



PROBATE COURT OF FULTON COUNTY

FULTON COUNTY
PROBATE COURT

ESTATES DIVISION
HANDBOOK



FultonProbateGa.org



Judge Kenya M. Johnson



ESTATES DIVISION TRAINING HANDBOOK

I. GLOSSARY

II. ESTATE PETITIONS

a. Testate Petitions

- i.** Petition to Probate Will in Common Form
- ii.** Petition to Probate Will in Solemn Form
 - 1. Copy of a will being probated
- iii.** Petition to Probate Will in Solemn Form and for Letters of Administration with Will Annexed
- iv.** Petition for Letters of Administration with Will Annexed (Will previously probated)
- v.** Petition to Qualify as Successor Executor
- vi.** Will Filed for Safekeeping
- vii.** Will Filed not Probated
- viii.** Wills Terminology

b. Intestate Petitions

- i.** Petition for Temporary Letters of Administration
- ii.** Petition for Letters of Administration

c. Miscellaneous Estate Petitions

- i.** Petition for Year's Support
- ii.** Petition by Personal Representative for Waiver of Bond and/or Grant of Certain Powers
- iii.** Petition for Authority to Open Safe Deposit Box
- iv.** Petition for Order Declaring No Administration Necessary
- v.** Escheat

III. APPOINTMENT OF GUARDIAN AD LITEM AND COUNTY ADMINISTRATORS

IV. SERVICES

V. OATHS

VII INDEX



GLOSSARY



GLOSSARY

Administrator means any person appointed and qualified to administer an intestate estate, including an intestate estate already partially administered by an administrator and from any cause unrepresented.

Administrator with the Will Annexed means any person, other than an executor, appointed and qualified to administer a estate, including a testate estate already partially administered and from any cause unrepresented.

Beneficiary means a person, including a trust, who is designated in a will to take an interest in real or personal property.

Descendants means the lineal descendants of an individual including those individuals who are treated as lineal descendants by virtue of adoption.

Executor means any person nominated in a will who has qualified to administer a testate estate, including a person nominated as alternative or successor executor

Nominated Executor means any person nominated in the will to serve as executor who has not yet qualified to serve as executor.

Guardian means the guardian ad litem or representative described in Code Section 53-11-2 who represents one or more parties to a probate court proceeding who are not sui juris, are unborn, or are unknown.

Heirs means those one or more individuals who survive the decedent and are determined under the rules of inheritance to take the property of the decedent that is not disposed of by will.

Personal Representative means any administrator, administrator with the will annexed, county administrator, or executor.

Post-Deceased Heir an heir who survived the Decedent and then died. The estate of the now deceased heir is still the heir. The personal representative of that now deceased heirs estate will need to be served or if unrepresented the Court will appoint a Guardian ad Litem to represent that estate's interest.

Pre-Deceased Heir a person who would be considered an heir if they had not died before the Decedent. If the heir pre-deceased, the Decedent you look to see if they have any lineal descendants who would stand in their place.

Qualified means that a personal representative has taken the oath, posted any required bond, and been issued letters of administration or letters testamentary, as provided in this title.

Sui Juris means an individual is age 18 or over and not suffering from any legal disability.

Temporary Administrator means any person granted temporary letters of administration upon an unrepresented estate.

Testamentary Gift means the interest in real or personal property which a beneficiary is designated to take in a will.



ESTATE PETITIONS

TESTATE PETITIONS

TESTATE PETITIONS

If the decedent died with a valid Will it is determined they died **Testate**. There are several different petitions which may be filed in that event.

The different types of filings are:

- I. Petition to Probate Will in Common Form**
- II. Petition to Probate Will in Solemn Form**
 - a. Copy of Will Being Probated
- III. Petition to Probate Will in Solemn Form and for Letters of Administration with Will Annexed**
- IV. Petition for Letters of Administration with Will Annexed (Will Previously Probated)**
- V. Petition to Qualify as Successor Executor**
- VI. Wills Filed For Safekeeping**
- VII. Wills Filed Not Probated**
- VIII. Wills Terminology**

TESTATE PETITIONS

THE PETITION TO PROBATE WILL IN COMMON FORM

The Petition to Probate Will in Common Form can be filed, however, it is at the Court's discretion as to whether the petition will be granted. The Court usually does not grant this type of petition unless it is determined that there is some type of emergency/urgency for someone being appointed for the estate. There must be information provided in the petition to outline or convince the Court to move forward with granting this petition. This petition can be contested up to four years after granting of the petition. These petitions are reviewed and granted on a case by case basis. The petitioner needs to provide good reasons prior to the petition to being reviewed by the Chief Clerk of the Court or Legal Staff.

Some reasons the Court may consider when making the determination are:

1. The decedent owned a business that needs to continue (payroll for employees, etc.)
2. Payment of debts (such as rent, mortgages, utilities)
3. Stopping foreclosure on real estate
4. Property being disposed of or vandalized by others
5. Someone needs to be appointed to get in to decedent's apartment before property disposed of by the apartment management

There is generally no notice given to the heirs at the time of filing for several reasons:

1. The heirs names and/or addresses may be unknown at the time of filing
2. There may be minors or incapacitated adults and the appointment of a Guardian Ad Litem may delay the appointment of an estate representative.

TESTATE PETITIONS

CHECKLIST FOR PETITION TO PROBATE WILL IN COMMON FORM

- _____ **1.** Person died a resident of Fulton County (complete address provided).
- _____ **2.** Person trying to probate will is the named executor(s) in the will.
- _____ **3.** Make sure executor(s) provides a physical and mailing address on petition.
- _____ **4.** The original will and/or Codicils(s) is/are provided and not a photo copy.
- _____ **5.** Make sure filing party(s) provides a physical and mailing address on petition.
- _____ **6.** Make sure Testator and at least two witnesses signed the will.
- _____ **7.** Check to see if will needs interrogatory or is self-proving.
- _____ **8.** Make sure the heirs are correct and complete in item three of the petition (names, ages, addresses, relationship to deceased).
- _____ **9.** Make sure the heir information is completed and correct in item four of the petition (marital status, children, etc.).
- _____ **10.** Make sure customer completes an heir worksheet if no attorney is signing the petition.
- _____ **11.** Make sure a, b, or c has been initialed in item five of the petition.
- _____ **12.** Make sure item seven or an attachment addresses reason for filing the petition and an explanation of urgency for someone being appointed.
- _____ **13.** Make sure personal representative(s) and/or attorney has/have signed the petition.
- _____ **14.** Check Odyssey to see if any other filings on the estate and use the same estate number if appropriate.
- _____ **15.** You may proceed with processing the petition if the above is correct.
- _____ **16.** Remember to proofread all documents or notices you prepare.
- _____ **17.** Make sure you have entered all pertinent notes, deadlines, etc... in Odyssey if necessary.
- _____ **18.** Make sure you scan all filed documents in Odyssey as appropriate or necessary.

PETITION TO PROBATE WILL IN COMMON FORM

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when filing a petition to probate will in common form pursuant to O.C.G.A. §53-5-15 et seq.
2. An order for probate of a will in common form may be granted without service to any one, unless required by the Court. The Court may refuse to grant a petition to probate a will in common form. (*Henderson v. McVay*, 269 Ga. 7 (494 SE2d 653) (1998).)
3. According to O.C.G.A. §53-5-19, a probate in common form is not conclusive on all parties until four years from the date of the order admitting the will to probate (or if minors, four years after said minor reaches the age of majority).
4. As set out in O.C.G.A. §53-5-16 (b) probate of a will in common form does not protect the executor in any acts beyond the executor's normal duties of collecting and preserving assets.
5. This form should not be used in connection with a petition to probate a copy of a will in lieu of a lost original without checking with the Court in which the petition will be filed.
6. This form should not be used to file a combination petition to probate will and for letters of administration with will annexed [*See GPCSF 7, Petition to Probate Will in Solemn Form and for Letters of Administration with Will Annexed*].
7. 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.
8. Paragraph 4 requires sufficient factual information for the Court to conclude that those listed in paragraph 3 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 deceased heir is authorized to consent on behalf of that heir. O.C.G.A. §53-7-1. [*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. □

9. If a testamentary conservator is named in the will according to O.C.G.A. □29-3-5 and the decedent died leaving minor children, then the consent to serve should be completed.
10. Use GPCSF Supplement 2 if the Court determines it is appropriate to appoint a special process server.
11. Use GPCSF Supplement 3 when an additional certificate of service is necessary.
12. 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.
13. 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.
14. 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 the 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, labeled GPCSF 1.

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
GOMEZ ADAMS,) ESTATE NO. PC-XXXX-XXXXX
DECEASED)

PETITION TO PROBATE WILL IN COMMON FORM

The petition of MORTICIA ADAMS
[Full name(s) of petitioner(s)] First Middle Last

whose physical address(es) is/are 500 GRAVE STONE RD ATLANTA, FULTON COUNTY GA,
Street City County State Zip Code

and mailing address(es) is/are SAME AS ABOVE
Street City County State Zip Code

shows the Court the following:

1.
GOMEZ ADAMS
[Full name of decedent] First Middle Last

whose place of domicile was 500 GRAVE STONE RD ATLANTA, FULTON COUNTY GA, 30
Street City County State Zip Code

departed this life on JUNE 8, 2023.

2.

While alive, decedent duly made and published a last will and testament dated MARCH 18, 2021, (along with codicil(s) dated N/A), which is herewith offered for probate in common form as the decedent will. MARTICIA ADAMS is/are named as executor(s).

3.

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

Name	Age (or over 18)	Address	Relationship
<u>MARTICIA ADAMS</u>	<u>OVER 18</u>	<u>500 GRAVE STONE RD ATLANTA, GA 30303</u>	<u>WIFE</u>
<u>WEDNESDAY ADAMS</u>	<u>OVER 18</u>	<u>500 GRAVE STONE RD ATLANTA, GA 30303</u>	<u>DAUGHTER</u>
<u>PUGSLEY ADAMS</u>	<u>OVER 18</u>	<u>500 GRAVE STONE RD ATLANTA, GA 30303</u>	<u>SON</u>

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 similar 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 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. If any executor nominated in the will has a priority equal to or higher than the propounder but will not qualify, indicate the name and reasons.]*

THE DECEDENT WAS SURVIVED BY HIS WIFE AND TWO CHILDREN. THERE ARE NO OTHER HEIRS OTHER THAN THE ONES LISTED IN PARAGRAPH 3

5.

[Initial one]

MA (a) 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.

_____ (b) The probate of another purported will of the decedent is pending in the State of _____, in the _____ County _____ Court. The name(s) and address(es) of the propounder(s) and the names, addresses and ages or majority status of the beneficiaries under the other purported will to whom notice is required under O.C.G.A. §53-5-22 (b) are listed on the attachment hereto, as Exhibit _____, which is expressly made a part hereof, as if fully set forth herein.

_____ (c) An administration is pending in the State of _____, in the _____ County _____ Court. The name and address of each petitioner, and the name and address of any appointed administrator is listed on the attachment hereto, as Exhibit _____, which is expressly made a part hereof, as if fully set forth herein.

6.

[Initial all that apply; however, please note that this form may not be appropriate if the Petitioner(s) is/are seeking the appointment of a testamentary guardian, which requires notice to the relatives of the decedent's minor child(ren) pursuant to O.C.G.A. §29-2-4.]

At the time of the decedent's death, and at this time, the decedent left (a) minor child(ren) and the will names a testamentary conservator.

_____ (a) The will names a testamentary conservator of (a) minor child(ren) of the decedent. At the time of the decedent's death, he/she had (a) minor child(ren) and there is/are no court-appointed conservator(s); the following individual(s) is/are named as testamentary conservator(s) in the decedent's will:

Name Address

_____ (b) The will names a testamentary conservator of (a) minor child(ren) of the decedent. At the time of the decedent's death, he/she had (a) minor child(ren) and there is/are a court-appointed conservator(s), who is/are identified as follows: *[If named testamentary conservator(s) and court-appointed conservator(s) are different.]*

Name Address

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

WHEREFORE, petitioner(s) pray(s):

1. Leave to prove said will (and codicil(s)) in common form;
2. That due and legal notice be given as required by the Court;
3. That said will be admitted to record on proper proof;
4. That letters of testamentary conservatorship issue, if applicable;
5. That letters testamentary issue; and
6. That this Court order such other relief as may be proper under the circumstances.

Marticia Adams

Signature of Petitioner

MORTICIA ADAMS

Printed Name

500 GRAVE STONE RD ATLANTA, FULTON COUNTY GA, 30303

SAME AS ABOVE

Mailing Address

Telephone Number

Signature of Attorney: _____

Printed Name of Attorney: _____

Address: _____

Telephone Number: _____

State Bar # _____

VERIFICATION

GEORGIA, FULTON 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 to Probate Will in Common Form (and the attached exhibit(s)) are true and correct.

Sworn to and subscribed before me this

08 day of June, 2023

Marticia Adams
Signature of Petitioner



NOTARY/CLERK OF PROBATE COURT

My Commission Expires _____

MARTICIA ADAMS
Printed Name of Petitioner

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
GOMEZ ADAMS,) ESTATE NO. PC-XXXX-XXXXX
DECEASED)

TESTAMENTARY CONSERVATOR'S
CONSENT TO SERVE

[To be completed only in the event a testamentary conservator is named in the will]

The undersigned, being 18 years of age or older, laboring under no legal disability, and being named as testamentary conservator, hereby consents to serve. I understand that once appointed, I will have the same rights, powers, and duties as set forth in O.C.G.A. §29-3-5.

Sworn to and subscribed before me this

_____ day of _____, 20_____

Signature of Testamentary Conservator

NOTARY/CLERK OF PROBATE COURT

Printed Name of Testamentary Conservator

My Commission Expires: _____

Sworn to and subscribed before me this

_____ day of _____, 20_____

Signature of Testamentary Conservator

NOTARY/CLERK OF PROBATE COURT

Printed Name of Testamentary Conservator

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 FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
GOMEZ ADAMS) ESTATE NO. PG-XXXX-XXXXX
DECEASED)

ORDER ADMITTING WILL (AND CODICIL(S)) TO PROBATE IN COMMON FORM

An alleged last will and testament dated MARCH 18, 2021
(and codicil(s) dated N/A) was/were propounded.

_____ was/were nominated personal representative(s) by the testator. 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 further finds that all requirements of law have been fulfilled. The Court further finds that the propounded will (is self-proving)(has been proved by one or more witnesses).

ACCORDINGLY, IT IS ORDERED that the will dated MARCH 18, 2021
(and the codicil(s) dated N/A) is/are established as the last will and testament of the decedent (the Decedent's Will); that the will be admitted to record as proven in common form; and, that the nominated executor(s) named above has/have leave to qualify as personal representative(s) by taking the required oath, after which letters testamentary shall issue. The clerk shall serve the personal representative(s) 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.
_____ (c) Letters of testamentary conservatorship shall issue to

SO ORDERED this 18 day of March, 2021.

