH
OF MISSING INDIVIDUAL BELIEVED TO BE DEAD**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for Petition for Presumption of Death of Missing Individual Believed to be Dead pursuant to O.C.G.A. § 53-9-1 et seq.
2. The service requirements for this form are covered in O.C.G.A. § 53-9-2.
3. This form may be used in conjunction with a Petition for Letters of Administration, a Petition to Probate Will in Common or Solemn Form, a Petition for Year's Support or a Petition for an Order that No Administration is Necessary. Any of these other Petitions may be granted at any time after the presumption of death is established, provided that all legal requirements for the granting of the other Petition have been met.
4. 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.
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. The final order includes language for both clear and convincing evidence and preponderance of the evidence. O.C.G.A. § 53-9-1 dictates the burden required based on the circumstances of the case.
7. Paragraph 4 requires sufficient factual information for the Court to conclude that those listed in Paragraph 3 constitute all of the would-be heirs of the missing 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. § 53-6-30. [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.gov.] Examples of such statement would be: (a) "decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein"; (b) "decedent had no other siblings half or whole other than those listed herein"; (c) "the decedent's brother who died previously had no other children born, adopted, living or deceased, other than listed herein."

II. General Instructions

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

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

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MISSING INDIVIDUAL)

**PETITION FOR PRESUMPTION OF DEATH
OF MISSING INDIVIDUAL BELIEVED TO BE DEAD**

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 missing individual] First Middle Last
hereinafter referred to as the “missing individual”, whose place of domicile was _____
_____ is missing.
Street City County State Zip Code

2.

[Initial one]

- (a) Petitioner has ____ (simultaneously filed) ____ (will file) a Petition concerning this estate for:
[initial one]
____ 1. Administration of the estate.
____ 2. Probate of will in (common) (solemn) form.
____ 3. A year’s support.
____ 4. Order that no administration is necessary.

OR (b) _____ Petitioner does not presently intend to file any other proceedings.

3.

Listed below are all of the missing individual's would-be heirs at law, with age or majority status, address and relationship to the missing individual set opposite the name of each:

<i>Name</i>	<i>Age (or over 18)</i>	<i>Address</i>	<i>Relationship</i>

4.

Required: *[Provide sufficient factual information to enable the Court to conclude that all of the heirs of the missing individual 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 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. If any heirs listed above are cousins, grandchildren, nephews or nieces of the missing individual, indicate the deceased ancestor through whom they are related to the missing individual:*

5.

[Initial one]

- _____ (a) The missing individual has been missing from his/her last known place of domicile for a continuous period of four (4) years or longer.
- _____ (b) The missing individual has been missing from his/her last known place of domicile for a continuous period of twelve (12) months or longer.
- _____ (c) The missing individual was exposed to a specific peril or tragedy resulting in probable death under circumstances that may be proved by clear and convincing evidence. The specific peril or tragedy and the circumstances proving the death of the missing individual are fully explained in Paragraph 8.

6.

The missing individual was last heard from on _____,
[Date]
at which time he/she was at _____.
[Location or Address]

7.

To the knowledge of the Petitioner, no other proceedings with respect to this estate are pending, or have been completed, in any other Probate Court in this state.

8.

The Petitioner shows the following facts in support of the belief that the missing individual is deceased: *[If death is to be proved as a result of a specific peril or tragedy, fully describe the specific peril or tragedy and the circumstances proving the decedent's exposure thereto and death as a result thereof]*

WHEREFORE, petitioner prays:

1. That necessary notice be issued and served according to law; and
2. That an order establishing a presumption of death be entered.

Signature of Petitioner

Printed Name

Mailing Address

Telephone Number

Signature of Attorney _____

Printed Name of Attorney _____

Address _____

Telephone Number _____ State Bar # _____

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner who, after being duly sworn, states that the facts set forth in the foregoing Petition for Presumption of Death of Missing Individual Believed to be Dead 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

Mailing Address

Telephone Number

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

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MISSING INDIVIDUAL _____)

ACKNOWLEDGMENT OF SERVICE AND ASSENT TO PETITION

**PETITION OF _____ FOR THE
PRESUMPTION OF DEATH OF THE ABOVE-NAMED MISSING INDIVIDUAL
BELIEVED TO BE DEAD**

I, the undersigned, being over 18 years of age, laboring under no legal disability and being those who would be heirs if the missing individual were known to be dead, hereby acknowledge service of a copy of the Petition for presumption of death of missing individual believed to be dead and notice, waive copies of same, waive further service and notice, and hereby assent to the Petition without further delay.

SIGNATURE(S) OF WOULD-BE HEIRS

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

Signature

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

Signature

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

Signature

NOTARY/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 OF _____)
)
) **ESTATE NO.** _____
MISSING INDIVIDUAL _____)

**PETITION FOR PRESUMPTION OF DEATH
OF MISSING INDIVIDUAL BELIEVED TO BE DEAD**

ORDER FOR SERVICE OF NOTICE

[Note: If desired, the following Order for Service of Notice and Notice of Hearing may be combined with any other such Order and Notice required for the issuance of letters or an order for year's support or that no administration is necessary.]

_____ filed this Petition to establish the presumption of death of the above-named missing individual believed to be dead (and a Petition on the estate of such individual).

IT IS ORDERED that notice be published once a week for four (4) weeks, in the official newspaper in this county in which sheriff's advertisements are published, giving notice that on a day stated, which must be at least ninety (90) days after the first publication, evidence will be heard by this Court concerning the alleged absence of the missing individual and the circumstances and duration thereof.

IT IS FURTHER ORDERED that the notice be *[initial any and all of the following that apply]:*

_____ Served personally, together with a copy of the Petition, upon the following individuals who would be heirs if the missing individual were known to be dead, who reside within this state, who have not acknowledged service:

_____ Served by registered or certified mail, return receipt requested, together with a copy of the Petition, upon nonresident individuals who would be heirs if the missing individual were known to be dead, whose current residence addresses are known and who have not acknowledged service:

_____ Served by publication upon the following individuals who would be heirs if the missing individuals were known to be dead, whose current residence addresses are unknown and who have not acknowledged service:

_____ [Optional] IT IS FURTHER ORDERED that the Petitioner search for the missing individual in the following manner:

This _____ day of _____ 20_____.

