PETITION FOR LETTERS OF ADMINISTRATION

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for a petition for letters of administration pursuant to O.C.G.A. § 53-6-20 et seq.

2. Use of this form is permissible, but not mandatory, in connection with a petition for appointment of a successor administrator, pursuant to O.C.G.A. § 53-6-21 (b). Appropriate strikethroughs must be made, and additional information must be given concerning the identity of the previous administrator, the reason for the vacancy in the office, and the date the office became vacant.

3. With respect to the conditions under which the judge may, pursuant to O.C.G.A. § 53-7-1 (b), waive bond, waive reports, waive statements, and/or grant certain powers contained in O.C.G.A. § 53-12-261, note:
   (a) all of the heirs must consent, and
   (b) notice must be published.

4. Signatures of heirs 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 an heir; however, the attorney must certify that he or she currently represents that heir 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 to as provided above. 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.

5. 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. If a guardian ad litem is necessary because a party is not sui juris, use GPCSF Supplement 1.

6. Paragraph 4 requires sufficient factual information for the Court to conclude that those listed in paragraph 3 of this petition include each and every heir of the decedent and that there are not additional heirs of the same or closer degree according to O.C.G.A. § 53-2-1. These facts must allow the Court to rule out the possibility that there may be other heirs of the same or closer degree who have not been listed. Provide the date of death of any deceased heirs and the name of the deceased heir's personal representative if applicable. The personal representative of a post deceased heir(s) is authorized to consent on behalf of that heir. O.C.G.A. § 53-7-1. When a party to a proceeding in probate court 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. *[If you are uncertain how to determine the heirs of a decedent, refer to the "Heirs Determination Worksheet" available from the probate court or at www.gaprobate.gov.]* Examples of such statement would be: (a) "Decedent was or was not married at the time of his death and had no children born, adopted, living, or deceased, other than listed herein"; (b) "Decedent had no other siblings half or whole other than those listed herein"; and (c) "Decedent's brother who died previously had no other children born, adopted, living, or deceased, other than listed herein."

7. 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 may be served according to law. All pages after the notice regarding Uniform Probate Court Rule 5.6 (A) are to be completed by the moving party, unless otherwise directed by the Court.

8. Use GPCSF Supplement 3 when an additional certificate of service is necessary.

9. 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.

10. An oath must be administered by a probate judge or clerk (the oath cannot be administered by a notary public). Use GPCSF Supplement 4 for the oath. The oath is not included in this form. GPCSF 53, Commission to Administer Oath, can be used if the oath is to be administered by a court outside the State of Georgia.

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.

IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF	)	
	)	
_____,	)	**ESTATE NO. _____**
DECEASED	)	

PETITION FOR LETTERS OF ADMINISTRATION

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.

_____,
[Full name of decedent] First Middle Last

whose place of domicile was _____,
Street City County State Zip Code
departed this life on _____, 20____, intestate.

2.

The Decedent died intestate *[i.e., without making a valid last will and testament]*.

3.

Listed below are all of the decedent's heirs at law, with age or majority status, address, and relationship to the decedent set opposite the name of each:

Name	*Age (or over 18)*	*Address*	*Relationship*

4.

Required: *[Provide sufficient factual information to enable the Court to conclude that all of the heirs of the decedent are included and that there are no heirs of the same or closer degree according to O.C.G.A. § 53-2-1. Provide the names of any deceased heirs, the name and address of his or her personal representative, if any, and include the date of death for each (see instructions for further clarification). Also, state here all pertinent facts that may govern the method of giving notice to any person and that may determine whether or not a guardian ad litem should be appointed for any person. If any heirs listed above are cousins, grandchildren, nephews or nieces of the decedent, indicate the deceased ancestor through whom they are related to the decedent.]*

5.

Under the law, it is necessary that said estate be administered and _____ _____ should be appointed administrator(s) by reason of:

[Initial one]

_____ (a) being unanimously selected by all the heirs *[This alternative does not apply if the surviving spouse is the sole heir and an action for divorce or separate maintenance was pending at the time of decedent's death.]*;

_____ (b) being the surviving spouse where no action for divorce or separate maintenance was pending at the time of decedent's death;

_____ (c) being (an) heir(s) and not the surviving spouse;

_____ (d) having been selected by a majority in interest of the heirs;

_____ (e) being (an) eligible person(s) as defined by O.C.G.A. § 53-6-1;

_____ (f) being (a) creditor(s) of the decedent (evidence of the indebtedness is attached);

_____ (g) being the county administrator.

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 or any other state.