Judge County Fulton
Judge of the Probate Court

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
GOMEZ ADAMS,) ESTATE NO. PG-XXXX-XXXX
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

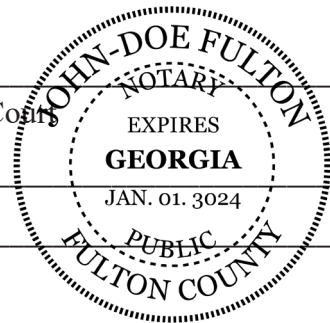
to the following parties at the addresses below:

This 18 day of March, 2021

Clerk of the Probate Court

Address

Telephone Number



IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
GOMEZ ADAMS) ESTATE NO. PG-XXXX-XXXXX
DECEASED)

LETTERS TESTAMENTARY
[Relieved of Filing Returns]

At a regular term of the probate court, the last will and testament dated MARCH 18, 2021 (and codicil(s) dated N/A), of the above-named decedent, who was domiciled in this county at the time of his or her death or who was domiciled in another state but owned property in this county at the time of his or her death, was legally proven in common form to be the decedent's will and was admitted to record by order, and it was further ordered that MARTICIA ADAMS, named as executor(s) in said will, be allowed to qualify, and that upon so doing, letters testamentary be issued to such executor(s).

THEREFORE, the executor(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, according to the Decedent's Will and the law.

Given under my hand and official seal, the 18 day of March, 2021.

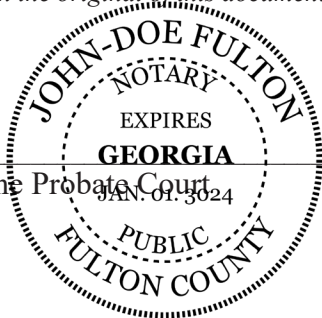
Judge County Fulton
Judge of the Probate Court

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

Issued by:

[Seal]

Clerk of the Probate Court



IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
GOMEZ ADAMS) ESTATE NO. PC-XXXX-XXXXX
DECEASED)

LETTERS TESTAMENTARY

[Not Relieved of Filing Returns]

At a regular term of the probate court, the last will and testament dated MARCH 18, 2021 (and codicil(s) dated N/A), of the above-named decedent, who was domiciled in this county at the time of his or her death or who was domiciled in another state but owned property in this county at the time of his or her death, was legally proven in common form to be the Decedent's Will and was admitted to record by order, and it was further ordered that MARTICIA ADAMS, named as executor(s) in said will, be allowed to qualify, and that upon so doing, letters testamentary be issued to such executor(s).

THEREFORE, the executor(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, according to the Decedent's Will and the law and is/are hereby required to render a true and correct inventory of all 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 return or final return with this Court each year within 60 days of the anniversary date of the appointment until the executorship is fully discharged.

Given under my hand and official seal, the 18 day of March, 20 21.

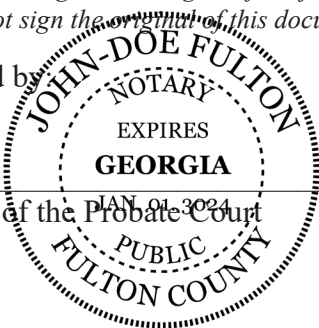
Judge County Fulton
Judge of the Probate Court

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

Issued by

[Seal]

Clerk of the Probate Court



IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
GOMEZ ADAMS) ESTATE NO. PG-XXXX-XXXXX
DECEASED)

LETTERS OF TESTAMENTARY CONSERVATORSHIP OF MINOR

[To be completed only in the event a testamentary conservator is named in the will]

TO: _____, Testamentary Conservator(s)

RE: _____, Minor

_____, Minor's Date of Birth

Pursuant to the last will and testament (and codicil(s)), of the above-named decedent, you have been appointed testamentary conservator(s) of the minor's property. You have assented to this appointment by taking your oath. In general, your duties as testamentary conservator(s) are to protect and maintain the property of the minor and utilize the minor's property solely for the benefit of the minor. Consult your attorney if you have any questions.

These letters of testamentary conservatorship empower the above testamentary conservator(s) to hold, for the minor, only property that passed through the estate of the above-named decedent.

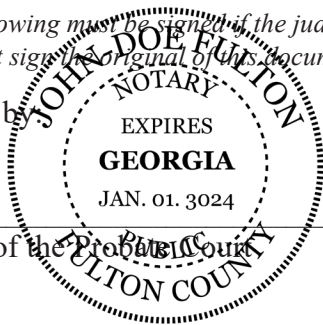
Given under my hand and official seal, the 18 day of March, 2021

Judge County Fulton
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

TESTATE PETITIONS

THE PETITION TO PROBATE WILL IN SOLEMN FORM

The Petition to Probate Will in Solemn Form is different from the Petition to Probate Will in Common Form because notice is actually given to the heirs. The heirs may consent to the probate of the Will without further notice or the Court may be directed to serve the heirs by other means as outlined by Georgia Law. The granting of the petition after consents or notice is binding or final on all parties once the petition is granted.

The heirs may consent to the probate of the Will without further notice or the Court if instructed may serve notice to the parties as follows: Some reasons the Court may consider when making the determination are:

- 1. Personal Service** - Heirs who reside in Georgia are required to be served personally. The most common method of service is sheriff service. (Have 30 days from the date of service to file an objection)
- 2. Certified Mail Restricted Delivery**. The filing party/Attorney must request that type of service in the petition. However, the intended party must sign for the Certified Mail and the green card must be returned to the court showing the date of receipt. (The service is defective if the intended party does not sign the green mail receipt or the green card is not returned to the Court at all. (Have 30 days from the date of service to file an objection)
- 3. Certified Mail** - Heirs who reside out of state but in the US are required to be served by Certified Mail. The intended party or someone else on their behalf can sign the green mail receipt. (Heirs have 30 days from the date the Court mails the notice as indicated on the certificate of mailing or 30 days from the date signed for on the green mail receipt)
- 4. Registered Mail**- Heirs who reside outside the US are required to be served by Registered Mail. (Heirs have 30 days from the date the Court mails the notice as indicated on the certificate of mailing or 30 days from the date signed for on the registered mail receipt)

TESTATE PETITIONS

- 5. Publication** - Heirs whose names are known but the address are unknown may be served by publication. The filing party/Attorney must provide an affidavit of diligent search to show the Court what efforts they made to get a valid address for service before the court will start the notice running in the legal newspaper. The notice runs once a week for four weeks and the deadline for response is set the following Monday after the last publication runs.

CHECKLIST FOR PETITION TO PROBATE WILL IN SOLEMN FORM

- _____ **1.** Person died a resident of Fulton County (complete address provided.)
- _____ **2.** Person trying to probate will is the named executor(s) in the will.
- _____ **3.** Make sure executor(s) provides a physical and mailing address on petition.
- _____ **4.** The original will and/or Codicils(s) is/are provided and not a photo copy.
- _____ **5.** Make sure personal representative(s) and/or attorney has/have signed the petition.
- _____ **6.** Make sure Testator and at least two witnesses signed the will.
- _____ **7.** Check to see if will needs an interrogatory or is self-proving.
- _____ **8.** Make sure the heirs are correct and complete in item three of the petition.
- _____ **9.** Make sure the heir information is completed and correct in item four of the petition (marital status, children, etc.).
- _____ **10.** Make sure customer completes an heir worksheet if no attorney is signing the petition.
- _____ **11.** Check for acknowledgments of the heirs and make sure they are properly witnessed and notarized and are originals.
- _____ **12.** Check with filing party(s) to clarify if notice is required if all parties have not consented to the petition.
- _____ **13.** Appoint a Guardian Ad Litem for any minors and/or incapacitated adults if necessary.
- _____ **14.** Check Odyssey to see if any other filings on the estate and use the same estate number if appropriate.
- _____ **15.** You may proceed with processing the petition if the above is correct.
- _____ **16.** Remember to proofread all documents or notices you prepare.
- _____ **17.** Make sure you have entered all pertinent notes, deadlines, etc in Odyssey if necessary.
- _____ **18.** Make sure you scan all filed documents in Odyssey as appropriate or necessary.

PETITION TO PROBATE WILL IN SOLEMN FORM

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when filing a petition to probate will in solemn form pursuant to O.C.G.A. §53-5-20 et seq.
2. It is permissible, but not mandatory, to use this form in connection with a petition to probate a copy of a will in lieu of a lost original pursuant to O.C.G.A. § 53-4-46, provided that appropriate interlineations are made, and additional information is given to overcome the presumption of revocation.
3. Signatures of heirs who acknowledge service must be sworn to before a notary public or the clerk of any probate court of this State. It is not necessary that all acknowledgments appear on the same page. 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.
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. If a guardian ad litem is necessary because a party is not sui juris, use GPCSF Supplement 1.
5. O.C.G.A. §53-5-22 (c) provides that service of notice, when made personally or by mail, shall include a copy of the petition and of the will (and codicil(s)) for which probate is sought. The same is true when service is acknowledged. This form may, but is not required to, be used where service by registered or certified mail with return receipt requested, restricted delivery, is requested by the petitioner(s) in lieu of personal service, in accordance with O.C.G.A. §53-11-3 (e). Make appropriate changes in the order for notice, notice and certificate of service. If petitioner(s) request(s) personal service by registered, certified, or statutory overnight delivery with return receipt requested and with delivery restricted to the addressee only and that service is unsuccessful, service must be made pursuant to O.C.G.A. §53-11-3 (a).
6. Paragraph 4 of this petition 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 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 statements 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. For paragraph 6 of the petition, if there is a testamentary conservator named in the will according to O.C.G.A. §29-3-5 and the decedent died leaving minor children, then the consent to serve should be completed. When a testamentary guardian is to be appointed, GPCSF Supplement 5 (Testamentary Guardianship) should be included with this petition, and the petitioner(s) must provide full names and addresses for the minor children's adult siblings and grandparents. If there are no living adult siblings or grandparents, the petitioner(s) must provide full names and addresses for the minor children's great-grandparents, aunts, uncles, great-aunts, or great-uncles, if any such relatives exist. If the minor children shared the same parents, the petitioner(s) may complete one GPCSF Supplement 5 for such similarly situated children. If the minor children did not share the same parents, a separate GPCSF Supplement 5 must be filed for each minor. Contact the probate court in which the petition will be filed for its policy as to the filing of GPCSF Supplement 5 when there are multiple children.
8. Use GPCSF Supplement 2 if the Court determines it is appropriate to appoint a special process server.
9. Use GPCSF Supplement 3 when an additional certificate of service is necessary.
10. 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.
11. 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.
12. 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 the 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, labeled GPCSF 1.

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
AUSTIN POWERS) ESTATE NO. XXXX-000
DECEASED)

PETITION TO PROBATE WILL IN SOLEMN FORM

The petition of DOUGLAS POWERS
[Full name(s) of petitioner(s)] First Middle Last
whose physical address(es) is/are 101 GROOVY RD ATLANTA FULTON COUNTY GA 30331,
Street City County State Zip Code
and mailing address(es) is/are SAME AS ABOVE,
Street City County State Zip Code

shows to the Court the following:

1.

AUSTIN POWERS
[Full name of decedent] First Middle Last
whose place of domicile was 450 GOLD MEMBERS DRIVE EAST POINT FULTON COUNTY GA, 30345
Street City County State Zip Code
departed this life on JULY 22, 2002.

2.

While alive, decedent duly made and published a last will and testament dated MAY 2, 1997, (along with codicil(s) dated JUNE 8, 1999), which is herewith offered for probate in solemn form as the decedent will. DOUGLAS POWERS is/are named as the executor(s).

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
<u>WIGEL POWERS</u>	<u>OVER 18</u>	<u>300 SHAGGED DRIVE ATLANTA, GA 30315</u>	<u>FATHER</u>

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. If any executor nominated in the Will has a priority equal to or higher than the propounder but will not qualify, indicate the name and reasons.]*

THE DECEDENT WAS PREDECEASED BY HIS WIFE, VANESSA KENIGSTON. THE DECEDENT DID NOT HAVE ANY CHILDREN. THE DECEDENT WAS PREDECEASED BY HIS MOTHER, KINGA PHILLIPS. THERE ARE NO OTHER HEIRS IN CLOSER DEGREE THAN THOSE NAMED IN PARAGRAPH 3.

5.

[Initial one]

- DP (a) 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.
- _____ (b) The probate of another purported will of the decedent is pending in the State of _____, in the _____ County _____ Court. The name(s) and address(es) of the propounder(s) and the names, addresses, and ages or majority status of the beneficiaries under the other purported will to whom notice is required under O.C.G.A. § 53-5-22 (b) are listed on the attachment hereto, as Exhibit _____, which is expressly made a part hereof, as if fully set forth herein.
- _____ (c) An administration is pending in the State of _____, in the _____ County _____ Court. The name(s) and address(es) of each petitioner and the name(s) and address(es) of any appointed administrator(s), if any, are listed on the attachment hereto, as Exhibit _____, which is expressly made a part hereof, as if fully set forth herein.

6.

[Initial all that apply; however, please note that this form may not be appropriate if the petitioner(s) is/are seeking the appointment of a testamentary guardian, which requires notice to the relatives of the decedent's minor child(ren) pursuant to O.C.G.A. §29-2-4.]

At the time of the decedent's death, and at this time, the decedent left (a) minor child(ren) and the will names a testamentary conservator.

_____ (a) The will names a testamentary conservator of (a) minor child(ren) of the decedent. At the time of the decedent's death, he/she had (a) minor child(ren) and there is/are no court-appointed conservator(s); the following individual(s) is/are named as testamentary conservator(s) in the decedent's will:

Name	Address
------	---------

_____ (b) The will names a testamentary conservator of (a) minor child(ren) of the decedent. At the time of the decedent's death, he/she had (a) minor child(ren) and there is/are a court-appointed conservator(s), who is/are identified as follows: *[If named, testamentary conservator(s) and court-appointed conservator(s) are different.]*

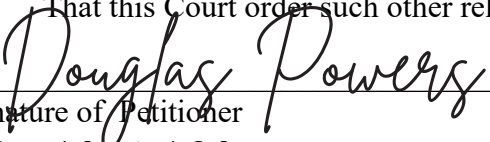
Name	Address
------	---------

7.

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

WHEREFORE, petitioner(s) pray(s):

1. Leave to prove said will (and codicil(s)) in solemn form;
2. That due and legal notice be given as the law requires;
3. That said will be admitted to record on proper proof;
4. That letters of testamentary conservatorship issue, if applicable;
5. That letters testamentary issue; and
6. That this Court order such other relief as may be proper under the circumstances.



Signature of Petitioner
DOUGLAS POWERS

Printed Name
101 GROOVY ROAD

ATLANTA, GA, 30303

Mailing Address
555-555-5555

Telephone Number

Signature of Attorney: _____

Printed Name of Attorney: _____

Address: _____

Telephone Number: _____ State Bar # _____

VERIFICATION

GEORGIA, FULTON 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 to probate will in solemn form (and the attached exhibit(s)) are true and correct.

Sworn to and subscribed before me this 22 day of July, 2002

Douglas Powers
Signature of Petitioner



NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

DOUGLAS POWERS
Printed Name of Petitioner

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
AUSTIN POWERS)
DECEASED) ESTATE NO. XXXX-000

ACKNOWLEDGMENT OF SERVICE AND ASSENT TO PROBATE INSTANTER

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 petition to probate the will in solemn form, purported will, and notice, waives copies of same; waives further service and notice; and hereby assents to the probate of said will in solemn form instanter.

Sworn to and subscribed before me this
22 day of July, 20 02

Nigel Powers
Signature of Heir

NOTARY/CLERK OF PROBATE COURT

NIGEL POWERS
Printed Name of Heir

My Commission Expires: _____

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: _____

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: _____

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
AUSTIN POWERS)
DECEASED) ESTATE NO. XXXX-000

**TESTAMENTARY CONSERVATOR[S]
CONSENT TO SERVE**

[To be completed only in the event a testamentary conservator is named in the will]

The undersigned, being 18 years of age or older, laboring under no legal disability, and being named as testamentary conservator, hereby consents to serve. I understand that once appointed, I will have the same rights, powers, and duties as set forth in O.C.G.A. §29-3-5.

