

Petition for Leave to Sell Perishable Property by Conservator

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. §§29-3-35(a) and 29-5-35(a).
2. Under O.C.G.A. §§29-3-35(a) and 29-5-35(a), the order for sale may be granted only after such notice and opportunity for hearing, if any, as the judge 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 judge if necessary.

II. General Instructions

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

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: _____)
MINOR/WARD _____)
CONSERVATOR(S) _____)

ESTATE NO. _____

PETITION FOR LEAVE TO SELL
PERISHABLE PROPERTY

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of _____ as conservator(s) of the
estate of _____, whose address is _____,
shows
that

1.

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 minor/ward that said property be sold as soon as practicable.

2.

The name(s), address(es), telephone number(s), of the guardian(s) of the minor/ward, if any,
is/are: _____

If there are none or if the conservator(s) is/are also guardian(s) of the minor/ward, the names, addresses,
telephone numbers, and relationship(s) of the heirs apparent of the minor/ward, is/are: _____

3.

The current address of the ward/minor is (please provide the full street address, including city, county, state and zip code): _____

4.

There is no relationship or connection between the conservator(s) or members of their immediate family and the purchaser(s) except as follows: _____
_____.

THEREFORE, petitioner(s) pray(s) for an order authorizing petitioner(s) to sell said property for the highest valid offer received using the following method and terms of sale at the following time and location: _____

_____.

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

Printed Name

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

Second petitioner, if any

NOTARY/CLERK OF PROBATE COURT

Printed Name

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

| | | |
|---|---------------------------------|--|
| IN RE: _____, MINOR/WARD _____, CONSERVATOR(S) |))))))) | ESTATE NO. _____ PETITION FOR LEAVE TO SELL PERISHABLE PROPERTY |
|---|---------------------------------|--|

ORDER CONCERNING NOTICE

(To be used only if the Judge of the Probate Court determines that it is practicable under the circumstances to afford notice or a hearing prior to ruling upon the petition.)

The clerk/deputy clerk shall serve (the guardian of the minor/ward) (the heirs apparent of the minor/ward) (the minor/ward) with notice of the filing of the above Petition; by _____ at least _____ days before the court rules upon the above petition.

SO ORDERED this _____ day of _____, 20_____.

Probate Judge

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

| | | |
|-----------------------|---|-----------------------------------|
| IN RE: |) | ESTATE NO. _____ |
| _____ |) | |
| MINOR/WARD |) | PETITION FOR LEAVE TO SELL |
| _____ |) | PERISHABLE PROPERTY |
| CONSERVATOR(S) |) | |
| |) | |

NOTICE

(To be used only if the Judge of the Probate Court determines that it is practicable under the circumstances to afford notice or a hearing prior to ruling upon the petition.)

To: _____

The Petitioner(s), _____ as conservator(s) of the estate of _____, minor/ward has filed a petition for leave to sell property which is perishable, liable to deteriorate in value, or expensive to keep. If you have an objection, it must be filed on or before _____, 20____. All objections to the petition must be in writing, setting forth the grounds of any such objections, and all pleadings/objections must be signed before a notary public or before a probate court clerk. If you are an heir-apparent of the minor/ward, filing fees must be tendered with your pleadings/objection, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on _____, 20__ in the Probate Court of _____ County, courtroom_____, (address) _____, Georgia)(scheduled for a later date). If no objections are filed, the petition may be granted without a hearing.

PROBATE JUDGE

By: _____
PROBATE CLERK/DEPUTY CLERK

ADDRESS

TELEPHONE NUMBER

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

| | | |
|-----------------------|---|-----------------------------------|
| IN RE: |) | ESTATE NO. _____ |
| |) | |
| _____, |) | PETITION FOR LEAVE TO SELL |
| MINOR/WARD |) | PERISHABLE PROPERTY |
| |) | |
| _____, |) | |
| CONSERVATOR(S) |) | |

ORDER

Upon reading and considering the foregoing Petition, and it appearing that the facts stated therein are true, and (initial one:)

- _____ a. it appearing that the provision of notice to interested parties prior to the sale is impractical,
- _____ b. notice having been served as directed by the Court,

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 described in the petition.

SO ORDERED this _____ day of _____, 20_____.

 Probate Judge