Judge of the Probate Court

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

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MISSING INDIVIDUAL _____)

**PETITION FOR PRESUMPTION OF DEATH
OF MISSING INDIVIDUAL BELIEVED TO BE DEAD**

NOTICE OF HEARING

A Petition for presumption of death of the above-named missing individual believed dead, has been filed by _____
_____ (in conjunction with a Petition for _____
_____). Notice is hereby given that at _____ .M., on the
_____ day of _____, 20____, evidence will be heard by the Probate Court concerning the alleged absence of said missing individual and the circumstances and duration thereof. The missing individual, if alive, or any other individual having evidence that the missing individual is alive, is required to produce and present to the Court evidence that the missing individual is still in life.

This ____ day of _____, 20_____.

Judge of the Probate Court

By: _____
Clerk of the Probate Court

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

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
MISSING INDIVIDUAL _____)

CERTIFICATE OF SERVICE

I certify that I have 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 of the Probate Court

Address

Telephone Number

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

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
_____,)
MISSING INDIVIDUAL)

ORDER ESTABLISHING PRESUMPTION OF DEATH AND DATE THEREOF

The Petition of _____,
for presumption of death of the above-named missing individual believed to be dead, having come
before the Court for hearing on _____, 20____, and it appearing that notice of
such hearing was duly published and served as required by law, and after hearing evidence in said
case, it is the finding of the Court that a diligent and reasonable effort has been made to locate the
missing individual and that a legal presumption of death of said missing individual has been
established

_____ by a preponderance of the evidence because the presumption of death has been proved by
showing that the individual has been missing from his or her last known place of domicile
for a continuous period of four (4) years,

OR

_____ because the death has been proved by a preponderance of the evidence and by showing that
the individual has been missing from his or her last known place of domicile for a
continuous period of twelve (12) months or more,

OR

_____ by clear and convincing evidence, because the presumption of death has been proved by
showing that the individual was exposed to a specific peril or tragedy resulting in probable
death, and this Court concludes that such missing individual is hereby declared to be dead.

WHEREUPON, IT IS ORDERED that above-named missing individual be and is hereby
declared dead, and the date of death is hereby established as _____.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

APPLICATION FOR PERMIT TO CONDUCT PUBLIC FIREWORKS DISPLAY

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for any time there will be a fireworks display pursuant to O.C.G.A. § 25-10-4.
2. The form is to be completed by the person, firm, corporation, association, or partnership desiring to conduct a public exhibition or display of fireworks and filed in the Probate Court of the county in which the exhibition or display is to be held, no less than ten (10) days prior to the date of the proposed display.
3. The permit must contain the license number issued by the Safety Fire Commissioner for the person, firm, corporation, association, or partnership that will cause the combustion, explosion, deflagration or detonation of pyrotechnics at the exhibition or display.
4. 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.
5. The application must be accompanied by a bond of no less than \$10,000.00 or such amount as the Probate Judge requires, if greater, or in the alternative, evidence that the applicant carries proper liability insurance in the amount of not less than \$25,000.00 for each person and \$50,000.00 for each accident and property damage no less than \$25,000.00 for each accident and \$50,000.00 aggregate, or such policy limits greater if the Probate Judge so requires, with an insurance company duly licensed by the Commissioner of Insurance. The bond or insurance certificate must name the permitting county's Board of Commissioners as a named insured for the specific event for which the application is made.
6. Notice shall be sent to the Fire Department or Department of Public Safety that will provide the fire protection services during the display who may object or waive further notice.
7. The local fire official responsible for the area where the display will be held shall make a determination of whether or not the site for the display meets his or her approval and is in compliance with all applicable codes and, if so determined, shall issue a certification that shall be returned to the probate court of such county.

8. The Judge of the Probate Court shall receive \$30.00 for his or her services in granting or refusing the original permit and \$1.00 for each copy issued, to be paid by the applicant pursuant to O.C.G.A. § 15-9-60 (k) (11).
9. The Judge of the Probate Court shall provide the Safety Fire Commissioner a copy of each permit granted prior to the proposed date of the exhibition or display.
10. No permit shall be granted unless the applicant has met all the requirements of and is in full compliance with the rules and regulations promulgated by the Safety Fire Commissioner pursuant to O.C.G.A. § 25-10-4 and the display shall be of such character as to not be hazardous to persons or property.

II. General Instructions

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

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

**APPLICATION FOR PERMIT
TO CONDUCT PUBLIC FIREWORKS DISPLAY**

_____ hereby applies for a permit to
[Name of person or corporate entity]
conduct a public fireworks display as provided under O.C.G.A. § 25-10-4. The public fireworks
display is sponsored by _____
[Sponsoring organization]
at _____ on the
[Location of fireworks display]
_____ day of _____, 20____, to begin at approximately ____ p.m., and last
for approximately _____ minutes. This application is being made at least 10 days
prior to the proposed display.

1.

The display will be conducted by _____, of
[Operator/person who will discharge fireworks]
_____, a competent and experienced
[Fireworks or pyrotechnic company]
operator who has conducted _____ displays over the past _____ years.
[# of displays]

A copy of the operator's ATF License (**labeled and attached hereto as Exhibit "____"**)
and/or the corporate entity's ATF License (**labeled and attached hereto as Exhibit "____"**).

2.

This display will not be hazardous to persons or property. No persons other than the
operator and the operator's employees will be allowed within _____ feet of the launching or
detonation site.

3.

The display (will) (will not) be a proximate audience display as defined by Georgia law. If the display is a proximate audience display, then a copy of the operator's Georgia License issued by the Safety Fire Commissioner, number _____, (**labeled and attached hereto as Exhibit "_____"**) and the corporate entity's Georgia License issued by the Safety Fire Commissioner, number _____, (**labeled and attached hereto as Exhibit "_____"**).

4.

A. The site for the display is described as follows:

B. The fireworks and/or pyrotechnics to be used in the proposed display are described as follows **or labeled and attached hereto as Exhibit "_____"**.

C. The _____ Fire Department or the
[County/City]
_____ will provide the necessary and required
[Name of Department or Entity that will provide services]
fire protection services and the following special services: *[list below]*

Attached hereto is a certification by the _____ Fire Marshal that
[County/City]
the site for the display meets his or her approval and is in compliance with all applicable codes.

5.

This application is accompanied by a bond in the principal sum of \$_____ or more,
[Dollar amount]
 payable to the _____ Board of Commissioners,
[County]
 and conditioned for the payment of damages that may be caused either to persons or to property
 by reason of the display, or the applicant has attached evidence that the applicant carries proper
 liability insurance for bodily injury of not less than \$_____ for each person
[Dollar amount]
 and \$_____ for each accident and for property damage in an amount of not less
[Dollar amount]
 than \$_____ for each accident and \$_____ aggregate
[Dollar amount] *[Dollar amount]*
 with an insurance company duly licensed by the Insurance Commissioner for the State of
 Georgia.