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

Signature of Testamentary Conservator

NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Printed Name of Testamentary Conservator

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

Signature of Testamentary Conservator

NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Printed Name of Testamentary Conservator

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 FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
AUSTIN POWERS) ESTATE NO. XXXX-000
DECEASED)

ORDER FOR SERVICE OF NOTICE

The foregoing petition to probate will (and codicil(s)) in solemn form having been filed, service is ordered as follows:

[Initial all that apply]

DP Notice together with a copy of the petition and purported will (and codicil(s)) shall be served personally, or by registered or certified mail or statutory overnight delivery, as requested by the petitioner(s) pursuant to O.C.G.A.53-11-3, at least 30 days before the Will (and codicil(s)) can be probated on the following heirs 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 purported will (and codicil(s)) shall be served by registered or certified mail, return receipt requested, pursuant to _____ O.C.G.A.
53-11-4, upon the following nonresident heirs whose current residence addresses are known:

_____ Notice shall be published once a week for four weeks in the legal organ of this County, before _____, 20____, in order to serve by publication the following heirs whose current residence addresses are unknown:

SO ORDERED this 1st day of January, 2024.

Judge County Fulton
Judge of the Probate Court

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
AUSTIN POWERS,) ESTATE NO. XXXX-000
DECEASED)

NOTICE

IN RE: The Petition to Probate Will (and Codicil(s)) in Solemn Form in the above-referenced estate

[Strike any paragraph if not applicable]

TO: NIGEL POWERS-300 Shagged Drive Atl, Ga 30315
[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 who are required to be served personally, to file objection, if there is any, to the petition to probate will in solemn form, 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 heirs 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 petition to probate will in solemn form, 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 heirs having known addresses in the continental U.S. to be served by registered or certified 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 petition to probate will in solemn form, 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.

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 scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.

Judge County Fulton
Judge of the Probate Court

By: PROBATE CLERK
Clerk of the Probate Court

136 Pryor Street Atlanta, Ga 30303

Address

404-612-4020
Telephone Number

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
AUSTIN POWERS _____,) ESTATE NO. XXXX-000
DECEASED _____)

NOTICE

IN RE: The Petition to Probate Will (and Codicil(s)) in Solemn Form in the above-referenced estate having been duly filed.

[For use if an heir is required to be served by publication]

TO: _____
[List here all heirs having unknown addresses to be served by publication]

This is to notify you to file objection, if there is any, to the petition to probate will in solemn form, in this Court on or before _____, 20_____.

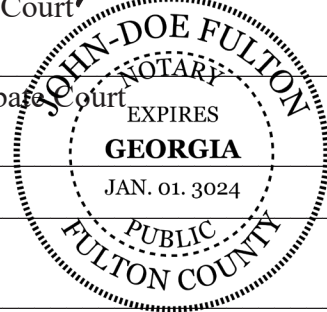
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent 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 County Fulton
Judge of the Probate Court

By: _____
Clerk of the Probate Court

Address _____

Telephone Number _____



IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
AUSTIN POWERS,) ESTATE NO. XXXX-000
DECEASED)

ORDER ADMITTING WILL (AND CODICIL(S)) TO PROBATE IN SOLEMN FORM

An alleged last will and testament dated MAY 2, 1997
(and codicil(s) dated JUNE 8, 1999) was/were propounded.

_____ was/were nominated personal representative(s) by the testator. 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 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. The Court further finds that the propounded will (is self-proving)(has been proved by one or more witnesses).

ACCORDINGLY, IT IS ORDERED that the will dated MAY 2, 1997
(and the codicil(s) dated JUNE 8, 1999) is/are established as the last will and testament of the decedent (the Decedent's will); that the will be admitted to record as proven in solemn form; and, that the nominated executor(s) named above has/have leave to qualify as personal representative(s) by taking the required oath, after which letters testamentary shall issue. The clerk shall serve the personal representative(s) 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.
- _____ (c) Letters of testamentary conservatorship shall issue to _____.

- _____ (d) Letters of testamentary guardianship shall issue to _____.

SO ORDERED this 22 day of July, 2002.

Judge County Fulton
Judge of the Probate Court

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
AUSTIN POWERS _____,) ESTATE NO. XXXX-000
DECEASED _____)

LETTERS TESTAMENTARY
[Relieved of filing returns]

At a regular term of probate court, the last will and testament dated MAY 2, 1997
(and codicil(s) dated JUNE 8, 1999) 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 to be the
decedent's will and was admitted to record by order, and it was further ordered that
DOUGLAS POWERS, named as executor(s) in said will, be
allowed to qualify, and that upon so doing, letters testamentary be issued to such executor(s).

THEREFORE, the executor(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 executor(s) under the will of said decedent, according to the decedent's will and the
law.

Given under my hand and official seal, the 22 day of July, 2002.

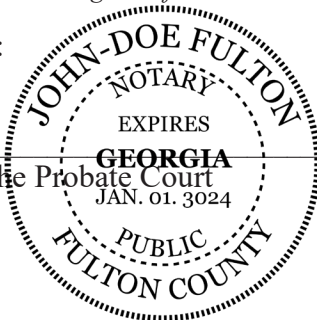
Judge County Fulton
Judge of the Probate Court

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

Issued by: _____

[Seal]

Clerk of the Probate Court



IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
AUSTIN POWERS)
DECEASED) ESTATE NO. XXXX-000

LETTERS OF TESTAMENTARY CONSERVATORSHIP OF MINOR
[To be completed only in the event a testamentary conservator is named in the e\will]

TO: _____, Testamentary Conservator(s)
RE: _____, Minor
_____, Minor's Date of Birth

Pursuant to the last will and testament (and codicil(s)), of the above-named decedent, you have been appointed testamentary conservator(s) of the property of the minor named directly above. You have assented to this appointment by taking your oath. In general, your duties as testamentary conservator(s) are to protect and maintain the property of the minor and utilize the minor's property solely for the benefit of the minor. Consult your attorney if you have any questions.

These letters of testamentary conservatorship empower the above testamentary conservator(s) to hold, for the minor, only property that passed through the estate of the above-named decedent.

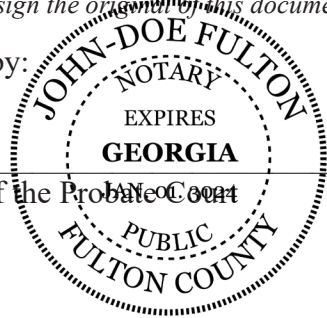
Given under my hand and official seal, the 22 day of July, 2002.

Judge County Fulton
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

TESTATE PETITIONS

COPY OF WILL BEING PROBATED

The Court many times be presented with a copy of a Will for Probate. The presumption is that when the original Will cannot be located, the Testator intentionally destroyed or revoked their Will. A copy of a Will however can be probated with sufficient proof to overcome that presumption. The filing party(ies)/Attorney must provide additional evidence to convince the Court that a copy of the Will should be probated. The Court will usually move forward with probating the copy if the following information is provided.

- 1.** The filing party(ies)/Attorney must address in the petition that a copy of the Will is being offered for probate instead of the original. This makes the Court know that the heirs were aware of a copy being probated instead of the original Will.
- 2.** There must be an affidavit of diligent search provided with the petition to let the Court know what efforts were made to try and find the original Will. The affidavit must also overcome the presumption that the Testator intentionally destroyed or revoked their Will.
 - a)** Must address things like whether the Testator ever discussed changing their Will and making a new one, did they ever contact an Attorney about drafting a new Will, or any other knowledge they may have to convince the court why the copy should be probated, etc..
- 3.** The Court may require Interrogatories or the testimony of the witnesses if the Will becomes contested.

TESTATE PETITIONS

CHECKLIST FOR COPY OF WILL BEING PROBATED

- _____ 1. Person died a resident of Fulton County (complete address provided).
- _____ 2. Person trying to probate will is the named executor(s) in the will.
- _____ 3. Make sure executor(s) provides a physical and mailing address on petition.
- _____ 4. The Petition must address that a copy of the will is being offered for probate instead of the original will.
- _____ 5. Make sure the filing party/attorney have provided an affidavit(s) of diligent search for the original will.
- _____ 6. The affidavit must be detailed about what efforts were made to locate the original will and must overcome the presumption that the testator intentionally revoked or destroyed the original will (Did the testator ever discuss changing or making a new will, etc.).
- _____ 7. Make sure personal representative(s) and/or attorney has/have signed the petition.
- _____ 8. Make sure Testator and at least two witnesses signed the will.
- _____ 9. Check to see if will needs interrogatory or is self-proving.
- _____ 10. Make sure the heirs are correct and complete in item three of the petition.
- _____ 11. Make sure the heir information is completed and correct in item four of the petition (marital status, children, etc.).
- _____ 12. Make sure customer completes an heir worksheet if no attorney is signing the petition.
- _____ 13. Check for acknowledgments of the heirs and make sure they are properly witnessed and notarized and are originals.
- _____ 14. Check with filing party(s) to clarify if notice is required if all parties have not consented to the petition.
- _____ 15. Appoint a Guardian Ad Litem for any minors and/or incapacitated adults if necessary.
- _____ 16. Check Odyssey to see if any other filings on the estate and use the same estate number if appropriate.
- _____ 17. You may proceed with processing the petition if the above is correct.
- _____ 18. Remember to proofread all documents or notices you prepare.
- _____ 19. Make sure you have entered all pertinent notes, deadlines, etc... in Odyssey if necessary.
- _____ 20. Make sure you scan all filed documents in Odyssey as appropriate or necessary.

TESTATE PETITIONS

PETITION TO PROBATE WILL IN SOLEMN FORM AND FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED

The Petition to Probate Will in Solemn Form and For Letters of Administration is different from the previous petitions in that the heirs of the estate and the beneficiaries of the Will are listed on the petition and must receive notice of the filing. The heirs and beneficiaries may consent to the probate of the Will and to the appointment of an Administrator with Will Annexed being appointed.

This petition may be filed for the following reasons:

- 1.** The Will does not name a nominated executor.
- 2.** The nominated executor(s) have renounced their right to serve.
- 3.** The nominated executor(s) are deceased.

The methods of service are the same as the Petition to Probate Will in Solemn Form, except that both heirs and beneficiaries require service of process.

TESTATE PETITIONS

CHECKLIST FOR PETITION TO PROBATE WILL IN SOLEMN FORM AND FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED

- _____ 1. Person died a resident of Fulton County (complete address provided).
- _____ 2. Make sure person trying to apply to be Administrator with Will Annexed has standing to file (next of Kin, being selected by the beneficiaries of will, creditor, etc. see item seven of the petition for options).
- _____ 3. Check item six of the petition to make sure executors are deceased, renounced or one of the other options apply.
- _____ 4. Make sure petitioner(s) provides a physical and mailing address on petition.
- _____ 5. The original will and/or Codicils(s) is/are provided and not a photo copy.
- _____ 6. Make sure personal representative(s) and/or attorney has/have signed the petition.
- _____ 7. Make sure Testator and at least two witnesses signed the will.
- _____ 8. Check to see if will needs interrogatory or is self-proving.
- _____ 9. Make sure the heirs and beneficiaries are correct and complete in items three and five of the petition(names, ages, addresses, relationship to deceased).
- _____ 10. Make sure the heir information is completed and correct in item four of the petition(marital status, children, etc.).
- _____ 11. Make sure customer completes an heir worksheet if no attorney is signing the petition.
- _____ 12. Check for acknowledgements of the heirs and beneficiaries and make sure they are properly witnessed and notarized and are originals.
- _____ 13. Check with filing party(s) to clarify if notice is required if all parties have not consented to the petition.
- _____ 14. Appoint a Guardian Ad Litem for any minors and/or incapacitated adults if necessary.
- _____ 15. Check Odyssey to see if any other filings on the estate and use the same estate number if appropriate.
- _____ 16. You may proceed with processing the petition if the above is correct.
- _____ 17. Remember to proofread all documents or notices you prepare.
- _____ 18. Make sure you have entered all pertinent notes, deadlines, etc. in Odyssey if necessary.
- _____ 19. Make sure you scan all filed documents in Odyssey as appropriate or necessary.

**PETITION TO PROBATE WILL IN SOLEMN FORM AND FOR LETTERS OF
ADMINISTRATION WITH WILL ANNEXED**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when filing a combined petition to probate will in solemn form pursuant to O.C.G.A. §53-5-20 et seq., and for letters of administration with the will annexed pursuant to O.C.G.A. §53-6-13 et seq.
2. It is permissible, but not mandatory, to use this form in connection with a petition to probate a copy of a will in lieu of a lost original pursuant to O.C.G.A. §53-4-46, provided that appropriate interlineations are made, and additional information is given to overcome the presumption of revocation.
3. Signatures of heirs and 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 an heir or beneficiary; however, the attorney must certify that he or she currently represents that heir or 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.
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. If a guardian ad litem is necessary because a party is not sui juris, use GPCSF Supplement 1.
5. 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).
6. O.C.G.A. §53-5-22 (c) provides that service of notice, when made personally or by mail, shall include a copy of the petition and of the will for which probate is sought. The same is true when service is acknowledged. This form may, but is not required to, be used where service by registered or certified mail with return receipt requested, restricted delivery, is requested by the petitioner(s) in lieu of personal service, in accordance with O.C.G.A. §53-11-3 (e). Make appropriate changes in the order for notice, notice, and certificate of service. If petitioner(s) request(s) personal service by registered, certified, or statutory overnight delivery with return receipt requested and with delivery restricted to the addressee only and that service is unsuccessful, pursuant to O.C.G.A. §53-11-3 (e) service must be made pursuant to O.C.G.A. §53-11-3 (a).

7. Paragraph 4 of the petition requires sufficient factual information for the Court to conclude that those listed in paragraph 3 of the petition include each and every heir of the decedent and that there are not additional heirs of similar 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 is authorized to consent on behalf of that heir. O.C.G.A. §53-7-1. When a party to a proceeding in the 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 statements 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."
8. For paragraph 9 of the petition, if there is a testamentary conservator named in the will according to O.C.G.A. §29-3-5 and the decedent died leaving minor children, then the consent to serve should be completed. When a testamentary guardian is to be appointed, GPCSF Supplement 5 (Testamentary Guardianship) should be included with this petition, and the petitioner(s) must provide full names and addresses for the minor children's adult siblings and grandparents. If there are no living adult siblings or grandparents, the petitioner(s) must provide full names and addresses for the minor children's great-grandparents, aunts, uncles, great-aunts, or great-uncles, if any such relatives exist. If the minor children shared the same parents, the petitioner(s) may complete one GPCSF Supplement 5 for such similarly situated children. If the minor children did not share the same parents, a separate GPCSF Supplement 5 must be filed for each minor. Contact the probate court in which the petition will be filed for its policy as to the filing of GPCSF Supplement 5 when there are multiple children.
9. Use GPCSF Supplement 2 if the Court determines it is appropriate to appoint a special process server.
10. Use GPCSF Supplement 3 when an additional certificate of service is necessary.
11. 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.
12. 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.

13. 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 the 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, labeled GPCSF 1.

