

UNOFFICIAL VERSION – PENDING SUPREME COURT APPROVAL

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); 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 are available in each probate court or at www.gaprobate.gov, labeled GPCSF 1.

UNOFFICIAL VERSION – PENDING SUPREME COURT APPROVAL

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 at \$ _____. 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 \$ _____.

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6.

The encroachment requested in this petition is needed for the following purpose(s) of support, care, education, health, and welfare 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 # _____

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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

Printed Name

My Commission Expires: _____

Sworn to and subscribed before me this

_____ day of _____, 20____

Second Petitioner, if any

NOTARY/CLERK OF PROBATE COURT

Printed Name

My Commission Expires: _____

UNOFFICIAL VERSION – PENDING SUPREME COURT APPROVAL

**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

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**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

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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 support, care, education, health, and welfare 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_____.

Judge of the Probate Court