6.

**Labeled and attached are the exhibits “___” (Affidavit of Competency) and “___”
 (Affidavit of Insurance), and a copy of the acknowledgment issued by _____
[Name]
 _____ Fire Marshal, Department of Public Safety.
*[County/City]***

7.

My address to be used for official communications is:

[Applicant]

Name of Corporate Entity

<i>P. O. Box Number or</i>	<i>Street</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
----------------------------	---------------	-------------	--------------	------------

(_____) _____
 Telephone Number

Signature of Applicant/Corp. Officer

Print Name and Corp. Title of Applicant

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

Notary Public/Clerk of Probate Court

VERIFICATION

Personally appeared before me the undersigned Applicant(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Application for Permit to Conduct Public Fireworks Display (and the attached Exhibits) are true and correct.

Signature of Applicant/Corp. Officer

Printed Name and Corp. Title of Applicant

Sworn to and subscribed before me this

_____ day of _____, 20_____.

Notary Public/Clerk of Probate Court

[To be completed by individual or corporate entity applying for the fireworks permit and employing the individual operator conducting the display.]

AFFIDAVIT OF COMPETENCY

Comes now _____ and states that
[Name of Affiant]
_____, age _____, has conducted
[Operator]
_____ fireworks displays during the past _____
[Number] _____ *[Years experience]*
years. The most recent display was conducted at _____ on
[Place of Display]
_____. During the time that _____
[Date] _____ *[Operator]*
has conducted fireworks displays, no persons have been injured and no property has been damaged or destroyed.

Due to his/her experience and competence, I hereby certify that he/she is a competent operator as described by O.C.G.A. § 25-10-4.

Corporate Entity

Signature of Affiant

Print Name of Affiant

Title of Affiant

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

Notary Public/Clerk of Probate Court

[To be completed by an authorized representative of the individual or corporate entity applying for the permit.]

AFFIDAVIT OF INSURANCE

Comes now _____ and states that the attached bond or certificate of insurance complies with the requirement for proper insurance outlined by O.C.G.A. § 25-10-4 and further states that the issuing company, _____, is duly licensed by the Insurance Commissioner for the State of Georgia to do business in Georgia. This affidavit is given to be relied upon by the Probate Court of _____ County, Georgia in connection with the Application for Permit to Conduct Public Fireworks Display to which it is attached.

Corporate Entity

Signature and Title of the Corporate Officer

Address

City, State, Zip Code

Telephone

Sworn to before me this

_____ day of _____, 20_____.

Notary Public/Clerk of Probate Court

** Note: The site description and type of fireworks to be detonated should be compared to the insurance policy furnished, since the policy may contain exclusions that would eliminate coverage for certain sites, types of fireworks, or persons within a certain distance of the display.*

ACKNOWLEDGMENT AND WAIVER

On behalf of the _____ Fire Department, I hereby acknowledge notice of the Application to Display Fireworks of _____ dated _____ and hereby waive any objection to the issuance of the permit, and confirm that the usual fire protection services will be provided by this department, subject to the following restriction, if any: (Please state “none” if there are no restrictions)

I further certify that the proposed display (Initial one) _____ is _____ is **NOT** a proximate audience display as defined by Georgia Law. If the display is a proximate audience display, the premises on which the display will occur have also been examined by this Department.

Date: _____

_____ Fire Department
(Name of Department)

By: _____

Title: _____

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

IN RE: _____)
)
) **FILE NO.** _____
APPLICANT _____)

**ORDER GRANTING
NONTRANSFERABLE PERMIT**

This application of _____
[Applicant]
for a Permit to Display Fireworks was filed in this County on _____, 20 _____.

The applicant requests permission to exhibit or display fireworks at _____
[Location]
on _____, 20 _____, which is not less than ten (10) days after the filing of such application.

It appears that the display will be conducted by a competent and experienced operator and that this display will be of such character as will not be hazardous to persons or property.

The _____ Fire Marshal's Office
[County/City]
has certified in writing that the site for the display meets its approval and is in compliance with all applicable codes. The application is accompanied by the evidence that the applicant carries proper liability and property insurance or has posted the required amount of bond as required by law. In addition, the applicant has provided proof of federal license through the Bureau of Alcohol, Tobacco and Firearms.

IT IS HEREBY ORDERED that a Permit to Display Fireworks is herein granted to _____, for a period of not more than fourteen (14) consecutive

[Applicant]

days, beginning on the _____ day of _____ 20____, to perform a public exhibition of fireworks at _____

[Location]

beginning at approximately _____ p.m., provided that only the operator named in the application _____, and his/her employees shall be present

[Operator]

and in control of the exhibit or display. The permit is granted subject to all the stipulations and restrictions as stated in the Acknowledgment and Waiver.

IT IS FURTHER ORDERED that _____

[Applicant]

shall supply the _____ Fire Department with a copy of this permit.

[Name of Department]

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

**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 who 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.gov.] 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 or at www.gaprobate.gov, labeled GPCSF 1.

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

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

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

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: _____

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 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. 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.

<i>Name</i>	<i>Age (or over 18)</i>	<i>Address</i>
<hr/>	<hr/>	<hr/>

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 prays that the Court grant the relief requested in the Consent of Heirs/Beneficiaries attached hereto.

Signature of Petitioner

Printed Name

Mailing Address

Telephone Number

Signature of Attorney _____

Printed Name of Attorney _____

Address _____

Telephone Number _____ State Bar # _____

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner who, after being duly sworn, states that the facts set forth in the foregoing Petition by Personal Representative for Waiver of Bond and/or Grant of Certain Powers 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

Mailing Address

Telephone Number

IN THE PROBATE COURT OF _____ COUNTY
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 TO GRANT POWERS]* The Personal Representative is 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 should be awarded all of the powers contained in O.C.G.A. § 53-12-261; **OR**
- _____ (b) *[optional; initial if applicable TO WAIVE REPORTS]* The Personal Representative is 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 should not be required to file any reports with the Court; **AND/OR**
- _____ (c) *[optional; initial if applicable TO WAIVE BOND]* The Personal Representative is required by law to post a bond as the court deems necessary. By initialing here I agree that the Personal Representative should not be required to post a bond.