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
SALLY SUE) ESTATE NO. XXXX-000
DECEASED)

**PETITION TO PROBATE WILL IN SOLEMN FORM AND FOR LETTERS OF
ADMINISTRATION WITH WILL ANNEXED**

The petition of SARAH SUE
[Full name(s) of petitioner(s)] First Middle Last
whose physical address(es) is/are 555 EARTH LANE ATLANTA, FULTON COUNTY, 30303,
Street City County State Zip Code
and mailing address(es) is/are SAME,
Street City County State Zip Code
shows to the Court the following:

1.

SALLY SUE
[Full name of decedent] First Middle Last
whose place of domicile was 101 WORLD BLVD JOHN'S CREEK FULTON COUNTY 30092,
Street City County State Zip Code
departed this life on JANUARY 2, 2022.

2.

While alive, decedent duly made and published a last will and testament dated FEBRUARY 4, 1999, (along with codicil(s) dated N/A), which is herewith offered for probate in solemn form as decedent will SAM SUE is/are named as the executor(s).

3.

Listed below are all of 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
ESTATE OF SAM SUE		D.O.B. 1/15/23	
SARAH SUE	OVER 18	555 EARTH LANE	
SAYLOR SUE	16	101 WORLD BLVD	

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 as heirs are cousins, grandchildren, nephews or nieces of the decedent, indicate the deceased ancestor through whom they are related to the decedent. If any executor nominated in the will has a priority equal to or higher than the propounder but will not qualify, indicate the name and reasons.]

SALLY IS SURVIVED BY HER HUSBAND SAM SUE AND HER CHILDREN, SAYLOR AND SARAH. SAM POST-DECEASED THE DECEDENT AND THERE IS NO PERSONAL REPRESENTATIVE OVER HIS ESTATE AND NEEDS A GUARDIAN AD LITEM. SAYLOR IS A MINOR AND ALSO NEEDS A GUARDIAN AD LITEM

5.

Listed below are all of the beneficiaries under said will 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 or persons who succeeded to the interest of any heir or beneficiary who died after the decedent.

<i>Name</i>	<i>Age (or over 18)</i>	<i>Address</i>
SARAH SUE	OVER 18	555 EARTH LANE ATLANTA, FULTON COUNTY, 30303 DAUGHTER
SAYLOR SUE	16	101 WORLD BLVD JOHN'S CREEK FULTON COUNTY 30092 SON

6.

Petitioner(s) further show(s) that the circumstances giving rise to the need for an administrator with will annexed are as follows:

[Initial all that apply]

- _____ (a) The decedent failed to nominate an executor in the will.
 - _____ (b) The nominated administrator has not reached age of majority.
 - SS (c) The nominated executor is deceased.
 - _____ (d) The nominated executor has renounced or declined his/her right to serve as such. *[Attach Renunciation as Exhibit _____.*
 - _____ (e) Other reason a testate estate is unrepresented: _____
-

7.

The petitioner(s) SARAH SUE is/are entitled to be appointed administrator 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 who are capable of expressing a choice. If the sole beneficiary is the decedent surviving spouse, no action for divorce or separate maintenance was pending at the time of death of the decedent.
- SS (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:
 - SS (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 was pending or completed at the time of the decedent 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.

8.

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).

9.

[Initial all that apply; however, please note that this form may not be appropriate if the petitioner(s) is/are seeking the appointment of a testamentary guardian, which requires notice to the relatives of the decedent's minor child(ren) pursuant to O.C.G.A. §29-2-4.]

At the time of the decedent's death, and at this time, the decedent left (a) minor child(ren) and the will names a testamentary conservator.

_____ (a) The will names a testamentary conservator of (a) minor child(ren) of the decedent. At the time of the decedent's death, he/she had (a) minor child(ren) and there is/are no court-appointed conservator(s); the following individual(s) is/are named as testamentary conservator(s) in the decedent's will:

Name	Address
------	---------

_____ (b) The will names a testamentary conservator of (a) minor child(ren) of the decedent. At the time of the decedent's death, he/she had (a) minor child(ren) and there is/are a court-appointed conservator(s), who is/are identified as follows: *[If named testamentary conservator(s) and court-appointed conservator(s) are different.]*

Name	Address
------	---------

10.

[Initial one]

SS (a) 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.

_____ (b) The probate of another purported will of the decedent is pending in the State of _____, in the _____ County _____ Court. The name(s) and address(es) of the propounder(s) and the name(s), address(es) and age(s) or majority status of the beneficiaries under the other purported will to whom notice is required under O.C.G.A. §53-5-22 (b) are listed on the attachment hereto, as Exhibit _____, which is expressly made a part hereof, as if fully set forth herein.


_____ (c) An administration is pending in the State of _____, in the _____ County _____ Court. The name(s) and address(es) of each petitioner, and the name(s) and address(es) of any appointed administrator(s), if any, are listed on the attachment hereto, as Exhibit _____, which is expressly made a part hereof, as if fully set forth herein.

11.

Additional data: *[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.]*

WHEREFORE, petitioner(s) pray(s):

1. Leave to prove said will (and codicil(s)) in solemn form;
2. That due and legal notice be given as the law requires;
3. That said will be admitted to record on proper proof;
4. That letters of testamentary conservatorship issue, if applicable;
5. That letters of administration with will annexed issue; and
6. That this Court order such other relief as may be proper under the circumstances.



 Signature of Petitioner

SARAH SUE

 Printed Name

555 EARTH LANE ATLANTA, FULTON COUNTY, 30303

SAME

Mailing Address

 Telephone Number

Signature of Attorney: _____

Printed Name of Attorney: _____

Address: _____

Telephone Number: _____ State Bar # _____

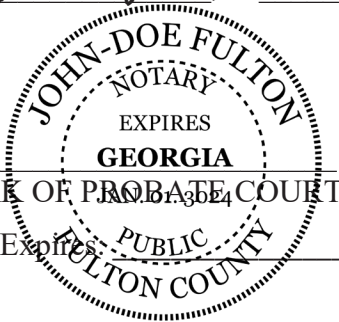
VERIFICATION

GEORGIA, FULTON 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 to probate will in solemn form and for letters of administration with will annexed (and the attached exhibit(s)) are true and correct.

Sworn to and subscribed before me this 2 day of January, 2022

Sarah Sue
Signature of Petitioner



NOTARY/CLERK OF PROBATE COURT
My Commission Expires

SARAH SUE
Printed Name of Petitioner

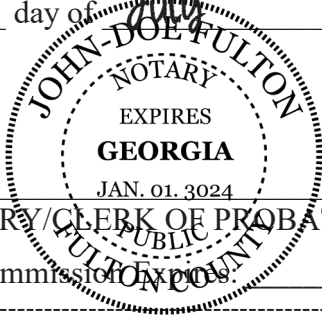
IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
SALLY SUE)
 DECEASED _____,) ESTATE NO. XXXX-000
)

ACKNOWLEDGMENT OF SERVICE, ASSENT TO PROBATE WILL IN SOLEMN FORM BY HEIRS, AND SELECTION BY BENEFICIARIES

The undersigned, being 18 years of age or older, laboring under no legal disability, and being an heir of the above-named decedent or a beneficiary of the purported will, hereby acknowledges service of a copy of petition to probate the will in solemn form and for letters of administration with will annexed, purported will, and notice, waives copies of same; waives further service and notice; assents to the probate of said will in solemn form instant; and selects the administrator with will annexed nominated in the petition.

Sworn to and subscribed before me this 22 day of July, 20 02



Signature of Heir/Beneficiary

NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Printed Name of Heir/Beneficiary

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

Signature of Heir/Beneficiary

NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Printed Name of Heir/Beneficiary

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

Signature of Heir/Beneficiary

NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Printed Name of Heir/Beneficiary

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

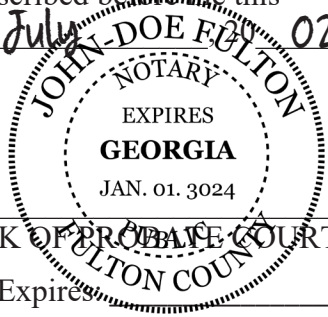
IN RE: ESTATE OF)
SALLY SUE)
DECEASED) ESTATE NO. XXXX-000

TESTAMENTARY CONSERVATOR'S
CONSENT TO SERVE

[To be completed only in the event a testamentary conservator is named in the will]

The undersigned, being 18 years of age or older, laboring under no legal disability, and being named as testamentary conservator, hereby consents to serve. I understand that once appointed, I will have the rights, powers, and duties as set forth in O.C.G.A. §29-3-5.

Sworn to and subscribed before me this
22 day of July, 2002



Signature of Testamentary Conservator

NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Printed Name of Testamentary Conservator

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

Signature of Testamentary Conservator

NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Printed Name of Testamentary Conservator

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 FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
SALLY SUE) ESTATE NO. _____
_____,)
DECEASED)

ORDER FOR SERVICE OF NOTICE

The foregoing petition to probate will in solemn form and for letters of administration with will annexed having been filed, service is ordered as follows:

[Initial all that apply]

_____ Notice together with a copy of the petition and purported will (and codicil(s)) shall be served personally, or by registered or certified mail or statutory overnight delivery, as requested by the petitioner(s) pursuant to O.C.G.A. §53-11-3, at least 30 days before the will (and codicil(s)) can be probated 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 purported will (and codicil(s)) shall be served by registered or certified mail, return receipt requested, or statutory overnight delivery 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 four 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 22 day of July, 07, 2020.

Judge County Fulton

Judge of the Probate Court

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
SALLY SUE _____) ESTATE NO. XXXX-000
DECEASED _____)

NOTICE

IN RE: Petition to Probate Will in Solemn Form and for Letters of Administration with Will Annexed

[Strike any paragraph if not applicable]

TO: _____,
[List here all interested parties who reside in Georgia to be served personally or by 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 certified or registered 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 non-resident parties having known addresses in the continental U.S. to be served by certified or registered 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 30 days from the date of receipt shown on such return receipt.

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 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 County Fulton

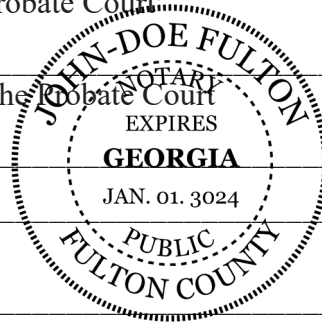
Judge of the Probate Court

By: _____

Clerk of the Probate Court

Address _____

Telephone Number _____



IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

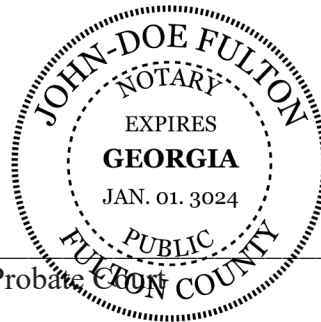
SALLY SUE)
DECEASED)

ESTATE NO. XXXX-000

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:



Clerk of the Probate

Address

Telephone Number

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
SALLY SUE) ESTATE NO. XXXX-000
DECEASED)

ORDER GRANTING PETITION TO PROBATE WILL (AND CODICIL(S)) IN SOLEMN FORM AND FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED

An alleged last will and testament dated FEBRUARY 4, 1999
(and codicil(s) dated N/A) was/were propounded. Petitioner requested that the Court appoint SARAH SUE as administrator with will annexed. 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 further finds that all of the heirs at law and beneficiaries under the propounded will were served or acknowledged service. The Court further finds that no objection has been filed, and all requirements of law have been fulfilled. The Court further finds that the propounded will (is self-proving) (has been proved by one or more witnesses).

ACCORDINGLY, IT IS ORDERED that the will dated FEBRUARY 4, 1999
(and the codicil(s) dated N/A) is/are established as the last will and testament of the decedent (the decedent's will); that the will be admitted to record as proven in solemn form; and, that the person(s) named above has/have leave to qualify as personal representative(s) by taking the required oath, after which letters of administration with will annexed shall issue. The clerk shall serve the personal representative(s) 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

[Initial all that apply]

- _____ (a) An inventory shall be filed.
- _____ (b) Annual returns shall be filed.
- _____ (c) Letters of testamentary conservatorship shall issue to _____.
- _____ (d) Letters of testamentary guardianship shall issue to _____.

SO ORDERED this 22 day of July, 20 02.

Judge County Fulton

Judge of the Probate Court

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
SALLY SUE)
 _____) ESTATE NO. XXXX-000
 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 FEBRUARY 4, 1999 (and codicil(s) dated N/A) 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 SARAH SUE be allowed to qualify as administrator(s) 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(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 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 heirs statements of receipts and disbursements.

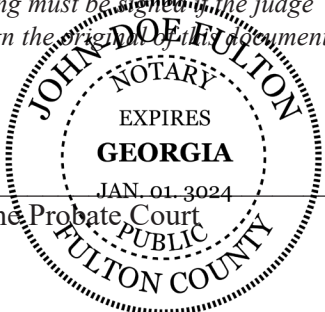
Given under my hand and official seal, the 22 day of July, 2002

Judge County Fulton
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

IN THE PROBATE COURT OF FULTON COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF

SALLY SUE
DECEASED

)
)
)
)

ESTATE NO. XXXX-000

LETTERS OF ADMINISTRATION WITH WILL ANNEXED

[Not relieved of filing returns]

At a regular term of the probate court, the last will and testament dated FEBRUARY 4, 1999 (and codicil(s) dated N/A) 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 to be the decedent's will and was admitted to record by order, and it was (further) ordered that SARAH SUE 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 deceased and of administrator(s) with will annexed according to the will and the law and is/are hereby required to render a true and correct inventory of all the goods, chattels, rights, and credits of said deceased, 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 of the anniversary date of appointment until the administrator(s) with will annexed is/are fully discharged.

Given under my hand and official seal, the 22 day of July, 2002.

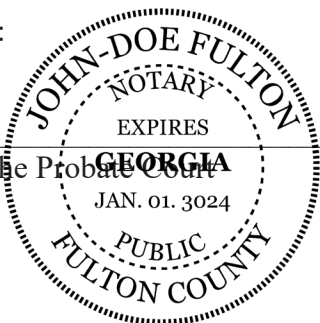
Judge County Fulton
Judge of the Probate Court

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

Issued by:

[Seal]

Clerk of the Probate Court



IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
SALLY SUE) ESTATE NO. XXXX-000
_____,)
DECEASED)

LETTERS OF TESTAMENTARY CONSERVATORSHIP OF MINOR

[To be completed only in the event a testamentary conservator is named in the will]

TO: _____, Testamentary Conservator(s)

RE: _____, Minor

_____, Minor Date of Birth _____

Pursuant to the last will and testament (and codicil(s)) of the above-named decedent, you have been appointed testamentary conservator(s) of the minor property. You have assented to this appointment by taking your oath. In general, your duties as testamentary conservator(s) are to protect and maintain the property of the minor and utilize the minor property solely for the benefit of the minor. Consult your attorney if you have any questions.

These letters of testamentary conservatorship empower the above testamentary conservator(s) to hold, for the minor, only property that passed through the estate of the above-named decedent.

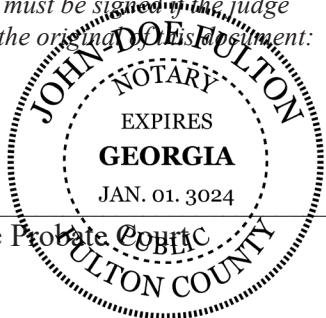
Given under my hand and official seal, the 22 day of July, 2002.