7.

The decedent passed leaving an estate of real property located in _____ _____ County(ies), Georgia *[List real property that is located in another state and/or country]* having a total fair market value of approximately $ _____.

The decedent passed leaving personal property as follows *[Provide approximate value]*:

_____ (a) Cash/bank accounts/certificates of deposit: $ _____

_____ (b) Stocks/bonds/brokerage accounts: $ _____

_____ (c) Other assets of significant value *[List assets]*: $ _____

_____

_____

APPROXIMATE TOTAL VALUE OF PERSONAL PROPERTY $ _____0.00

8.

[Petitioner(s) MUST initial one]

_____ (a) All heirs have consented to the waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261 to the administrator(s). Therefore, the petitioner(s) hereby move(s) the Court to publish notice of the filing of the petition and tender(s) with this petition publication fees. ***[This only applies if all heirs have properly selected, acknowledged, and consented to this option.]***

_____ (b) The identities and/or addresses of all heirs are not known. Therefore, the petitioner(s) hereby move(s) the Court to publish notice of the filing of the petition, and tender(s) with this petition publication fees.

_____ (c) Notice of this petition need not be published because the petitioner(s) has/have listed all heirs at law and their addresses, and petitioner(s) is/are not requesting a waiver of bond, waiver of reports, waiver of statements, or the grant of powers contained in O.C.G.A. § 53-12-261.

9.

Additional data: *[Where full particulars are lacking, state here the reasons for any such omission.]*

WHEREFORE, petitioner(s) pray(s):

1. Service be perfected; and
2. that if no good cause is shown to the contrary, _____ be appointed administrator(s) of the estate of said decedent.

_____
Signature of Petitioner

_____
Printed Name

_____

_____
Mailing Address

_____
Telephone Number

Signature of Attorney: _____

Printed Name of Attorney: _____

Address: _____

_____

Telephone Number: _____ State Bar #_____

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 (and the attached exhibit(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: _____

IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF	)	
	)	
_____,	)	**ESTATE NO. _____**
DECEASED	)	

SELECTION BY HEIRS
(AND CONSENT OF HEIRS TO WAIVER OF BOND AND/OR GRANT OF CERTAIN POWERS)
[Make a separate page of this form for each heir consenting]

The undersigned, being 18 years of age or older, laboring under no legal disability and being an heir of the above-named decedent, hereby acknowledges service of a copy of the petition for letters of administration and notice, waives copies of same, waives further service and notice, and hereby selects _____ to act as administrator(s) of the above-styled estate. If so indicated below, I hereby consent for the administrator(s) to be granted the additional powers contained in (a), (b), (c), and/or (d) of this page.

_____ (a) *[optional; initial if applicable **TO GRANT POWERS**]* The personal representative is required by law to file a petition for leave to sell and obtain other approval by the Court for various acts. By initialing here I agree that the personal representative should be awarded all of the powers contained in O.C.G.A. § 53-12-261 except the personal representative 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); **AND/OR**

_____ (b) *[optional; initial if applicable **TO WAIVE REPORTS**]* The personal representative is required by law to file reports (e.g., inventory and returns) and provide a copy to each interested party. By initialing here I agree that the personal representative should not be required to file any reports with the Court; **AND/OR**

_____ (c) *[optional; initial if applicable **TO WAIVE BOND**]* The personal representative is required by law to post a bond as the Court deems necessary. By initialing here I agree that the personal representative should not be required to post a bond; **AND/OR**

_____ (d) *[optional; initial if applicable **TO WAIVE STATEMENTS**]* The personal representative is required by law to furnish to the heirs, at least annually, a statement of receipts and disbursements. By initialing here I agree that the personal representative should not be required to furnish these statements.

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

_____
Signature of Heir

_____
NOTARY/CLERK OF PROBATE COURT

_____
Printed Name of Heir

My Commission Expires: _____

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	)	

PETITION FOR LETTERS OF ADMINISTRATION
ORDER FOR SERVICE OF NOTICE

_____ (a) Since the heirs have not made a unanimous selection,

IT IS ORDERED that notice be issued and served upon each heir who did not acknowledge service. Notice of this petition shall be mailed by First-Class Mail to each heir with a known address at least 30 days prior to the date on or before which any objection is required to be filed. If there is any heir whose current address is unknown, notice shall be published once a week for four weeks prior to the date for which any objection must be filed.