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

Signature of Heir/Beneficiary

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Heir/Beneficiary

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 OF _____)
)
_____,) **ESTATE NO.** _____
DECEASED)

ORDER FOR SERVICE

Upon reading the foregoing Petition, it is ordered that notice be issued and published once a week for four (4) weeks prior to the date on which objections must be filed.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA

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

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

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 hereby:

[Initial all which apply]

- _____ (a) **POWERS GRANTED:** Grants to the Personal Representative(s) all of the powers contained in O.C.G.A. § 53-12-261.
- _____ (b) **REPORTS WAIVED:** Grants to the Personal Representative(s) the specific power to serve without making and filing inventory, and without filing any annual or other returns or reports to any court; but the fiduciary(ies) shall furnish to the heirs, at least annually, a statement of receipts and disbursements.
- _____ (c) **BOND WAIVED:** Waives the specific requirement to post bond.

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 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 OF _____ COUNTY
STATE OF GEORGIA**

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

LETTERS OF ADMINISTRATION
[Bond Waived and/or Certain Powers Granted]

At a regular term of Probate Court, this Court granted an order allowing _____ to qualify as Administrator(s) of the 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, and that upon so doing, Letters of Administration be issued to such Personal Representative(s).

THEREFORE, the said Administrator(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 Personal Representative(s), according to Georgia law. In addition this Court:

[Initial all that apply]

- _____ (a) **POWERS GRANTED:** Grants to the Administrator(s) all of the powers contained in O.C.G.A. § 53-12-261.

- _____ (b) **REPORTS WAIVED:** Grants to the Administrator(s) the specific power to serve without making and filing inventory, and without filing any annual or other returns or reports to any court; but the fiduciary(ies) shall furnish to the heirs, at least annually, a statement of receipts and disbursements.

- _____ (c) **BOND WAIVED:** Waives the specific requirement to post bond.

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: _____ *[Seal]*

Clerk of the Probate Court

**IN THE PROBATE COURT OF _____ COUNTY
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 _____ 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 powers of Executor(s) under the Will of said Decedent, 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 of the Probate Court

PETITION FOR DISCHARGE OF PERSONAL REPRESENTATIVE

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for a Petition for Discharge of a Personal Representative pursuant to O.C.G.A. § 53-7-50 or Discharge of a Temporary Administrator pursuant to O.C.G.A. § 53-7-52. A Personal Representative may, pursuant to O.C.G.A. § 53-7-50(e), petition the court solely for discharge from office but not from all liability.
2. If the Petition is filed by a Personal Representative, the notice to debtors and creditors must have been published for four weeks, and three months must have elapsed from the date of the last publication. O.C.G.A. §§ 53-7-41, 53-11-4.
3. 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. Use Supplement 2 if the Court determines it is appropriate to appoint a special process server.
6. Use Supplement 3 when an additional certificate of service is necessary.

7. In the event the Decedent died intestate, Paragraph 3 requires that a definitive statement be made to show to the court that the persons named in Paragraph 2 constitute all of the heirs of the Decedent and that there are no heirs of the same or closer degree according to O.C.G.A. § 53-2-1. Provide the date of death for any deceased heirs. [NOTE: If you are uncertain how to determine the heirs of a Decedent, please refer to the “Heirs Determination Sheet” available from the probate court or at www.gaprobate.gov.] 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. 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. 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 or at www.gaprobate.gov, labeled GPCSF 1.

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

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

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The Petition of _____, as
(Executor(s)) (Administrator(s)) (Temporary Administrator(s)) of the above-referenced estate,
shows:

1.

Petitioner(s) [*initial one*]:

- _____ (a) has/have fully administered the estate of the Decedent.
- _____ (b) was/were allowed to resign without fully administering said estate.
- _____ (c) has/have completely discharged all duties as temporary administrator(s).

2.

Listed below are all of the heirs of an intestate Decedent or beneficiaries of a testate Decedent, or persons who succeeded to the interest of any heir or beneficiary who died after the Decedent died:

<i>Name</i>	<i>Age (or over 18)</i>	<i>Address</i>	<i>Relationship</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[NOTE: If discharge is sought solely from office and not from office and all liability, STRIKE Paragraphs 3 and 4 below.]

3.

Required: *[In the event the Decedent died intestate (without a will), make a definitive statement with 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 similar 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 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. If any heirs listed above are cousins, grandchildren, nephews or nieces of the Decedent, please indicate the deceased ancestor through whom they are related to the Decedent.]*

4.

Of those named in Paragraph 2 above, it is not necessary to notify the following heirs or beneficiaries (a) who have relieved the Personal Representative of all liability and as to each of whom a copy of the writing(s) granting such relief is/are attached hereto or (b) with respect to whom the Personal Representative has been relieved of all further liability in (a settlement of accounts)(an intermediate report)(other binding proceeding) pursuant to an order of this Court dated _____ and hereby incorporated herein: _____

5.

The following heirs or beneficiaries are represented or should be represented by a guardian *[state names of heir/beneficiary and guardian, if one has already been appointed, and reason guardian needed/appointed]:* _____

6.

All claims against the estate have been paid (except for the following that have not been paid for the reasons set forth below) *[provide names and addresses for service]:*

7.

[initial one]:

____ All necessary (inventories) (and) (returns) have been filed.

____ Petitioner was relieved of filing (inventories) (and) (returns).

8.

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

WHEREFORE, Petitioner(s) pray(s):

[initial one]

_____ (a) to be discharged solely from office and, therefore, pray(s) that notice issue and be published one time in the official county newspaper with copies thereof being mailed by first-class mail to the creditors named in Paragraph 5 above and that an order issue discharging the Petitioner(s) from office.

OR

_____ (b) to be discharged from office and all liability and, therefore, pray(s) that notice issue and be served and published as required by law and that an order issue releasing and discharging the Petitioner(s) from office and from all liability.

Signature of Petitioner

Printed Name

Mailing Address

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 on oath state(s) that the facts set forth in the foregoing Petition for Discharge of Personal Representative (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 OF _____ COUNTY
STATE OF GEORGIA**

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

ACKNOWLEDGMENT OF SERVICE AND CONSENT TO PETITION

The undersigned, being 18 years of age or older, laboring under no legal disability and being heirs or beneficiaries or unpaid purported creditors of the above-named Decedent, hereby acknowledge service of a copy of the Petition for Discharge of Personal Representative, and notice, waive copies of same, waive further service and notice, and hereby consent to the Petition.