Judge County Fulton
Judge of the Probate Court

The following must be signed if the judge does not sign the original instrument:

Issued by: _____

[Seal]



Clerk of the Probate Court

TESTATE PETITIONS

PETITION FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED (WILL PREVIOUSLY PROBATED)

The Petition of Letters of Administration with Will Annexed (Will Previously Probated) is filed when the Will has already been probated and the previous personal representative(s) is/are no longer able or available to serve. The party(ies) who remain beneficially interested in the estate can select someone to serve as Administrator with Will the estate can select someone to serve as Administrator with Will Annexed. There must be property remaining in the estate or a valid reason for someone being appointed. The beneficiaries can consent to someone being appointed or notice must be given to party(ies)

The methods of service are the same as the Petition to Probate Will in Solemn Form.

**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, GPCSF 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 GPCSF Supplement 1.
5. Use GPCSF Supplement 2 if the Court determines it is appropriate to appoint a special process server.
6. Use GPCSF Supplement 3 when an additional certificate of service is necessary.

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 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.
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, labeled GPCSF 1.

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
 _____)
TOM DICK HARRY ,) ESTATE NO. XXXX-000
 _____)
 DECEASED)

PETITION FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED
(WILL PREVIOUSLY PROBATED)

The petition of HANK HARRY
 whose physical address(es) is/are 300 MARS LANE ATLANTA FULTON COUNTY GA 30331,
[Full name(s) of petitioner(s)] First Middle Last
Street City County State Zip Code
 and mailing address(es) is/are SAME,
Street City County State Zip Code
 shows to the Court the following:

1.

The will dated MARCH 5, 2011 (and codicil(s) dated N/A,
 20) was/were previously probated and a final order was entered on JANUARY 8,
 2022

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.

Name	Age (or over 18)	Address	Relationship
<u>HANK HARRY</u>	<u>OVER 18</u>	<u>300 MARS LANE ATLANTA GA 30331</u>	<u>SON</u>
<u>JOHN HENRY</u>	<u>OVER 18</u>	<u>500 VENUS RD DECATUR, GA 30035</u>	<u>BENEFICIARY</u>

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]

- HH (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) HANK HARRY is/are entitled to be appointed administrator(s) with will annexed by reason of:

[Initial (a) or (b) and complete (b) if initialed]

- HH (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.

7.

Additional data: [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.]

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.

Hank Harry

Signature of Petitioner

HANK HARRY

Printed Name

300 MARS LANE ATLANTA FULTON COL

SAME

Mailing Address

Telephone Number

Signature of Attorney: _____

Printed Name of Attorney: _____

Address: _____

Telephone Number: _____ State Bar # _____

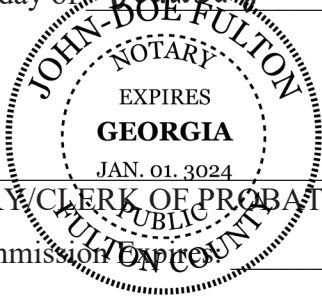
VERIFICATION

GEORGIA, FULTON 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 8 day of January, 2022

Hank Harry
Signature of Petitioner



NOTARY CLERK OF PROBATE COURT
My Commission Expires _____

HANK HARRY
Printed Name of Petitioner

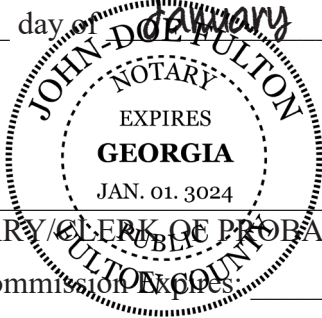
IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
TOM DICK HARRY) ESTATE NO. XXXX-000
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
8 day of JANUARY, 2022



John Harry
Signature of Beneficiary

NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

JOHN HENRY
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 FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

TOM DICK HARRY)
DECEASED)

ESTATE NO. XXXX-000

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 four 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 8 day of January, 2022.

Judge County Fulton
Judge of the Probate Court

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
TOM DICK HARRY) ESTATE NO. XXXX-000
)
DECEASED)

NOTICE

IN RE: Petition for Letters of Administration with Will Annexed (Will Previously Probated)

[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 30 days from the date of receipt shown on such return receipt.

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 January, 2023.

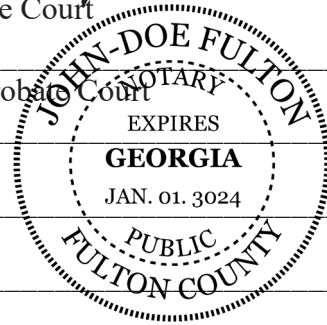
BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections must be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent 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 County Fulton

Judge of the Probate Court

By: _____

Clerk of the Probate Court



Address

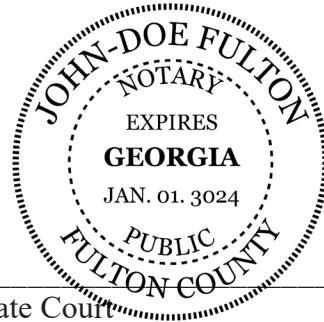
Telephone Number

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 8 day of January, 2022.



Clerk of the Probate Court

Address

Telephone Number

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
TOM DICK HARRY) ESTATE NO. XXXX-000
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 will 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 8 day of January, 2022.

Judge County Fulton
Judge of the Probate Court

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
 _____)
TOM DICK HARRY) ESTATE NO. XXXX-000
 _____)
 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 8 day of January, 2022.

Judge County Fulton

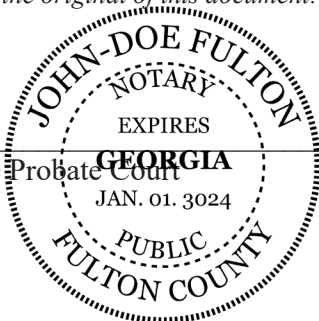
 Judge of the Probate Court

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

Issued by: _____

[Seal]

Clerk of the Probate Court _____



IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
TOM DICK HARRY,) ESTATE NO. XXXX-000
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).

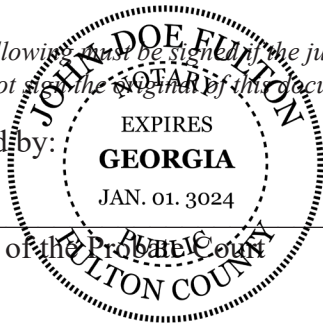
THEREFORE, the said administrator(s), having taken the oath of office and complied with all the necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all the powers of executor(s) under the will of said decedent and of administrator(s) with will annexed 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 8 day of January, 2022.

Judge County Fulton
Judge of the Probate Court

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

Issued by:



Clerk of the Probate Court

[Seal]

TESTATE PETITIONS

PETITION TO QUALIFY AS SUCCESSOR EXECUTOR

The Petition to Qualify as Successor Executor is filed when the Will has already been probated and the previous personal representative(s) is/are no longer able or available to serve. There is not a standard form/Attorney must prepare the petition. The petitioner is nominated in the Will to serve as successor executor. The party(ies) who remain beneficially interested in the estate must consent to the petition or must be served with notice as required by Georgia Law. There must be property remaining in the estate or a valid reason for someone being appointed. The beneficiaries can consent to someone being appointed or notice must be given to the party(ies).

The methods of service are the same as the Petition to Probate Will in Solemn Form.

CHECKLIST FOR PETITION TO QUALIFY AS SUCCESSOR EXECUTOR

- _____ 1. Make sure the person trying to apply to be the Successor Executor is nominated in the will to serve.
- _____ 2. Make sure the filing party(s) provides a physical and mailing address on petition.
- _____ 3. Make sure all beneficiaries are listed on the petition who have a present interest in the estate (names, ages and addresses).
- _____ 4. Make sure the petition has information that addresses the status of the previously appointed executors or personal representatives.
- _____ 5. Make sure the petition has information regarding what remains to be done regarding the estate.
- _____ 6. Make sure the petitioner and/or attorney has/have signed the petition.
- _____ 7. Appoint a Guardian Ad Litem for any minors and/or incapacitated adults if necessary.
- _____ 8. Check for acknowledgements of the beneficiaries and make sure they are properly witnessed and notarized and are originals.
- _____ 9. Check Odyssey and use the same estate number assigned to other filings.
- _____ 10. You may proceed with processing the petition if the above is correct.
- _____ 11. Remember to proofread all documents or notices you prepare.
- _____ 12. Make sure you have entered all pertinent notes, deadlines, etc. in Odyssey if necessary.
- _____ 13. Make sure you scan all filed documents in Odyssey as appropriate or necessary.

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
Tom Dick Harry)
_____,) ESTATE NO. XXXX-000
DECEASED)

**PETITION FOR THE APPOINTMENT OF SUCCESSOR
EXECUTOR(S) OF A WILL PREVIOUSLY PROBATED**

COMES NOW _____ and petitions the Court for the appointment of Successor Executor(s) and for the issuance of successor Letters Testamentary for the Estate of _____, deceased, and shows:

1.

The Last Will and Testament of the above-named Decedent was duly probated and admitted to record in (Common)(Solemn) Form by Order of this Court dated _____.

2.

Letters Testamentary were issued to _____, the named Executor, on _____.

3.

The Executor died or resigned on _____, prior to completing the administration of the Estate, and it is necessary that a successor executor be granted leave to qualify as such and that Successor Letters Testamentary issue accordingly.

4.

_____ was nominated by the Testator to serve as Successor Executor(s) and is/are ready, willing and able to serve in such capacity.

5.

[Initial one]

_____ (a) Notice to the beneficiaries is unnecessary because the will was admitted to probate in Common Form only.

_____ (b) The will was admitted to probate in Solemn Form and below are the names and addresses of every beneficiary under the Will with a current interest in the Estate who should be notified of this Petition and given an opportunity to show cause, if any exists, why the nominated Successor Executor(s) should not be appointed:

TESTATE PETITIONS

WILLS FILED FOR SAFEKEEPING

A will can be filed with the Court for Safekeeping while a person is still living.

The Testator, their Attorney, or a party who has Power of Attorney for the Testator may put the original Last Will and Testament on file for safekeeping. The Court's vault is a secure place for someone to deposit their will for a small fee of \$15.00. The criteria to file a will for safe keeping with Fulton County Probate court is:

- The Testator must be a resident of Fulton County to file their Will with this Court.
- The Testator must provide their Fulton County Address and the addresses for parties they nominated to serve as Executor(s).
- The testator is the ONLY person who can remove the Will from safekeeping while they are still living. They must present their identification at the time of retrieving the document and must sign the docketing book to show that they retrieved their Will.
- The nominated executor may remove the Will out of safekeeping after the Testator is deceased upon submitting their identification and legal proof of the party being deceased. The Court would only give the executor a copy of the Will and not the original document. The Will is moved to the Will Filed not Probated if the executor is not ready to file a petition to probate. The Will is pulled to probate if a petition to probate is filed.

WILLS FILED NOT PROBATED

An **original** will may be filed with the Court after a person is deceased and not offered for probate. The Will is docketed as Will Filed Not Probated and placed in the Court's vault. This is usually done if the decedent died without owning any assets at the time of their death or if property has passed outside of probate. (Beneficiaries named on bank accounts, insurance, real property transferred with right of survivorship, etc) The original will should be filed with the Court within a reasonable time even if there is no need to probate it. The Will may be probated at a later date if deemed necessary.

TESTATE PETITIONS

INTERROGATORIES

An Interrogatory to Witness to Will must be completed by one of the witnesses on a Will when the decedent's Will does not contain a self-proving affidavit. The Interrogatory is standard form, Supplement 6 used by Georgia Probate Courts. The Interrogatory form has a series of ten questions that the witness will answer about the execution of the Will. The Court may require one of the witnesses on the Will to complete the Interrogatory form if the Will is not self-proving or there is a defect in the self-proving affidavit. The Court may also require the form to be submitted if an out of state will that has a self-proving affidavit that does not significantly meet the requirements of the Georgia Self Proving affidavit. (See Figure 1 below).

IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA

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

INTERROGATORIES TO WITNESS TO WILL

Re: Petition of _____, to probate in (Common) (Solemn) Form the purported Last Will and Testament dated _____, of _____, deceased.

To: _____
Name Address

The following interrogatories are submitted to you under the provisions of O.C.G.A. § 53-5-23 as amended, in connection with the Petition referred to above.

[Initial A or B below]

- _____ A. The Original of said purported Will is exhibited to me herewith.
_____ B. Attached hereto as Exhibit "_____" is a true photographic copy of said purported Will. [NOTE: Said Attachment must be filed with the Court.]

You are hereby requested to answer the following questions in the space provided with respect to said purported Will:

- | | |
|--|-------------------|
| 1. Did you sign the purported Will as a witness? | 1. Answer: _____ |
| 2. Did you witness this Document at the request of the Decedent? | 2. Answer: _____ |
| 3. Did you witness this Document in the presence of the Decedent? | 3. Answer: _____ |
| 4. At the time you witnessed the Document being signed, were you at least 14 years of age? | 4. Answer: _____ |
| 5. Did the above-named Decedent sign the Document? | 5. Answer: _____ |
| 6. Did the Decedent acknowledge that the purported Will was his/her Last Will and Testament at the time of signing? | 6. Answer: _____ |
| 7. Did the Decedent know that he/she was executing his/her Last Will and Testament when he/she executed this Document? | 7. Answer: _____ |
| 8. Did the Decedent execute this Document willingly, as a free act and deed? | 8. Answer: _____ |
| 9. Did the Decedent appear to be of sound and disposing mind and memory at the time of execution of the Document? | 9. Answer: _____ |
| 10. Was the Decedent at least 14 years of age at the time he/she signed the Document? | 10. Answer: _____ |

Before me, the undersigned Notary Public or Clerk of the Probate Court, appeared _____, who, under oath, stated that the answers (s)he has given to the foregoing interrogatories are true and correct.

This _____ day of _____, 20____.

Notary Public/Clerk of Probate Court

My commission expires _____

[NOTES: (1) General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court or at www.gaprobate.gov, labeled GPCSF 1. (2) If the Interrogatories are submitted to a witness to a purported Codicil(s), appropriate changes must be made in this form.]

Signature of Witness to Will

Mailing Address: _____

Telephone Number: _____

TESTATE PETITIONS

SELF-PROVING AFFIDAVIT

The Self Proving Affidavit is an affidavit which eliminates the need for an Interrogatory being completed by one of the witnesses on the Will. The affidavit is usually done at the time the Will is prepared and executed. The self-proving affidavit basically answers all of the questions outlined on the interrogatory form.

- 1.** The Testator and the Witnesses who initially signed the Will must all be a party to the self-proving affidavit.
- 2.** The self-proving affidavit must be notarized.
- 3.** The self-proving affidavit on an out of state Will must meet the requirements of the Georgia self-proving affidavit or must be significantly close.

Figure 1

TESTATE PETITIONS

CODICIL

A **Codicil** is an amendment or change to a Will. The Codicil may make changes to bequest in the Will. Some examples of changes may be the executor, grant powers, and may revoke previous Codicils. The Testator at his or her will may add a Codicil to their initial Will. The Codicil must meet all the legal requirements as the initial Will such as (1) the will must be signed by the Testator and at least two witnesses and (2) Witnesses will have to complete an Interrogatory if not self-proving or self-proving affidavit defective.

Sample copy of a Codicil:

CODICIL TO WILL OF

I, _____, with a mailing address of _____ City
of _____, State of _____ ("Testator") create this
Codicil to my Last Will dated the ____ day of _____, 20____ ("Last
Will"). I hereby republish and declare said Last Will as amended by this Codicil to be my
Last Will.