_____ (b) Since the heirs have made a unanimous selection, and the petitioner(s) has/have requested the waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers,

IT IS ORDERED that notice shall be published once each week for four weeks prior to the week which includes the date on or before which any objection must 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	)	

PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

[Strike the sentence in parenthesis below if not applicable.]

TO: _____
[List here all heirs who have not acknowledged service]
and to whom it may concern:

_____
has petitioned for _____
to be appointed administrator(s) of the estate of _____
deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the 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 should 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 a copy of the petition for letters of administration, order for service of notice, including any attached exhibits and the notice to the following persons:

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 APPOINTING ADMINISTRATOR

A petition for letters of administration for the above named decedent was filed.

_____ was/were nominated administrator(s) in the petition and is/are hereby found to be legally qualified for said office. The Court finds that the decedent died domiciled within, or domiciled outside the State of Georgia but owning property within, the above county. The Court finds that the decedent died intestate. The Court further finds that all of the heirs at law 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 the person(s) named above is/are found to be qualified for such office and is/are hereby appointed administrator(s) of the estate of the decedent, and that appropriate letters be issued upon said administrator(s) giving bond with approved surety in the sum of $_____ and taking the oath as provided by law. The administrator(s) shall not make any distribution to a person for the benefit of a minor unless that person is qualified to receive such funds according to law.

IT IS FURTHER ORDERED that upon unanimous consent and publication of notice as necessary, the Court hereby: *[Initial all that apply]*

_____ (a) ***POWERS GRANTED*:** Grants to the administrator(s) all of the powers contained in O.C.G.A. § 53-12-261, except the administrator(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 administrator(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 administrator(s) the specific power to serve without furnishing to the heirs statements of receipts and disbursements.

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

[Bond waived and/or certain powers granted]

At a regular term of probate court, this Court granted an order allowing _____ to qualify as administrator(s) 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, and that upon so doing, letters of administration be issued to such personal representative(s).

THEREFORE, the said administrator(s), 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 powers of personal representative(s), according to Georgia law. In addition this Court:

[Initial all that apply]

_____ (a) ***POWERS GRANTED*:** Grants to the administrator(s) all of the powers contained in O.C.G.A. § 53-12-261, except the administrator(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 administrator(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 administrator(s) the specific power to serve without furnishing to the heirs statements of receipts and disbursements.

IN TESTIMONY WHEREOF, I have hereunto affixed my signature as judge of the probate court of said county and the seal of this office this ____ day of _____ , 20____.

_____
Judge of the Probate Court

The following must be signed if the judge does not sign the original of this document:

Issued by: *[Seal]*

_____
Clerk of the Probate Court

INSTRUCTIONS

1. Unless inventory has been waived, an inventory of the estate must be filed with this Court by the administrator within six months after these letters are issued and a copy of that inventory must be delivered to the sui juris heirs by First-Class Mail within the same period.

2. Within 60 days after these letters are issued, notice must be given once a week for four weeks by advertisement in the official newspaper of the county in which the petition is made, requiring creditors of the estate to render in their demands and requiring debtors to make payment.

3. Unless returns have been waived, or a different accounting period has been approved, within 60 days after the anniversary date of issuance of these letters, in each and every year, every administrator must make a just and true account, under oath, of his or her receipts and expenditures on behalf of the estate during the preceding year, together with a note or memorandum of any other fact necessary to the exhibition of the true condition of the estate. The vouchers showing the correctness of each item must be retained by the administrator. A copy of each such return must be delivered to the sui juris heirs by First-Class Mail within the same period. The administrator is allowed six months from the date of his or her qualification to ascertain the condition of the estate, during which he or she is exempt from suit. The administrator should collect all debts due the estate, and pay the debts of the estate, wholly or in part, at the end of the six-month period. Payment of the debts of the decedent shall be made in accordance with their rank in priority as provided in O.C.G.A. § 53-7-40.

4. Unless returns and statements have been waived, at least once in each and every year, every administrator must prepare a statement of his or her receipts and expenditures on behalf of the estate during the preceding year, and a copy of each such statement must be delivered to the sui juris heirs by First-Class Mail within the same period.

