

Petition for Leave to Sell Perishable Property by Personal Representative

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when filing a petition for leave to sell property which is perishable, liable to deteriorate from keeping, or expensive to keep, pursuant to O.C.G.A. §53-8-11.
2. Under O.C.G.A. §53-8-11, the order for sale may be granted only after such notice and opportunity for hearing, if any, as the Court deems practicable under the circumstances. Further, the sale shall be as soon as practicable and in such manner as the Court determines to be in the best interest of the estate. Therefore, all notice provisions set forth in this form may be altered by the Court if necessary.
3. This form consists of four pages.

II. General Instructions

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

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:)	ESTATE NO. _____
)	
_____,)	PETITION FOR LEAVE TO SELL
DECEASED)	PERISHABLE PROPERTY

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of _____ as representative of the estate of _____ shows that the following personal property:

is of perishable nature, or liable to deteriorate from keeping, or expensive to keep, and that it is in the best interest of said estate that said property be sold as soon as practicable. Petitioner therefore prays for an order authorizing Petitioner to sell said property for the highest valid offer received using the following method and terms of sale: _____

Signature of first petitioner

Signature of second petitioner if any

Printed Name

Printed Name

Address

Address

Phone Number

Phone Number

Signature of Attorney: _____

Typed/printed name of Attorney: _____

Address: _____

Telephone: _____ State Bar # _____

VERIFICATION

GEORGIA, _____ COUNTY

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

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

First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

Second Petitioner, if any

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:

)
)
)
)

ESTATE NO. _____

_____,
DECEASED

PETITION FOR LEAVE TO SELL
PERISHABLE PROPERTY

ORDER

(Without opportunity to object)

Upon reading and considering the foregoing Petition, and it appearing that the facts stated therein are true, it is ORDERED that Petitioner(s) be, and is/are hereby, granted leave to sell the said property for the highest valid offer received using the method and terms of sale set forth in the petition, after giving notice of the property to be sold, the method and terms of such sale, the date and place of sale, and the means by which offers may be made as set forth below (check one)

_____ by _____

_____ by serving a copy of the petition and this order by first class mail at least thirteen (13) days in advance or in person on the sui juris (heirs of decedent) (beneficiaries who would have received such property under will of decedent).

_____ It is not practicable to afford notice or a hearing prior to ruling upon the above petition.

SO ORDERED, this _____ day of _____, 20__.

Probate Judge

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:) ESTATE NO. _____
)
)
DECEASED) PETITION FOR LEAVE TO SELL
PERISHABLE PROPERTY

ORDER

(With opportunity to object)

Upon reading and considering the foregoing Petition, and it appearing that the facts stated therein are true, and it appearing to the Court that it is not practicable to afford notice or a hearing prior to ruling upon the petition;

IT IS ORDERED that the Petitioner(s) shall give notice of the property to be sold, the method and terms of such sale, the date and place of sale, and the means by which offers may be made as set forth below (check one or both:)

_____ by _____

_____;

_____ by serving a copy of the petition and this order in person or by first class mail on the sui juris (heirs of decedent) (beneficiaries who would have received such property under will of decedent) at least thirteen (13) days prior to the date of the sale;

IT IS FURTHER ORDERED that any objection to the proposed sale, the method of sale, the date and place of the sale, and/or the means by which offers may be made must be filed no later than _____, 20__. ANY OBJECTION must be in writing and be signed before a notary public or probate court clerk, and filing fees must be tendered with the objection, unless the objecting party qualifies to file as an indigent party. Contact probate court personnel at the below address/phone number for the required amount of filing fees. If an objection is filed, a hearing will be (held in the Probate Court of _____ County, courtroom _____, (address) _____, Georgia on _____ at __ o'clock __.m.) (scheduled at a later date).

IT IS FURTHER ORDERED that, after giving such notice and if no objection is timely filed as set forth above, the Petitioner(s) be, and is/are hereby, granted leave to sell the said property for the highest valid offer received using the method and terms of sale set forth in the petition. The Petitioner(s) shall file a report of sale, within ten (10) days after the sale, certifying compliance with the notice requirements and reporting the results of the sale.

SO ORDERED, this _____ day of _____, 20__.

Probate Judge