SIGNATURE(S) OF INTERESTED PARTIES

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Interested Party

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Interested Party

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Interested Party

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Interested Party

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Interested Party

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 OF _____)
)
_____,) **ESTATE NO.** _____
DECEASED)

ORDER FOR SERVICE OF NOTICE

[Initial A. (discharge solely from office) or B. (discharge from office and all liability)]

_____ A. The Petition for Discharge of Personal Representative having been filed, seeking discharge solely from office, it is ordered that Notice be published one time in the newspaper in which sheriff's advertisements are published in this county at least ten days before _____, 20_____ and that a copy of the Petition and Notice be mailed by first-class mail to the creditors whose claims have not been paid as set forth in Paragraph 6 of the Petition.

_____ B. The Petition for Discharge of Personal Representative having been filed, seeking discharge from office and all liability, it is ordered that all heirs or beneficiaries or unpaid creditors who did not acknowledge service and consent to the Petition be served as follows:

[Initial any and all that apply]

_____ Notice, together with a copy of the Petition, shall be served personally, or by registered or certified mail or statutory overnight delivery, as requested by the Petitioner(s) pursuant to O.C.G.A. § 53-11-3, at least ten days before the deadline for filing objections on the following interested parties who reside in Georgia: _____

_____ Notice, together with a copy of the Petition, 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 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: _____

_____ *[Applies in all cases unless notice is published for four weeks]* Notice shall be published one time in the legal organ of this County at least ten days before _____, 20_____ which is the date on or before which any objection is required to be filed.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

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

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

NOTICE

[For Discharge Solely from Office]

IN RE: Petition for Discharge of Personal Representative

TO: _____

[List all creditors who did not acknowledge service whose claims have not been paid.]

and to whom it may concern:

This is to notify you to file objection, if there is any, to the Petition for Discharge of Personal Representative, 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 _____) (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 of the Probate Court

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

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

NOTICE
[For Discharge from Office and all Liability]

IN RE: Petition for Discharge of Personal Representative

[Strike any Paragraph if not applicable]

TO: _____

[List here all interested parties having unknown addresses to be served by publication]
and (all and singular the heirs of said Decedent,)(the beneficiaries under the will,) and to whom it may concern:

This is to notify you to file objection, if there is any, to the above-referenced Petition, in this Court on or before _____, 20_____.

TO: _____

[List here all heirs having known addresses in the continental U.S. to be served by registered or certified or statutory overnight delivery 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 above-referenced Petition, in this Court on or before the thirteenth (13th) day after _____, 20_____ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 13 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

TO: _____

[List here all heirs having known addresses outside the continental U.S. to be served by registered or certified mail or statutory overnight delivery 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 above-referenced Petition, in this Court on or before the thirtieth (30th) day after _____, 20_____ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 30 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

TO: _____

[List here all interested parties who reside in Georgia to be served personally or by registered or certified mail or statutory overnight delivery 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 above-referenced Petition, in this Court on or before the tenth (10th) day after the date you are personally served or sign the 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 of the Probate Court

IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA

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

FINAL ORDER

The foregoing Petition for Discharge of _____ as _____
_____ was filed. The Court further finds that all of the (heirs)(beneficiaries)
were served or acknowledged service. The Court further finds that no objection has been filed, and
all requirements of law have been fulfilled.

ACCORDINGLY, IT IS ORDERED that petitioner(s) be, and is/are hereby, discharged

[initial one]

- _____ a. solely from office
- _____ b. from office and all liability.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

**PETITION FOR THE RESTORATION OF AN INDIVIDUAL FORMERLY FOUND TO
BE IN NEED OF A GUARDIAN AND/OR CONSERVATOR**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for filing a Petition for the Restoration of a Ward (formerly Incapacitated Adult) pursuant to O.C.G.A. § 29-4-42 and § 29-5-72.
2. The burden of proof is on the Petitioner to show by a preponderance of the evidence that there is no longer a need for a guardianship/conservatorship.
3. 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 may 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.
4. In any case in which the Ward's rights are restored, when the Former Ward owns real property, a Certificate of Creation of Conservatorship will be completed by the Clerk of the Probate Court and filed with the Clerk of the Superior Court of each county of this state in which the Former Ward owns real property within thirty (30) days of the date of such order.
5. The Certificate to the GBI page shall be used in all cases where a guardianship and/or conservatorship is/are established. Individuals so listed in this database will be prohibited from obtaining a firearm permit. In the event the Ward's rights are restored, such restoration of rights **shall** be sent to the GBI, so the database can be updated. Only the Certificate needs to be sent to the GBI and not the Guardianship Order.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court or at www.gaprobate.gov, labeled GPCSF 1.

4.

[NOTE: please provide the name or specify "N/A"]

The current guardian(s) is/are _____ and

The current conservator(s) is/are _____.

5.

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

WHEREFORE, petitioner(s) pray(s):

1. that service be perfected as required by law;
2. that the court appoint legal counsel and an evaluator for the Ward and order an evaluation as required by law;
3. that upon receipt of the evaluation report, the court order a hearing to determine the continued need for a guardian and/or conservator for the Ward; and
4. that the Ward's rights be restored.

Signature of First Petitioner

Signature of Second Petitioner, if any

Printed Name

Printed Name

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 for the Restoration of an Individual Formerly in Need of a Guardian and/or Conservator (and the attached exhibits) 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

The following facts support my opinion:

WITNESS MY HAND AND SEAL this _____ day of _____, 20_____.

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

Signature of (Physician)(Psychologist)(Social Worker)

Typed Name _____

Notary Public

My commission expires on the _____ day
of _____, 20_____.
(NOTARIAL SEAL AFFIXED)

[NOTE: The examination on which this affidavit is based must occur WITHIN FIFTEEN (15) DAYS prior to the filing of the Petition.]

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 OF _____)
)
_____,) **ESTATE NO.** _____
WARD)

ORDER FOR SERVICE AND EVALUATION

A Petition for Restoration of an Individual Formerly Found to be in Need of a Guardian and/or Conservator having been read and considered, and it appearing that there is sufficient evidence to believe that the Ward may no longer be in need of a guardian and/or conservator within the meaning of O.C.G.A. § 29-4-1 and/or § 29-5-1,

IT IS HEREBY ORDERED that _____,
(physician) (psychologist) (licensed clinical social worker), is appointed to evaluate the above-named Ward at ____:____ __.m., on _____ 20____ at _____

[location].

