

**UNOFFICIAL VERSION – PENDING SUPREME COURT APPROVAL**

**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, Georgia Probate Court Standard 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. When a party to a proceeding is a post deceased heir whose estate has no personal representative, such deceased heir's estate may be represented in the proceeding by a guardian ad litem. A person's heirs are determined at the time of that person's death. A close relative must be alive at the time the decedent dies to be an heir. If an heir who outlived the decedent subsequently dies, that post deceased heir must be represented by the personal representative of his or her estate or by a guardian ad litem. Should a guardian ad litem be necessary because a party is not sui juris, use Georgia Probate Standard Form Supplement 1.
5. Use Georgia Probate Standard Form Supplement 2 if the Court determines it is appropriate to appoint a special process server.
6. Use Georgia Probate Standard Form Supplement 3 when an additional certificate of service is necessary.

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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 Standard Form 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 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 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](http://www.gaprobate.gov), labeled GPCSF 1.

UNOFFICIAL VERSION – PENDING SUPREME COURT APPROVAL

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>

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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.

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7.

Additional data: *[Note: 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.]*

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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 # \_\_\_\_\_

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**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

\_\_\_\_\_  
Printed Name of Petitioner

My Commission Expires: \_\_\_\_\_

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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 UNIFORM 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 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 30 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 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)

*[Note: 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 30th 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 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 30 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 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 thirty (30) days from the date of receipt shown on such return receipt.

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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.

\_\_\_\_\_  
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 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 sill 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 all that apply]*

\_\_\_\_\_ (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).

THEREFORE, the administrator, 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 deceased and of administrator(s) with the 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 personal representative(s) all of the powers  
contained in O.C.G.A. § 53-12-261, except the personal representative(s) shall not be  
authorized to bind the estate by any warranty in any conveyance or contract in violation  
of O.C.G.A. § 53-8-14 (a)
- \_\_\_\_\_ (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.
- \_\_\_\_\_ (c) **BOND WAIVED:** Waives the specific requirement to post bond.
- \_\_\_\_\_ (d) **STATEMENTS WAIVED:** Grants to the personal representative(s) the specific power to  
serve without furnishing to the beneficiaries statements of receipts and disbursements.

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 60 days after the anniversary date of appointment until the administrator(s) is/are 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