I. Declaration. I hereby declare the following amendments in this Codicil:

II. Terms. All other terms, conditions, statements, and requests of the Last Will shall
remain in effect. In every respect, I hereby ratify, reaffirm and republish my Last Will
dated the ____ day of _____, 20____.

IN WITNESS whereof I, the Testator, have authorized this Codicil on the undersigned
date and in the presence of Two (2) Witnesses Two (2) Witnesses and a Notary
Public.

Testator's Signature Date _____, 20____

Print Name _____

I declare, as Witness, the Testator executed this Codicil in my presence.

Witness Signature Date _____, 20____

Print Name _____

I declare, as Witness, the Testator executed this Codicil in my presence.

Witness Signature Date _____, 20____

Print Name _____



INTESTATE PETITIONS

INTESTATE PETITIONS

INTESTATE PETITIONS

If the decedent died without a valid Will it is determined they died **Intestate**. There are several different petitions which may be filed in that event:

- I. Petition for Temporary Letters of Administration.**
- II. Petition for Letters of Administration.**

THE PETITION FOR TEMPORARY LETTERS OF ADMINISTRATION

The Petition for Temporary Letters of Administration can be filed however, it is at the Court's discretion as to whether the petition will be granted. The Court usually does not grant this type of petition unless it is determined that there is some type of emergency/urgency for someone being appointed for the estate. There must be information provided in the petition to outline or convince the Court to move forward with granting this petition. The Temporary Administrator if appointed may have to post a surety bond before Temporary Letters of Administration can be issued if there is any personal property in the decedent's estate. The Temporary Administrator can only collect and preserve the decedent's estate unless the Court has entered an Order allowing them to have additional discretionary authority.

Some reasons the Court may consider when making the determination are:

- 1.** The decedent owned a business that needs to continue (payroll for employees, etc.).
- 2.** Payment of debts (such as rent, mortgages, utilities).
- 3.** Stopping foreclosure on real estate.
- 4.** Property being disposed of or vandalized by others.
- 5.** Someone needs to be appointed to get in to decedent's apartment before property disposed of by the apartment management.

There is generally no notice given to the heirs at the time of filing for several reasons.

- 1.** The heirs names and/or addresses may be unknown at the time of filing.
- 2.** There may be minors or incapacitated adults and the appointment of a Guardian Ad Litem may delay the appointment of an estate representative.

INTESTATE PETITIONS

CHECKLIST FOR THE PETITION FOR TEMPORARY LETTERS OF ADMINISTRATION

- _____ **1.** Person died a resident of Fulton County (complete address provided).
- _____ **2.** Person trying to apply to be Temporary administrator has standing to file (next of Kin, creditor with proof of being creditor, being selected by the heirs, etc., see petition for options).
- _____ **3.** Make sure filing party(s) provides a physical and mailing address on petition.
- _____ **4.** Make sure the heirs are correct and complete in item three of the petition (names, ages, addresses, relationship to deceased).
- _____ **5.** Make sure the heir information is completed and correct in item four of the petition (marital status, children, etc.).
- _____ **6.** Make sure item five has the name(s) of person(s) who is/are being appointed and at least one option initialed in items **a, b, c, d, e, f, or g**.
- _____ **7.** Make sure item six addresses status of any other filings.
- _____ **8.** Make sure item seven has real and/or personal property identified or reason for filing (lawsuit, medical records, etc. if no property listed).
- _____ **9.** Make sure item eight or an attachment addresses reason for filing the petition and an explanation of urgency for someone being appointed.
- _____ **10.** Make sure personal representative(s) and/or attorney has/have signed the petition.
- _____ **11.** Make sure customer completes an heir worksheet if no attorney is signing the petition.
- _____ **12.** Check Odyssey to see if any other filings on the estate and use the same estate number if appropriate.
- _____ **13.** You may proceed with processing the petition if the above is correct.
- _____ **14.** Remember to proofread all documents or notices you prepare.
- _____ **15.** Make sure you have entered all pertinent notes, deadlines, etc., in Odyssey if necessary.
- _____ **16.** Make sure you scan all filed documents in Odyssey as appropriate or necessary.

PETITION FOR TEMPORARY LETTERS OF ADMINISTRATION

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for a petition for temporary letters of administration pursuant to O.C.G.A. §53-6-30 et seq.
2. A probate court may at any time and without notice grant temporary letters of administration on an unrepresented estate to continue in full force and effect until the temporary administrator is discharged or a personal representative is appointed according to O.C.G.A. §53-6-30. According to O.C.G.A. §53-11-5, "The probate judge may direct any additional service or notice or extend the time to respond with respect to any proceedings covered by this chapter." □ □
3. Paragraph 4 requires sufficient factual information for the Court to conclude that those listed in paragraph 3 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 deceased heir is authorized to consent on behalf of that heir. O.C.G.A. §53-7-1. *[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." □
4. Temporary administrator(s) should only collect and preserve the assets of the estate and only expend funds, if approved, by the judge of the probate court, after such notice as the judge deems necessary, according to O.C.G.A. §53-6-31.
5. An oath must be administered by a probate judge or clerk (the oath cannot be administered by a notary public). Use GPCSF 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 FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton,)
DECEASED)

ESTATE NO. XXXX-000

PETITION FOR TEMPORARY LETTERS OF ADMINISTRATION

The petition of James NMM Doe

[Full name(s) of petitioner(s)] First Middle Last
whose physical address(es) is/are 123 Main Street, Atlanta, Fulton, Ga 30307,
Street City County State Zip Code

and mailing address(es) is/are 123 Main Street, Atlanta, Fulton, Ga 30307,
Street City County State Zip Code

shows to the Court the following:

1.

John Fulton

[Full name of decedent] First Middle Last

whose place of domicile was 123 Main Street, Atlanta, Fulton, Ga 30307,
Street City County State Zip Code

departed this life on December 29, 2023.

2.

[Initial one]

JD (a) The decedent died intestate *[without making a valid last will and testament]*.

_____ (b) There is a contested last will and testament of the decedent. The alleged will is dated _____.

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
<u>James Doe</u>	<u>over 18</u>	<u>123 Main Street, Atlanta, Ga 30307</u>	<u>Spouse</u>
<u>Jimmy Doe</u>	<u>over 18</u>	<u>123 Main Street, Atlanta, Ga 30307</u>	<u>son</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.]*

Was married at the time of death. Has one child living, no predeceased child.

5.

Under the law, it is necessary that a temporary administrator collect and preserve said estate and James Doe should be appointed administrator(s) by reason of:

[Initial one]

- JD (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); or
- _____ (g) being the county administrator.

6.

To the knowledge of the petitioner(s):
[Initial all that apply]

- JD (a) No petition for appointment of a personal representative has been filed.
- JD (b) A petition for letters of administration has been filed but is delayed.
[If a petition is pending, list the county and state where the action is pending (if other than in the above styled court) _____.]
- _____ (c) A petition to probate has been filed but is delayed or contested.
[If a petition is pending, list the county and state where the action is pending (if other than in the above styled court) _____.]

7.

The decedent passed leaving an estate of real property located in Fulton _____ County(ies), Georgia [also list each real property that is located in another state or country] having a total fair market value of approximately \$ 250,000.00 .

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

<input checked="" type="checkbox"/>	(a) Cash/bank accounts/certificates of deposit:	\$ <u>50,000.00</u>
<input type="checkbox"/>	(b) Stocks/bonds/brokerage accounts:	\$ _____
<input checked="" type="checkbox"/>	(c) Other assets of significant value [list]:	\$ <u>7,000.00</u>
	<u>2020 Jeep Wrangler</u>	

APPROXIMATE TOTAL VALUE OF PERSONAL PROPERTY \$ 57,000.00

8.

Petitioner()s() appointment is in the best interest of the estate because the estate is unrepresented and it is necessary for temporary letters of administration to be granted for the sole purpose of collecting and preserving the assets of the decedent.

Request(s) for specific authorization(s) in order to preserve the assets are as follows:

Personal representative needs to be appointed for the purpose of pursuing a wrongful death lawsuit. There is a pending permanent Administration in this Court.

9.

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

N/A

WHEREFORE, petitioner(s) pray(s) for an order appointing petitioner(s) temporary administrator(s) of said estate.

James Doe

Signature of Petitioner

James Doe

Printed Name

Mailing Address

Telephone Number

Signature of Attorney: _____

Printed Name of Attorney: _____

Address: _____

Telephone Number: _____ State Bar # _____

VERIFICATION

GEORGIA, FULTON 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 temporary letters of administration (and the attached exhibit(s)) are true and correct.

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

James Doe

Signature of Petitioner



NOTARY/CLERK OF PROBATE COURT

James Doe

Printed Name of Petitioner

My Commission Expires _____

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton,)
DECEASED)

ESTATE NO. XXXX-000

SELECTION BY HEIRS

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 temporary letters of administration, waives copies of same, waives further service and notice, and hereby selects James Doe to act as temporary administrator(s) of the above-styled estate.

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: _____

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: _____

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: _____

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton
DECEASED)

ESTATE NO. XXXX-000

ORDER APPOINTING TEMPORARY ADMINISTRATOR

A petition for temporary letters of administration for the above-named decedent was filed. James Doe was/were nominated temporary 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 estate is currently unrepresented. The Court further finds that no objection has been filed, all requirements of law have been fulfilled, that this appointment is in the best interest of the estate, and that it is necessary that temporary letters should issue for the sole purpose of collecting and preserving the assets of the decedent until a personal representative is appointed.

ACCORDINGLY, IT IS ORDERED that the person(s) named above is/are found to be qualified for such office and is/are hereby appointed temporary administrator(s) of the estate of the decedent, and that temporary letters be issued upon said temporary administrator(s) giving bond with approved surety in the sum of \$ _____ and taking the oath as provided by law.

IT IS FURTHER ORDERED that no disbursements from said estate may be made by any said temporary administrator(s) unless permission is granted below or by further order of this Court for the purpose of preserving the estate.

_____ [optional, initial if applicable to grant powers to expend funds to collect and preserve the assets of the estate] IT IS FURTHER ORDERED that the following powers are granted to the temporary administrator(s) _____

SO ORDERED this 9 day of December, 2023.

Judge County Fulton
Judge of the Probate Court

IN THE PROBATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
John Fulton,) ESTATE NO. XXXX-000
DECEASED)

TEMPORARY LETTERS OF ADMINISTRATION

At a regular term of probate court, this Court granted an order allowing James Doe to qualify as temporary 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, temporary letters of administration be issued to such temporary administrator(s).

THEREFORE, the said temporary administrator(s), having taken the oath of office and complied with all necessary prerequisites of the law, is/are legally authorized to collect and preserve the assets of the decedent until a personal representative is appointed (or the temporary administrator is discharged); and thereupon to deliver up such assets to the personal representative of the estate of said decedent, according to Georgia law.

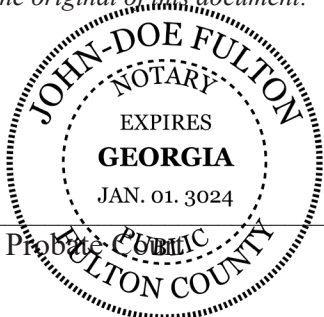
_____ [optional, initial if Order grants temporary administrator(s) powers to expend funds] FURTHERMORE, the said temporary administrator(s) is/are granted powers to expend funds to collect and preserve the assets of the estate as follows:

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 9 day of December, 2023.

Judge County Fulton
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

INTESTATE PETITIONS

PETITION FOR LETTERS OF ADMINISTRATION

The Petition for Letters of Administration is filed when a person dies without leaving a valid Last Will and Testament. The heirs must be listed on the petition and must receive notice of the filing by consenting to the appointment of an Administrator or being served with notice.

1. The heirs are entitled to select someone to be the Administrator of the decedent's estate.
2. The heirs are entitled to share the estate according to the rules of inheritance.
3. All of the Heirs must consent to the appointment of the Administrator or be served with notice as required by Georgia Law. The Court will appoint a Guardian Ad Litem for any heirs who are minors, incapacitated, are unrepresented estates of since deceased heirs, or unknown.
4. There must be a reason for someone being appointed as Administrator. There has to be property in the estate or some other reason for the appointment of an Administrator. (Such as filing/continuing a lawsuit, obtaining medical records, need to get into the decedent's home/apartment, creditor of the estate, etc.).
5. The heirs by unanimous consent can agree to the Administrator serving without positing a bond, inventory, annual and final returns, and being granted powers in O.C.G.A. 53-12-261. The Court must publish a notice in the legal newspaper once a week for four consecutive weeks with the following Monday as the deadline for any response/objection by any potential interested party.
6. The filing party(ies)/Attorney may request the Court to serve notice on any heirs who do not consent to the appointment of the Administrator. The method of notice is first class mail to parties whose names and addresses are known and publication to heirs who addresses are unknown. An affidavit of diligent search is required for any heirs the Court publishes notice to. The Administrator if appointed will have to be bonded for any personal property in the estate and will have to file an inventory, annual and final returns, and will not have any powers in O.C.G.A. 53-12-261.
7. The inventory must be filed within six month of the Administrator receiving the Letters of Administration. The annual returns are filed each year to give the Court a report of what has been received and paid out of the estate since the Administrator was appointed. The final return is filed when the Administrator has finished their duties and nothing remains in the estate to be done. The Administrator must file a Petition for Discharge of Personal Representative to close the estate.
8. The Administrator if appointed is responsible for paying the debts of the estate and distributing the remaining property to the heirs after all debts are paid.

INTESTATE PETITIONS

CHECKLIST FOR PETITION FOR LETTERS OF ADMINISTRATION

- _____ 1. Person died a resident of Fulton County (complete address provided).
- _____ 2. Person trying to apply to be administrator has standing to file (next of Kin, creditor with proof of being creditor, being selected by the heirs, etc., see petition for options).
- _____ 3. Make sure filing party(s) provides a physical and mailing address on petition.
- _____ 4. Make sure the heirs are correct and complete in item three of the petition(names, ages, addresses, relationship to deceased).
- _____ 5. Make sure the heir information is completed and correct in item four of the petition(marital status, children, etc.).
- _____ 6. Make sure item five has the name(s) of person(s) who is/are being appointed and at least one option initialed in items **a, b, c, d, e, f, or g**.
- _____ 7. Make sure item seven has real and/or personal property identified or reason for filing (lawsuit, medical records, etc., if no property listed).
- _____ 8. Make sure item eight is complete and **a, b, or c** is initialed.
- _____ 9. Make sure prayers has party(s) names who is/are being selected.
- _____ 10. Make sure personal representative(s) and/or attorney has/have signed the petition.
- _____ 11. Make sure customer completes an heir worksheet if no attorney is signing the petition.
- _____ 12. Check for consents of the heirs and make sure they are properly witnessed, notarized **a, b, c, d**, are initialed if powers being requested in item eight, and that they are originals.
- _____ 13. Check with filing party(s) to clarify if notice is required if all parties have not consented to the petition.
- _____ 14. Appoint a Guardian Ad Litem for any minors and/or incapacitated adults if necessary.
- _____ 15. Check Odyssey to see if any other filings on the estate and use the same estate number if appropriate.
- _____ 16. You may proceed with processing the petition if the above is correct.
- _____ 17. Remember to proofread all documents or notices you prepare.
- _____ 18. Make sure you have entered all pertinent notes, deadlines, etc., in Odyssey if necessary.
- _____ 19. Make sure you scan all filed documents in Odyssey as appropriate or necessary.