IT IS FURTHER ORDERED that the above-named Ward shall submit to an evaluation at the time and place stated above;

IT IS FURTHER ORDERED that the evaluator shall explain the purpose of the evaluation to the Ward;

IT IS FURTHER ORDERED that a Clerk shall immediately notify the Ward, the conservator (if any), the guardian (if any), and the Ward’s legal counsel of these proceedings by having all pleadings, as well as this order and a Notice of Petition to Restore an Individual Formerly Found to be in Need of a Guardian and/or Conservator pursuant to O.C.G.A §§ 29-4-42 and/or 29-5-72.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

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

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

CERTIFICATE OF MAILING OF ORDER AND NOTICE OF PROCEEDINGS

This is to certify that I have this day served the Petitioner(s); the Ward’s guardian ad litem (if any) and attorney with a copy of the Petition, order, and notice of proceedings to restore rights of Ward by placing a copy of same in an envelope addressed to each and depositing same in the U.S. Mail, first-class, with adequate postage thereon.

This _____ day of _____, 20____.

Clerk of the Probate Court

Address

Telephone Number

CERTIFICATE OF MAILING OF ORDER FOR DISMISSAL

This is to certify that I have this day served the Ward with a copy of the (Petition and)* order for dismissal by placing a copy of same in an envelope addressed to the Ward and depositing same in the U.S. Mail, first-class, with adequate postage thereon. I have also served a copy of the order for dismissal in the same manner upon the persons required in said order to be so served.

This _____ day of _____, 20____.

Clerk of the Probate Court

Address

Telephone Number

* not necessary if dismissal is after evaluation.

The following are my findings as to the needs of the Ward and their foreseeable duration:

[initial all applicable]

_____ (a.) I find that the Ward continues to be incapacitated by reason of: _____
_____ to the extent that said Ward lacks sufficient capacity to make or communicate significant responsible decisions concerning his/her health and safety.

_____ (b.) I find that the Ward continues to be incapacitated by reason of: _____
_____ to the extent that said Ward lacks sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.

_____ (c.) I find that the Ward now has sufficient capacity to make or communicate significant decisions concerning his/her health and safety.

_____ (d.) I find that the Ward now has sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.

Physician licensed under Chapter 34 of Title 43 of the
Official Code of Georgia Annotated/
Psychologist licensed under Chapter 39 of Title 43 of the
Official Code of Georgia Annotated/
Licensed Clinical Social Worker

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

[NOTE: This report must be filed with the Probate Court no later than seven (7) days after the date of examination.]

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

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

ORDER FOR DISMISSAL

The Petition for Restoration of an Individual Formerly Found to be in Need of a Guardian and/or Conservator having been read and considered pursuant to O.C.G.A. § 29-4-42 and/or O.C.G.A. § 29-5-72, and (initial one):

_____ (a.) Based on the allegations made in the Petition and prior to the court-ordered evaluation, it appears that there is not probable cause to believe that the Ward no longer is in need of a guardian or conservator within the meaning of O.C.G.A. § 29-4-1 and/or O.C.G.A. § 29-5-1; therefore, it is

ORDERED that the petition is dismissed.

IT IS FURTHER ORDERED that a copy of the Petition, the affidavit, if any, and this order be served on the Ward by first-class mail, and a copy of this order be served in the same manner upon the Petitioner(s) or his/her/their attorney, if any.

_____ (b.) Based on the allegations made in the Petition and after review and consideration of the court-ordered evaluation report filed with this Court, this Court finds that there is not probable cause to support a finding that the Ward no longer is in need of a guardian or a conservator within the meaning of O.C.G.A. § 29-4-1 and/or O.C.G.A. § 29-5-1; therefore, it is

ORDERED that the petition is dismissed.

IT IS FURTHER ORDERED that a copy of this order and the court-ordered evaluation report be served on the Ward, his attorney, his guardian ad litem, if any, and to the Petitioner(s) or her/her/their attorney, if any, by first-class mail.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

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

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

ORDER AND NOTICE OF HEARING

After review and consideration of the Petition and the court-ordered evaluation report filed with this Court, the Court finds that there is probable cause to support a finding that the Ward no longer is in need of a guardian and/or conservator within the meaning of O.C.G.A. § 29-4-1 and/or O.C.G.A. § 29-5-1,

THEREFORE, it is ordered and adjudged that:

1. A hearing shall be set for _____:_____ .m. on _____, 20_____, which is not less than 10 days from the date that this notice is mailed, to determine the need for the restoration of the Ward's rights, to be held (in the Probate Court of _____ County, Courtroom_____, (address)_____, Georgia) (at the following location: _____). The Ward shall be represented by _____, attorney, at such hearing.
2. A copy of this order and a copy of the evaluation report shall be sent to the Ward, his/her attorney and guardian ad litem, if any, and to the Petitioner(s) and his/her/their attorney, if any as well as to the Court appointed Guardian, if any, and the Court appointed Conservator, if any. These copies shall be sent by a clerk, first-class mail, as soon as practicable after the signing of this order.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

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

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

STIPULATION AND WAIVER BY WARD'S ATTORNEY

The undersigned, as the attorney representing the above-named Ward in these proceedings,
[initial all applicable]

- _____ (a.) does hereby stipulate into evidence the affidavit prepared by *[name of affiant evaluator]* _____, being the evaluation report ordered by the Court in this matter, and hereby waives the appearance of such affiant at any hearing concerning the said Petition.
- _____ (b.) does hereby stipulate into evidence the affidavit(s) prepared by *[name of affiant evaluator]* _____, which is the affidavit referred to in Paragraph 1 (b) of the Petition, and hereby waives the appearance of such affiant at any hearing concerning the said petition.
- _____ (c.) does further waive the appearance of my client, the Ward, at said hearing.

This _____ day of _____, 20_____.

Attorney

Printed Name of Attorney _____

Address _____

Telephone Number _____ State Bar # _____

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

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

FINAL ORDER

A hearing was held on the Petition for Restoration of an Individual Formerly Found to be in Need of a Guardian and/or Conservator on _____, 20 _____, and after considering the pleadings, the evaluation report and the evidence taken at the hearing, the Court makes the following:

FINDINGS OF FACT

1.

All procedural requirements of O.C.G.A. § 29-4-11 and O.C.G.A. § 29-4-42; and/or O.C.G.A. § 29-5-11 and O.C.G.A. § 29-5-72 have been met.

2.

The above-named Ward is no longer in need of a guardian and/or conservator because

_____.

The Ward now has sufficient capacity to make or communicate significant decisions concerning his/her health and safety, and now has sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.

