

Petition for Leave to Encroach on Corpus

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for filing a Petition for Leave to Encroach on Corpus pursuant to O.C.G.A. §29-3-22 (c) and 29-5-23 (c).
2. A guardian ad litem must be appointed each time this Petition is filed.

II. General Instructions

General instructions applicable to all Georgia probate court standard forms appear in Volume 255 of the Georgia Reports and are available in each probate court.

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:)	ESTATE NO. _____
)	
_____,)	PETITION FOR LEAVE TO ENCROACH
MINOR/WARD)	ON CORPUS
)	
_____,)	
CONSERVATOR(S))	

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

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

1.

As such conservator(s), petitioner(s) has/have in hand assets valued as \$_____. The conservator(s) expect(s) that the minor/ward will have income of \$_____ during the next accounting period.

2.

The income from said assets or budget approved by the Court, if any, is insufficient for the maintenance, support and education of said minor/ward (and/or _____, who is/are legally dependent upon said ward).

3.

There are no other assets available to petitioner(s) to maintain, support and educate the person(s) indicated in Paragraph 2 above.

4.

By prior Court Order(s), the petitioner(s) was/were permitted to disburse \$_____ per month for the benefit of the minor/ward.

5.

Since the inception of the conservatorship, petitioner(s) has/have previously encroached on the corpus of this estate in the total amount of approximately \$ _____.

6.

The encroachment requested in this petition is needed for the following purpose(s) of maintenance, support or education of the person(s) indicated in Paragraph 2 above in order to provide the following specific items (attach separate sheet if necessary): _____

_____.

WHEREFORE petitioner(s) pray(s) that the Court

1. appoint a guardian ad litem, and
2. grant an order allowing petitioner to expend from the corpus of the minor/ward's estate, the sum of \$_____ for the purposes set forth above.

Signature of first petitioner

Signature of second petitioner if any

Printed Name

Printed Name

Address

Address

Telephone Number

Telephone Number

Signature of Attorney: _____

Typed/printed name of Attorney: _____

Address: _____

Telephone: _____ State Bar # _____

VERIFICATION

GEORGIA, _____ COUNTY

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

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

First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

Second Petitioner, if any

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:)	ESTATE NO. _____
)	
_____,)	PETITION TO ENCROACH
MINOR/WARD)	
)	
_____,)	
CONSERVATOR(S))	

ORDER APPOINTING GUARDIAN AD LITEM

A Petition to Encroach being filed by the conservator(s) of the above named minor/ward, it is hereby

ORDERED that _____ is appointed guardian ad litem for the above minor/ward. The deputy clerk shall serve said guardian ad litem with a copy of this Order and the above Petition. Upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer hereto.

SO ORDERED this ____ day of _____, 20__.

Probate Judge

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:)	ESTATE NO. _____
)	
_____,)	PETITION TO ENCROACH
MINOR/WARD)	
)	
_____,)	
CONSERVATOR(S))	

ANSWER OF GUARDIAN AD LITEM

I hereby accept the foregoing appointment, acknowledge service and notice of the proceedings as provided by law, and for answer say:

DATE

GUARDIAN AD LITEM

ADDRESS

TELEPHONE

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:) ESTATE NO. _____
)
 _____,) PETITION TO ENCROACH
 MINOR/WARD)
)
 _____,)
 CONSERVATOR(S))

ORDER

Upon reading and considering the foregoing petition, and it appearing that the averments therein made are true, and the guardian ad litem for the minor/ward filing an answer to the petition which raised no objection to the grant of the Petition; it is ordered that, to the extent indicated below, the same be, and is hereby, granted; said conservator(s) is/are hereby (initial applicable):

- _____ a. allowed to expend from the corpus of said minor's/ward's estate up to the sum of \$_____ for the specific items set forth in said petition for the purpose of maintenance, support or education of the person(s) indicated in Paragraph 2 of the petition, and said Conservator(s) must show in his/her/their annual returns how such funds are actually spent.
- _____ b. allowed to increase his/her/their monthly budget to \$_____ per month and said Conservator(s) must show in his/her/their annual returns how such funds are actually spent.

SO ORDERED this _____day of _____, 20__.

Probate Judge