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 Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton,)
DECEASED)

ESTATE NO. XXXX-000

PETITION FOR LETTERS OF ADMINISTRATION

The petition of James M M M Doe

[Full name(s) of petitioner(s)] First Middle Last

whose physical address(es) is/are 123 Main Street, Atlanta, Fulton, Ga 30303,
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.

John Fulton

[Full name of decedent] First Middle Last

whose place of domicile was 123 Main Street, Atlanta, Fulton, Ga 30303,
Street City County State Zip Code

departed this life on December 20, 2023, 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:

<i>Name</i>	<i>Age (or over 18)</i>	<i>Address</i>	<i>Relationship</i>
<u>James Doe</u>	<u>over 18</u>	<u>123 Main Street, Atlanta, Ga 30303</u>	<u>Spouse</u>
<u>Johnny Doe</u>	<u>over 18</u>	<u>123 Main Street, Atlanta, Ga 30303</u>	<u>Son</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.]*

Decedent was married at the time of death. Has one living child. No other children and no predeceased children.

5.

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

[Initial one]

- JD (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 Fulton
County(ies), Georgia [List real property that is located in another state and/or
country] having a total fair market value of approximately \$ 250,000.00 .

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

□	(a) Cash/bank accounts/certificates of deposit:	\$ <u>50,000.00</u>
□	(b) Stocks/bonds/brokerage accounts:	\$ _____
□	(c) Other assets of significant value [List assets]:	\$ <u>10,000.00</u>
	<u>2010 Jeep Wrangler</u>	
APPROXIMATE TOTAL VALUE OF PERSONAL PROPERTY		\$ <u>60,000.00</u>

8.

[Petitioner(s) MUST initial one]

- JD (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, James Doe
be appointed administrator(s) of the estate of said decedent.

James NMMN Doe
Signature of Petitioner

James NMMN Doe
Printed Name

123 Main Street, Atlanta, Fulton, Ga 30

Mailing Address

Telephone Number

Signature of Attorney: _____

Printed Name of Attorney: _____

Address: _____

Telephone Number: _____ State Bar # _____

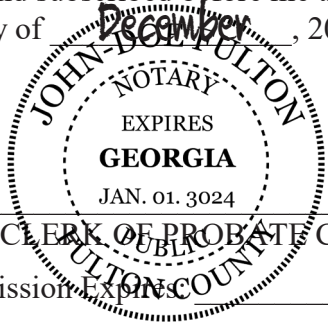
VERIFICATION

GEORGIA, Fulton 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 20 day of December, 2023

James Doe
Signature of Petitioner



NOTARY/CLERK OF PROBATE COURT

James Doe
Printed Name of Petitioner

My Commission Expires _____

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
John Fulton) ESTATE NO. XXXX-000
DECEASED)

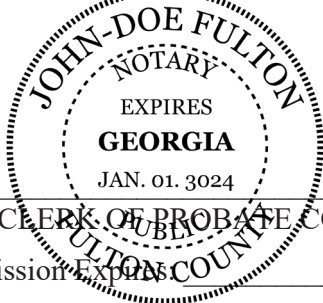
SELECTION BY HEIRS

(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 James Doe 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
20 day of December, 2023



NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

James Doe
Signature of Heir

James Doe
Printed Name of Heir

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 Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton
DECEASED)

ESTATE NO. XXXX-000

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 30th day of January, 2024.

Judge County Fulton
Judge of the Probate Court

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
John Fulton) ESTATE NO. XXXX-000
DECEASED)

PETITION FOR LETTERS OF ADMINISTRATION
NOTICE

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

TO: Whom it may concern

[List here all heirs who have not acknowledged service]

and to whom it may concern:

James M.M. Doe

has petitioned for James Doe

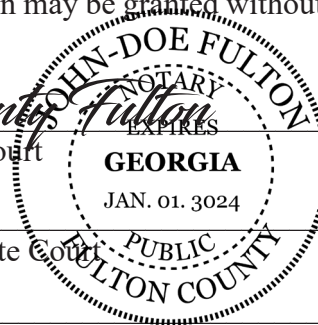
to be appointed administrator(s) of the estate of John Fulton

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 March 4, 2024.

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 County of Fulton
Judge of the Probate Court

By: _____
Clerk of the Probate Court



Address

Telephone Number

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF

John Fulton
DECEASED

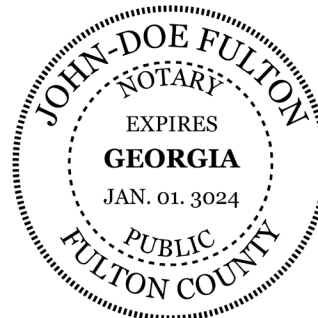
)
)
)
)

ESTATE NO. XXXX-000

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 4 day of March, 20 24.



Clerk of the Probate Court

Address

Telephone Number

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton
DECEASED)

ESTATE NO. XXXX-000

ORDER APPOINTING ADMINISTRATOR

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

James Doe 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 4 day of March, 2024.

Judge County Fulton
Judge of the Probate Court

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton,)
DECEASED)

ESTATE NO. XXXX-000

LETTERS OF ADMINISTRATION

[Bond waived and/or certain powers granted]

At a regular term of probate court, this Court granted an order allowing James Doe 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.

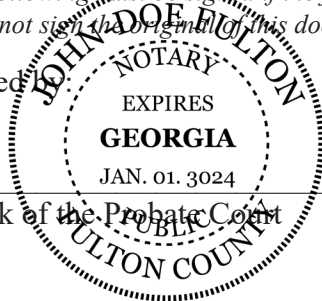
IN TESTIMONY WHEREOF, I have hereunto affixed my signature as judge of the probate court of said county and the seal of this office this 4 day of March, 20 24.

Judge County Fulton
Judge of the Probate Court

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

Issued _____

[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 Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton,)
DECEASED)

ESTATE NO. XXXX-000

LETTERS OF ADMINISTRATION

[Bond, inventory and returns required]

At a regular term of probate court, this Court granted an order allowing James Doe 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 4 day of March, 2024.

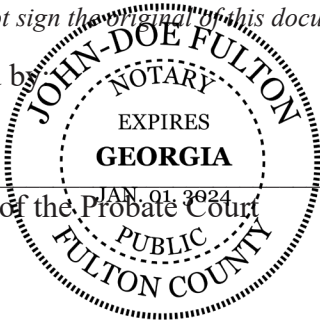
Judge County Fulton

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.

INTESTATE PETITIONS

BONDS

A bond in probate court works like an insurance policy. It insures the beneficiaries or heirs of the estate against the risk that the executor or administrator could mismanage or intentionally harm the estate by misusing or taking estate property

A Probate bond protects the beneficiaries of an estate from financial harm if the fiduciary of the estate breaches their fiduciary duties. A fiduciary is a person that puts the interests of someone else, in this case, the beneficiaries of the estate, ahead of their own. Probate bonds are required by a probate court as a prerequisite to an individual assuming the fiduciary role over an estate's assets. A Probate bond can be required for (1) type of estates – (1) *Estate of a Deceased Person*. Below are the types of probate bonds associated with each situation:

Administrator – Required for fiduciary handling the affairs of an individual who has passed away *without a will*.

BOND OF ADMINISTRATORS, CONSERVATORS & EXECUTORS, ETC.

GEORGIA Fulton COUNTY

BOND NO. XXXX-000

Know all Men by these Presents:

That we, _____,
Principal, and _____,
Surety, are held and firmly bound unto _____,
Judge of the Probate Court of said County, and the successors in said office, in the just and full
sum of _____ Dollars, for the payment of which, well and truly to be made, we bind
ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

The condition of the above bond or obligation is such, that whereas the said _____
_____ has been named and appointed as (Administrator) (Conservator) (Executor) (Temporary
Administrator) (Guardian) of the estate of _____.

Now should the said _____
well and truly demean (himself) (herself) as such as aforesaid named, and faithfully discharge all
of the duties required by law, then the above obligation to be satisfied and void, otherwise to
remain in full force and effect.

Signed, sealed and dated, this _____ day of _____, 20__.

*Address and telephone number of Surety for
Notices and Copies of Filings (Agent's
address should not be used unless the agent
is authorized by the issuer/underwriter to
receive notices):* _____

Principal (Seal)

Principal (Seal)

Corporate Surety

Initial Premium: \$ _____

By: _____
Attorney-in-Fact (Seal)

Approved:

Judge County Fulton
Probate Judge



MISCELLANEOUS ESTATE PETITIONS

MISCELLANEOUS ESTATES PETITIONS

MISCELLANEOUS ESTATES PETITIONS

Miscellaneous petitions are petitions that can be filed whether the decedents died **Testate** or **Intestate**.

The different types of filings are:

- I. Petition for Year's Support**
- II. Petition by Personal Representative for Waiver of Bond and/or Grant of Certain Powers**
- III. Petition for Authority to Open Safe Deposit Box**

This petition can only be filed if the decedent died intestate

- I. Petition for Order Declaring No Administration Necessary**

MISCELLANEOUS ESTATES PETITIONS

PETITION FOR YEAR'S SUPPORT

The Petition for Year's Support can be filed whether the decedent died with or without a will. The petition is unique in that it can only be filed by a surviving spouse and/or for the benefit of minor child(ren). This petition can override bequest in a will, intestate inheritance, or creditors getting paid. There is also a tax benefit for any real property awarded under the petition.

The following rules apply when filing the Petition for Year's Support:

1. The petition must be filed within two years of a decedent's death.
2. The petition can only be filed for the benefit of a surviving spouse and/or minor children.
3. The property being sought must be set out in the petition. There must be complete identifying account information for any personal property such as bank account numbers, automobile descriptions, stock numbers, etc.
 - i. Any real property must have a complete metes and bounds description.
4. All interested party(ies) must be listed in the petition and must consent or be served with notice of the petition. This includes heirs, beneficiaries of wills, creditors, or the personal representative of the estate if they are someone other than the petitioner.
5. The Tax Commissioner in any county where real estate is located must receive a complete copy of the petition.
6. The filing party/Attorney must complete a Certificate of Order of Year's Support for any real property being sought.
7. The Court must publish notice in the legal newspaper once a week for four weeks with a deadline for the following Monday after the last publication runs. All interested parties who did not consent to the petition must be mailed a copy of the notice by first class mail. The clerk must complete a certificate of mailing identifying the parties the notice was mailed to.
8. The Court must mail a copy of the petition and order after the petition has been granted.
9. The Court sends the Certificate of Order of Year's Support to be recorded in the Superior Court(s) records of any in each County(s) in Georgia where the property is located.

MISCELLANEOUS ESTATES PETITIONS

CHECKLIST FOR PETITION FOR YEAR'S SUPPORT

- _____ 1. Person died a resident of Fulton County (complete address provided).
- _____ 2. Person applying is surviving spouse or petition is being filed on behalf of the surviving spouse and/or minor child(ren).
- _____ 3. Make sure filing party(s) provides a physical and mailing address on petition.
- _____ 4. Make sure petition is being filed within the two year deadline of decedent's death.
- _____ 5. Make sure an option is initialed in item two (no will, WFNP, will already probated, personal representative already appointed).
- _____ 6. Make sure the heir information is completed and correct in item three of the petition (marital status, children, etc.)
- _____ 7. Make sure Items four and six names of parties identifies who property is being sought for (spouse and/or minors).
- _____ 8. Make sure there is a property value in Item five of the petition.
- _____ 9. Make sure item seven is initialed for property taxes if real property is being requested (**a, b** or **c**).
- _____ 10. Make sure **Exhibit A** is completed to identify any personal and/or real property (must have complete legal description of any real property).
- _____ 11. Make sure **Exhibit B** is completed to address heirs, creditors, beneficiaries of a will, or personal representative(s) if someone other than petitioner.
- _____ 12. Make sure petitioner and/or attorney has/have signed the petition.
- _____ 13. Make sure customer completes an heir worksheet if no attorney is signing the petition.
- _____ 14. Make sure the filing party or attorney has prepared and signed the Certificate of Order of Year's Support and PT61 Form if there is real property being requested.
- _____ 15. Check for consents of interested parties and make sure they are properly witnessed, notarized, and that they are originals.
- _____ 16. Check with filing party(s) to clarify if notice is required if all parties have not consented to the petition.
- _____ 17. Appoint a Guardian Ad Litem for any minors and/or incapacitated adults if necessary.
- _____ 18. Check Odyssey to see if any other filings on the estate and use the same estate number if appropriate.
- _____ 19. You may proceed with processing the petition if the above is correct.
- _____ 20. Remember to proofread all documents or notices you prepare.
- _____ 21. Make sure you have entered all pertinent notes, deadlines, etc. in Odyssey if necessary.
- _____ 22. Make sure you scan all filed documents in Odyssey as appropriate or necessary.

PETITION FOR YEAR'S SUPPORT

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for filing a petition for year's support pursuant to O.C.G.A. §53-3-1 et seq.
2. The amount set apart shall be an amount sufficient to maintain the standard of living that the surviving spouse and each minor child had prior to the death of the decedent, for a period of 12 months, taking into consideration the following: (a) the support available to the individual for whom the property or money is to be set apart, from sources other than year's support, including, but not limited to, any separate estate and earning capacity of that individual; and (b) such other relevant criteria as the Court deems equitable and proper, including the solvency of the estate.
3. This petition must be filed within 24 months after decedent's death.
4. The petitioner(s) or his/her/their attorney must prepare and file with the Court, no later than the date of the final order, a Georgia Department of Revenue Form PT-61 for each parcel of real property located in the State of Georgia shown on Exhibit A.
5. Signatures of heirs and 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 an heir or beneficiary; however, the attorney must certify that he or she currently represents that heir or 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.
6. If the decedent died without a will or left a will that has not yet been probated, paragraph 3 of this petition requires sufficient factual information for the Court to conclude that those listed on Exhibit B 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 information as to whether any deceased heirs died before or after the decedent and the name and address of the deceased heir's personal representative, if applicable. The personal representative of a post deceased heir is authorized to consent on behalf of that heir. O.C.G.A. §53-7-1. 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. "Exhibit B" also requires that the tax commissioner be listed for each county in which there is real property owned by the decedent.
8. 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 in the 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. Should a guardian ad litem be necessary because a party is not sui juris, use GPCSF Supplement 1.
9. Use GPCSF Supplement 2 if the Court determines it is appropriate to appoint a special process server.
10. Use GPCSF Supplement 3 when an additional certificate of service is necessary.
11. Exhibits should be labeled 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.
12. 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 the 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, labeled GPCSF 1.

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE:)
)
John Fulton,) ESTATE NO. XXXX-000
DECEASED)

PETITION FOR YEAR[S] SUPPORT

The petition of Johnny Doe
[Full name of petitioner] First Middle Last

whose physical address(es) is/are 25 Across St, Atlanta, Fulton, Ga 30303
Street City County State Zip Code

and mailing address(es) is/are 25 Across St, Atlanta, Fulton, Ga 30303
Street City County State Zip Code

shows the Court the following:

1.

The petitioner is:

- JD (a) the surviving spouse who has not married since the death of the decedent.
_____ (b) a guardian or other individual acting on behalf of minor child(ren), who have not turned 18 prior to the filing of this petition and have not married
[state specific relationship]: _____

John Fulton
[Full name of decedent] First Middle Last

whose place of domicile was 25 Across Street, Atlanta, Fulton, Ga 30303
Street City County State Zip Code

departed this life on November 18, 2023.

2.