CONCLUSIONS OF LAW

The Court finds, by preponderance of the evidence, that the above-named Ward (hereinafter referred to as "Former Ward") is no longer in need of a guardian or conservator because the Ward now has sufficient capacity to make or communicate significant responsible decisions concerning his/her health or safety, and now has sufficient capacity to make or communicate significant responsible decisions concerning the management of his/her property.

THEREFORE IT IS ORDERED that _____ is hereby restored to full capacity and the guardianship/conservatorship of said Former Ward is hereby terminated.

IT IS FURTHER ORDERED that before any guardian and/or conservator is released from his/her trust, he/she must file a Petition for Discharge and Final Return if appropriate, with an acknowledgment as executed by the Former Ward and that Petition for Discharge and Final Return, if appropriate, must be approved by the Court.

IT IS FURTHER ORDERED that a Clerk of this Court shall record the restoration upon all records of this Court, including the previously issued letters of guardianship/conservatorship.

IT IS FURTHER ORDERED that the Clerk of this Court shall, within 30 days of this order, submit a Certificate to the Clerk of the Superior Court of each county of this state in which the restored Ward owns real property, if any, notifying the Clerk to record in the deed records that the Ward has been restored to capacity.

IT IS FURTHER ORDERED that a copy of this Order shall be served by first-class mail on the Former Ward, the Former Ward's attorney; the guardian ad litem, if any; the guardian(s) and/or conservator(s); the petitioner(s); and his/her/their attorney(s).

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court/Hearing Officer exercising the
jurisdiction of the Probate Court pursuant
to O.C.G.A. § 29-4-12 (d) (7) and/or § 29-5-12 (d) (7)

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

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

CERTIFICATE OF MAILING OF FINAL ORDER

I have this date mailed (or handed) a copy of the above Order to the Former Ward, his/her attorney, (his/her guardian ad litem,) (his/her representatives), the guardian(s), the conservator(s), the petitioner(s), and (petitioner's attorney).

Date

Clerk of the Probate Court

Address

Telephone Number

**CERTIFICATE OF FILING CERTIFICATE OF RESTORATION
OF RIGHTS**

I have this date hand-delivered and/or mailed for filing a Certificate of Restoration of Rights to the Clerk of the Superior Court of each of the following counties, together with payment of any recording costs to the following:

Date

Clerk of the Probate Court

Probate Court Return Mailing Address:

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

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

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

CERTIFICATE OF RESTORATION OF RIGHTS
(Pursuant to O.C.G.A. § 29-5-13 (d))

DATE ORDER ISSUED: _____ CROSS REFERENCE:
DEED BOOK _____
PAGE NO. _____

GRANTOR: (NAME OF CONSERVATOR(S) OF FORMER WARD)

GRANTEE: (NAME OF FORMER WARD)

The rights of the above Former Ward being restored, the Conservatorship previously created for the above-named Former Ward is now DISSOLVED.

Original Certificate delivered or mailed to Clerk of Superior Court of _____ County on _____, 20____.

I do hereby certify that the above information is based on the order of the Probate Court issued on the date set out above and that the above information is true and correct.

By: _____
Clerk of the Probate Court

CERTIFICATE OF GUARDIANSHIP / CONSERVATORSHIP TERMINATED

Make Electronic Submissions via the Georgia Criminal Justice Information System (CJIS) Network -OR-			
Georgia Crime Information Center Attention:		Georgia Crime Information Center Attention: CJIS Operations Unit 3121 Panthersville Rd. Decatur, Georgia 30034	
*DATE OF ORDER (mm/dd/yyyy)	*JUDGE'S NAME		
*PROBATE COURT COUNTY/ORI NUMBER		*ESTATE NUMBER	
THE FOLLOWING INDIVIDUAL HAS BEEN ADJUDICATED TO LACK SUFFICIENT MENTAL CAPACITY AND GUARDIANSHIP/CONSERVATORSHIP HAS BEEN ESTABLISHED. THE ORDER REFERENCED ABOVE TERMINATES SUCH APPOINTMENT.			
*NAME (Last, First, Middle)			
*SEX	*RACE	*DATE OF BIRTH (mm/dd/yyyy)	SOCIAL SECURITY NUMBER (###-##-####)
CURRENT ADDRESS (Street Address)			
CITY		STATE	ZIP CODE
SIGNATURE (Court Official)			DATE SIGNED
*Court Official's Title			

***Mandatory Field**

**PETITION FOR DETERMINATION OF RIGHT OF DISPOSITION
OF REMAINS OF A DECEDENT**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for a Petition for Determination of Right of Disposition of the Remains of a Decedent pursuant to O.C.G.A. § 31-21-7.
2. O.C.G.A. § 31-21-7 provides that the Petition may be filed by either (1) the funeral home with present custody of the remains of the Decedent or (2) one of two or more persons with the same relationship to the Decedent for purposes of the right to dispose of the remains as set forth in the Code section.
3. Notice of the filing of the Petition and the hearing to be held to consider same will be as the Court directs.
4. 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 may 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.
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.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court or at www.gaprobate.gov, labeled GPCSF 1.

4.

There are no known persons having a higher priority pursuant to O.C.G.A. § 31-21-7 to make decisions concerning the disposition of the remains of the Decedent than those listed in Paragraph 3 above.

5.

The Decedent:

_____ (a) had an advanced directive that addressed the disposition of the principal's body and is attached as Exhibit "_____".

_____ (b) did not have an advanced directive that addressed the disposition of the principal's body.

If (a) is selected please list the person(s) named as the agent:

<i>Name</i>	<i>Address</i>	<i>Relationship to Decedent</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

6.

[initial as applicable]

_____ (a) Of those persons listed above, the following have not participated in the attempt to determine the manner of disposition of the remains by agreement: _____ . Reasonable efforts have been made by one or more of the others named in Paragraph 3 above to notify such person(s) and seek his/her/their participation. However, Petitioner is not aware of any opposition to the decision of a majority of those participating.

_____ (b) Of those persons listed above, the following are currently present in this county and are accessible to Petitioner for service of notice by hand delivery: _____ .

_____ (c) Of those persons listed above, the following have acknowledged service of notice of this Petition and consent to the determination of the right of disposition of the remains of Decedent: _____ .

7.

Disagreement exists among those persons named in Paragraph 3 above as to the location, manner and conditions of disposition of the remains of the Decedent and/or as to the arrangement for funeral goods and services to be provided.