5. The Administrator may continue the business of the decedent for the current year without a court order.

6. The normal commissions allowed the administrator are two and one-half percent of all sums of money received, and a like commission on all sums of money paid out. In addition, upon petition, the judge of the probate court may allow a commission of up to three percent of the value of all property distributed in kind. There are special rules concerning commissions on interest earned and extra compensation.

7. After the payment of all expenses of administration and other debts, the balance of the estate shall be promptly distributed to the heirs. The administrator must then make a final return, showing the receipts and disbursements since the last annual accounting, unless returns have been waived. A copy of the final return must be delivered to the sui juris heirs by First-Class Mail at the time of filing same.

8. It shall not be necessary for the administrator to mail copies of any annual returns, the final return, or any statements of receipts and disbursements to any heir who has individually waived in writing the right to receive copies of same unless and until such waiver is revoked in writing.

9. For further information, see O.C.G.A. Title 53, Chapters 6 and 7.

IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF	)	
	)	
_____,	)	**ESTATE NO. _____**
DECEASED	)	

LETTERS OF ADMINISTRATION
[Bond, inventory and returns required]

At a regular term of probate court, this Court granted an order allowing _____ to qualify as administrator(s) 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, and that upon so doing, letters of administration be issued to such personal representative(s).

THEREFORE, the said administrator(s), 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 powers of personal representative(s), according to Georgia law.

IN TESTIMONY WHEREOF, I have hereunto affixed my signature as judge of the probate court of said county and the seal of this office this ____ day of _____, 20___.

_____
Judge of the Probate Court

The following must be signed if the judge does not sign the original of this document:

Issued by: *[Seal]*

_____
Clerk of the Probate Court

(*SEE INSTRUCTIONS*)

INSTRUCTIONS

1. An inventory of the estate must be filed with this Court by the administrator within six months after these letters are issued, and, subject to Instruction 9 of these instructions, a copy of that inventory must be delivered to the sui juris heirs by First-Class Mail within the same period.

2. Within 60 days after these letters are issued, notice must be given once a week for four weeks by advertisement in the official newspaper of the county in which the petition is made, requiring creditors of the estate to render in their demands.

3. Unless a different accounting period has been approved, within 60 days after the anniversary date of issuance of these letters, in each and every year, every administrator must make a just and true account, under oath, of his or her receipts and expenditures on behalf of the estate during the preceding year, together with a note or memorandum of any other fact necessary to the exhibition of the true condition of the estate. The vouchers showing the correctness of each item must be retained by the Administrator. Subject to Instruction 9 of these instructions, a copy of each such return must be delivered to the sui juris heirs by First-Class Mail within the same period.

4. At least once in each and every year, every administrator must prepare a statement of his or her receipts and expenditures on behalf of the estate during the preceding year. Subject to Instruction 9 of these instructions, a copy of each such statement must be delivered to the sui juris heirs by First-Class Mail within the same period.

5. The administrator is allowed six months from the date of his or her qualification to ascertain the condition of the estate, during which he or she is exempt from suit. The administrator should collect all debts due the estate, and pay the debts of the estate, wholly or in part, at the end of the six-month period. Payment of the debts of the decedent shall be made in accordance with their rank in priority as provided in O.C.G.A. § 53-7-40.

6. The administrator may continue the business of the decedent for the current year without a court order.

7. The normal commissions allowed the administrator are two and one-half percent of all sums of money received, and a like commission on all sums of money paid out. In addition, the judge of the probate court may allow a commission of up to three percent of the value of all property distributed in kind. There are special rules concerning commissions on interest earned and extra compensation.

8. After the payment of all expenses of administration and other debts, the balance of the estate shall be promptly distributed to the heirs. The administrator must then make a final return, showing the receipts and disbursements since the last annual accounting. Subject to Instruction 9 of these instructions, a copy of the final return must be delivered to the sui juris heirs by First-Class Mail at the time of filing same.

9. It shall not be necessary for the administrator to mail copies of any annual returns, the final return, or any statements of receipts and disbursements to any heir who has individually waived in writing the right to receive copies of same unless and until such waiver is revoked in writing.

10. For further information, see O.C.G.A. Title 53, Chapters 6 and 7.