WHEREFORE, Petitioner prays:

1. that a hearing be held by the Court, at a time and on a date set by the Court, after such notice as the Court deems reasonable and practical under the circumstances of this matter;
2. that the Court determine the person to be the most fit and appropriate to carry out the right of disposition and make decisions regarding the remains of the Decedent, upon consideration of the factors set forth in O.C.G.A. § 31-21-7 (d) (2); and
3. that an appropriate order issue in accordance with the Court's determination of the right of disposition of the remains of the Decedent.

Signature of Petitioner

Printed Name

Mailing Address

Telephone Number

Signature of Attorney _____

Printed Name of Attorney _____

Address _____

Telephone Number _____

State Bar # _____

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner who, after being duly sworn, states that the facts set forth in the foregoing Petition for Determination of Right of Disposition of Remains of a Decedent 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

Mailing Address

Telephone Number

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.** _____
DECEASED)

**PETITION FOR DETERMINATION OF RIGHT OF DISPOSITION
OF REMAINS OF A DECEDENT**

ORDER FOR SERVICE OF NOTICE

The Petition for Determination of Right of Disposition of Remains of a Decedent having been filed, read, and considered, and it appearing to the Court that disagreement exists among two or more persons with the same relationship to the Decedent for purposes of the right to dispose of the remains as set forth in O.C.G.A. § 31-21-7,

IT IS ORDERED that a hearing on the Petition shall be held on _____, 20__ at _____ A.M./P.M. in Courtroom ____, _____ County courthouse.

IT IS ORDERED that notice of the time and date of the hearing be issued and served upon the following: *[initial as applicable]*

_____ those persons, other than the Petitioner, if applicable, with the same relationship to the Decedent for purposes of the right to dispose of the remains as set forth in O.C.G.A. § 31-21-7 named in Paragraph 3 above (including)(excluding) those persons named in Paragraph 5 of the Petition above. Notice shall be by hand delivery to an employee of the funeral home having possession of the remains of Decedent (unless the funeral home is the petitioner) and to any of those persons named in Paragraph 3 of the Petition who are present in this county, whether as residents of this county or otherwise, and by first-class mail to any of said persons who are not present in this county not less than ten (10) days prior to the hearing. Petitioner shall be responsible for any service by hand delivery and shall attest by sworn affidavit the fact of such hand delivery; the Clerk shall be responsible for service by mail and shall certify the completion of same.

_____ the funeral home in present custody of the remains of the Decedent;

notifying him/her/them of the right to be and appear at the hearing and to be heard concerning the right of disposition of the remains of the Decedent.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

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

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

**PETITION FOR DETERMINATION OF RIGHT OF DISPOSITION
OF REMAINS OF A DECEDENT**

FINAL ORDER

The Petition of _____ for Determination of the Right of Disposition of the Remains of the Decedent named above having been filed, and

The same having come before the Court at the time and on the date set by the Court, and

Upon hearing and considering the evidence presented to the Court, taking into account those factors set forth in O.C.G.A. § 31-21-7 (d) (2), the Court finds that _____ is the most fit and proper person to make decisions concerning the disposition of the remains of the Decedent.

WHEREUPON, IT IS ORDERED that _____ shall have the sole and exclusive right to make all decisions concerning the disposition of the remains of the Decedent, including but not limited to the location, manner and conditions of disposition of the remains of the Decedent and/or as to the arrangement for funeral goods and services to be provided; provided, however, that expenses and costs of same shall not exceed a reasonable amount under the circumstances of the Estate of the Decedent and the ability of the Estate to bear such expenses and costs.

IT IS FURTHER ORDERED that the Clerk shall serve a copy of this Order upon each interested party present at the hearing; shall, if no employee of the funeral home was present at the hearing, notify the funeral home by telephone that a copy of the Order may be obtained from the court, which copy may, upon request, be transmitted by facsimile or by attachment to electronic mail; and shall mail a copy of the Order to all interested persons named in the petition who were not present at the hearing.

[if applicable]

_____ **IT IS FURTHER ORDERED** that the costs of these proceedings and the reasonable attorney fees for the filing of same that were incurred and paid by the funeral home may be added to the cost of final disposition of the remains of the Decedent.

SO ORDERED this _____ day of _____, 20_____.

Judge of the Probate Court

**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 or at www.gaprobate.gov, labeled GPCSF 1.

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

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

ANSWER OF GUARDIAN AD LITEM

[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 or at www.gaprobate.gov, labeled GPCSF 1.

IN THE PROBATE COURT OF _____ COUNTY
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 Special Process Server in the above matter, and the following documents shall be served _____
[List documents to be served]

upon _____
[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 OF _____ COUNTY
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 of documents served]

at the following address:

Street City County State Zip Code

at ____: ____ a.m./p.m. on _____, 20____

Signature of 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 OF _____ COUNTY
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 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:

Signature of 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 OF _____ COUNTY
STATE OF GEORGIA

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

OATH

[Initial applicable]

[Strike through those portions in parenthesis that 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 Deceased 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 Deceased 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 Deceased 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 Deceased, so far as I know or believe and that I will well and truly execute the same in accordance with the laws of Georgia. So help me God.

Sworn to and subscribed before me this

_____ day of _____, 20_____.

Fiduciary's Signature

Judge/Clerk of Probate Court

Printed Name of Fiduciary

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 public). Use Supplement 4 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 or at www.gaprobate.gov, labeled GPCSF 1.

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 serve 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 serve 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 Petitioner

Printed Name

Mailing Address

Telephone Number

Signature of Attorney _____

Printed Name of Attorney _____

Address _____

Telephone Number _____ State Bar # _____

VERIFICATION

GEORGIA, _____ COUNTY

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

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Signature of Petitioner

Printed Name of Petitioner

Mailing Address

Telephone Number

**IN THE PROBATE COURT OF _____ COUNTY
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 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

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 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 of the Probate Court

**IN THE PROBATE COURT OF _____ COUNTY
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') 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 of the Probate Court

**IN THE PROBATE COURT OF _____ COUNTY
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 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 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 of the Probate Court

**IN THE PROBATE COURT OF _____ COUNTY
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 of the Probate Court

Address

Telephone Number

**IN THE PROBATE COURT OF _____ COUNTY
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_____.

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 of the Probate Court

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

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

INTERROGATORIES TO WITNESS TO WILL

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.

Signature of Witness to Will

This ____ day of _____, 20 ____.

Mailing Address: _____

Notary Public/Clerk of Probate Court

Telephone Number: _____

[NOTES: (1) General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court or at www.gaprobate.gov, labeled GPCSF 1. (2) If the Interrogatories are submitted to a witness to a purported Codicil(s), appropriate changes must be made in this form.]