[Initial one]

- JD (a) There is not a will. [List in Exhibit B 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. For any minor, include the date of birth and the name and address of the parent or guardian.]
_____ (b) There is a will, which has been offered for probate; however, a personal representative has not been appointed as of the date this petition was filed. [List the personal representative to be appointed, all of the heirs at law of the decedent, with age or majority status, address and relationship to the decedent set opposite the name of each, the beneficiaries named in the will in Exhibit B. For any minor, include the date of birth and the name and address of the parent or guardian.]
_____ (c) There is a will, which will be offered for probate. [List the personal representative to be appointed, all of the heirs at law of the decedent, with age or majority status, address and relationship to the decedent set opposite the name of each, the beneficiaries named in the will in Exhibit B. For any minor, include the date of birth and the name and address of the parent or guardian.]

- _____ (d) There is a will, which will not be offered for probate but is hereby filed with this Court not for probate or is already on file with this Court. *[List the personal representative named in the will, all of the heirs at law of the decedent, with age or majority status, address and relationship to the decedent set opposite the name of each, the beneficiaries named in the will in Exhibit B. For any minor, include the date of birth and the name and address of the parent or guardian.]*
- _____ (e) There is a will, which has been probated. *[List the appointed personal representative. The names of the beneficiaries are not required to be listed in Exhibit B unless the appointed personal representative and the petitioner are the same person. For any minor, include the date of birth and the name and address of the parent or guardian.]*
A copy of the final order and letters of appointment are attached as Exhibit _____, in the event the letters were not issued by the probate court named in the style above.
- _____ (f) There is an appointed administrator. *[List the appointed personal representative in Exhibit B. The names of the heirs are not required to be listed in Exhibit B unless the personal representative and the petitioner are the same person. For any minor, include the date of birth and the name and address of the parent or guardian.]*
A copy of the final order and letters of appointment are attached as Exhibit _____, in the event the letters were not issued by the probate court named in the style above.

3.

Required for all estates in which the heirs must be listed in Exhibit B. [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 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 party and that may determine whether or not a guardian ad litem should be appointed for any party. If any heirs listed in Exhibit B are cousins, grandchildren, nephews or nieces of the decedent, indicate the deceased ancestor through whom they are related to the decedent.]

Decedent is survived by a spouse and two children. No children predeceased. No other children. No other heirs.

4.

Petitioner shows that the minor child(ren) of the decedent and/or the surviving spouse (is)(are) entitled, before the payment of debts of the decedent, to an allowance called "Year's Support," which petitioner hereby claims for the individual(s) named in paragraph 6 of this petition.

5.

The decedent's estate consists of real and/or personal property of the probable value of 289,000.00 dollars.

6.

A schedule of the property or a statement of the amount of money, or both, which the petitioner proposes to have set apart to the following individuals:

Johnny Doe

[List the full name(s) of the individual(s) whom the petitioner proposes the year's support be set apart to, usually the spouse and minor child(ren).] is attached hereto as "Exhibit A," and made a part hereof.

7.

In addition to all taxes and tax liens on real property accrued for years prior to the year of the decedent's death, petitioner elects to have property taxes on any real property set apart as year's support divested as follows:

[Only select one]

- JD (a) Real property taxes accrued in the year of decedent's death;
- _____ (b) Real property taxes accrued in the year in which this petition is filed; or
- _____ (c) Real property taxes accrued in the year following the filing of this petition if this petition is filed in the year of the decedent's death.

8.

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

WHEREFORE, petitioner prays:

1. That this petition be accepted and filed.
2. That notice issue and be published and served as required by law.
3. That any interested person who is a minor or an incapacitated adult have a guardian ad litem appointed for him or her.
4. That this Court grant such other and further relief as it deems proper under the circumstances.

This 18 day of November, 2023.

Johnny Doe

Signature of the Petitioner

Johnny Doe

Printed Name of the Petitioner

25 Across St, Atlanta, Fulton, Ga 30303

25 Across St, Atlanta, Fulton, Ga 30303

Mailing Address

Telephone Number

Signature of Attorney: _____

Printed Name of Attorney: _____

Address: _____

Telephone Number: _____ State Bar # _____

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE:)
)
John Fulton,) ESTATE NO. XXXX-000
DECEASED)

PETITION FOR YEAR'S SUPPORT
EXHIBIT A SCHEDULE OF REAL AND PERSONAL
PROPERTY FOR YEAR'S SUPPORT

[If the petitioner proposes to have set apart any interest in real property, then the complete legal (metes and bounds) description of the real property and the interest therein must appear in full on this schedule and on the proposed Certificate of Order of Year's Support (pages 9-11).]

The following is a schedule of the property or a statement of the amount of money or both which the petitioner proposes to have set apart as year's support and the portions to be allocated to the surviving spouse and/or to all the minor children of the decedent:

Bank of America Account 25,000

Real Property located at 25 Across St, Atlanta, Fulton, Ga 30303

2005 Ford Mustang

"All that tract or parcel of land lying and being in Land Lot XX of the Xth District, Xst Section, Fulton county, Georgia, being Lot XXXX, X Subdivision, Unit X, as per plat recorded in Plat Book XXX, Pages xx-xxi, Fulton county, Georgia records, which recorded plat is incorporated herein by this reference and made a part of this description. Said property being known as 25 Across St. Atlanta, Fulton, GA, 30303 according to the present system of numbering property in Fulton county, Georgia."

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE:)
)
John Fulton,) ESTATE NO. XXXX-000
DECEASED)

**PETITION FOR YEAR'S SUPPORT
EXHIBIT B LIST OF INTERESTED PERSONS**

[To be completed (1) if there is not an appointed executor or administrator of the estate, or (2) if the petitioner has been appointed the executor or administrator of the decedent's estate.]

Petitioner hereby certifies that he/she has made reasonable inquiry to ascertain the names, last known addresses, and ages (if under 18) of all the interested persons with respect to the within matter. Petitioner understands that, for purposes of this affidavit, the term "interested person" refers to the above-named decedent's children, spouse, other heirs at law, beneficiaries, creditors, and any others having a property right or claim against the estate which may be affected by the above Year's Support proceeding, including but not limited to the tax commissioner for each county in which the decedent owned real property. Petitioner hereby certifies that the following are all of the interested persons known to petitioner with respect to this matter and that any incapacitated adults are identified as such. *[For each individual named put the appropriate letter to show the relationship to the decedent - heir (H), beneficiary (B), creditor (C), personal representative (PR), or other (O). Be advised both heirs and beneficiaries should be listed when there is a will which has not been probated, or the petitioner and the personal representative are the same person; only beneficiaries should be listed when the petitioner is the executor or administrator of a will that has been probated; only heirs should be listed when there is no will.]*

Name	Age (or over 18)	Last Known Address	Relationship to Decedent
Johnny Doe	Over 18	25 Across Street, Atlanta, Ga 30303	Spouse (H)
Jolly Doe	Over 18	32 English Street, Atlanta, Ga 30307	Child (H)
Fulton County Tax Commissioner			(O)
Grady Hospital			(C)

VERIFICATION

GEORGIA, Fulton 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 year³ support (and the attached exhibit(s)) are true and correct.

Sworn to and subscribed before me this 18 day of November, 2023.

Johnny Doe
Signature of Petitioner

JOHN-DOE FULTON
NOTARY
NOTARY CLERK OF PROBATE COURT
EXPIRES
My Commission Expires GEORGIA
JAN. 01. 3024
PUBLIC
FULTON COUNTY

Johnny Doe
Printed Name of Petitioner

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

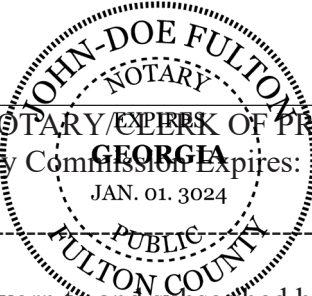
IN RE:)
)
John Fulton) ESTATE NO. XXXX-000
DECEASED)

ACKNOWLEDGMENT OF SERVICE AND CONSENT TO
AWARD OF YEAR'S SUPPORT

The undersigned, being over 18 years of age, laboring under no legal disability and being an interested person hereby acknowledges service of the petition for year's support along with the attached exhibits and notice, waives all further service and/or notice, and hereby consents to the award of year's support as proposed in the petition and attached exhibits.

Sworn to and subscribed before me this
18 day of November, 2023.

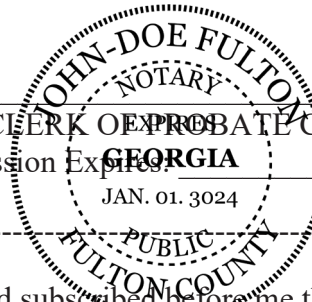
Johnny Doe
Signature of Interested Person


NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Johnny Doe
Printed Name of Interested Person

Sworn to and subscribed before me this
18 day of November, 2023.

Jolly Doe
Signature of Interested Person


NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Jolly Doe
Printed Name of Interested Person

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

Signature of Interested Person

NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Printed Name of Interested Person

Probate Court Return Mailing Address:

(Above space to be used for filing in Superior Court Clerk's Office of Deeds and Records)

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE:)
)
John Fulton,) ESTATE NO. XXXX-000
DECEASED)

CERTIFICATE OF ORDER OF YEAR'S SUPPORT
(Pursuant to O.C.G.A. §53-3-11)

DATE ORDER GRANTED: _____

GRANTOR: [Name of decedent] John Fulton

GRANTEE: [Full name of each person awarded year's support. The surviving spouse and/or all minor child(ren) of the decedent]

Johnny Doe

ADDRESS OF GRANTEE:

25 Across Street, Atlanta, Fulton, Ga 30303

Legal description of real property and interest therein:

Legal Description of 25 Across Street, Atlanta, Ga 30303

Original certificate delivered or mailed to clerk of Superior Court of
Fulton County on 18 November, 2023 .

GPCSF 10

[10]

Eff. July 2021

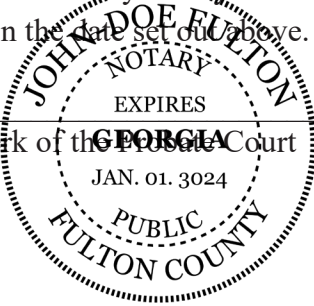
Certificate prepared by:

SIGNATURE OF ATTORNEY
OR PETITIONER

State Bar # _____

I do hereby certify that the above information is based on the order of the probate court issued on the date set out above.

By: _____
Clerk of the Probate Court



Probate Court Return Mailing Address

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 Fulton COUNTY
STATE OF GEORGIA

IN RE:

John Fulton
DECEASED

)
)
)
)

ESTATE NO. XXXX-000

PETITION FOR YEAR'S SUPPORT
ORDER FOR NOTICE

The petition for year's support having been filed in this office, let notice issue and be published once a week for four weeks as required by law.

Further, it appearing that the estate (is)(is not) represented by a person other than the petitioner, let the clerk of this Court serve a copy of the notice in this matter upon (such representative other than the petitioner)(all interested persons listed in Exhibit Bto the petition, except those who have acknowledged service) not fewer than 30 days prior to the date and time for objection to be filed shown in this notice.

It is further ordered that the clerk of this Court must serve a copy of the petition within five days of its filing upon the tax commissioner or tax collector of any county in this State in which real property is proposed to be set apart is located.

SO ORDERED this 30th day of January, 2024.

Judge County Fulton
Judge of the Probate Court

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE:)
)
John Fulton,) ESTATE NO. XXXX-000
DECEASED)

NOTICE OF PETITION TO FILE FOR YEAR[S] SUPPORT

The petition of Johnny Doe, for a year[s] support from the estate of John Fulton, deceased, for decedent[s] (surviving spouse)(and)(minor child(ren)), having been duly filed, all interested persons are hereby notified to show cause, if any they have, on or before February 29, 2024, why said petition should not be granted.

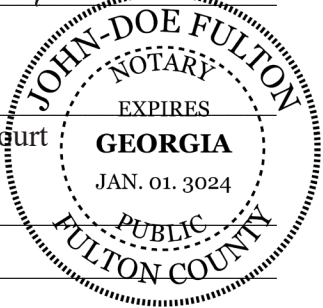
All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed on or before the time stated in the preceding sentence. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with 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 _____ in the probate court of the above-named county, courtroom _____, (address) _____, Georgia) (scheduled at a later date). If no objections are filed the petition may be granted without a hearing.

Judge County Fulton
Judge of the Probate Court

By: _____
Clerk of the Probate Court

Address

Telephone Number



IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE:

John Fulton
DECEASED

)
)
)
)

ESTATE NO. XXXX-000

FINAL ORDER FOR YEAR'S SUPPORT

The petition for a year's support for decedent's (surviving spouse)(and)(minor child(ren)), setting forth the property sought to be set apart as a year's support, was filed; notice was issued, published, and served as required by law; and no objection was filed to the petition.

WHEREFORE IT IS ORDERED that the petition is granted and the property shown on the schedule of property attached hereto as "Exhibit A" and made a part hereof is hereby awarded to _____, decedent's surviving spouse, and

[Name of surviving spouse]

_____, decedent's minor child(ren), and

[Name(s) of minor child(ren)]

further that property taxes on any real property awarded hereby shall be divested as elected in the petition and to the extent permitted or authorized by O.C.G.A. §53-3-4.

SO ORDERED this 30 day of January, 2024

Judge County Fulton

Judge of the Probate Court

MISCELLANEOUS ESTATES PETITIONS

THE PETITION BY PERSONAL REPRESENTATIVE FOR WAIVER OF BOND AND/OR GRANT OF CERTAIN POWERS

The Petition by Personal Representative for Waiver of Bond and/or Grant of Certain Powers can be filed when a personal representative is seeking additional powers which were not granted in the decedent's Will. The petition may be filed at the time of filing the petition to probate or at a later date after the probate has been granted. The petition can also be filed after an Administrator has already been appointed for an estate where powers were not granted at the time the administration was granted.

The following rules apply for each filing:

- 1.** All of the beneficiaries must consent to the grant of powers when there is a Will.
- 2.** All of the heirs must consent to the grant of powers when there is no Will.
- 3.** The Court must publish a notice in the legal newspaper once a week for four weeks setting a deadline for response for the following Monday after the last publication runs.
- 4.** The Court will issue new Letters Testamentary or Letters of Administration with powers being granted if letters were issued previously.

MISCELLANEOUS ESTATES PETITIONS

CHECKLIST FOR THE PETITION BY PERSONAL REPRESENTATIVE FOR WAIVER OF BOND AND/OR GRANT OF CERTAIN POWERS

- _____ 1. Make sure filing party(s) provides a physical and mailing address on petition.
- _____ 2. Make sure item two is completed to address whether or not a will is/has been probated or whether an administrator has been appointed.
- _____ 3. Make sure item three is completed and correct if the decedent died without a will (names, ages, addresses, relationship to deceased).
- _____ 4. Make sure the heir information is completed and correct in item four of the petition if item three applies (marital status, children, etc.)
- _____ 5. Make sure the beneficiaries of a will are listed in item five of the petition if the decedent died with a will (names, ages, addresses).
- _____ 6. Make sure petitioner and/or attorney has/have signed the petition.
- _____ 7. Make sure you have unanimous consents of the heirs if no will or beneficiaries of a will and make sure they are properly witnessed, notarized, **a, b, c, d** are initialed for the powers being requested, and that they are originals.
- _____ 8. Make sure customer completes an heir worksheet if there was an administration filed and if no attorney is signing the petition.
- _____ 9. Appoint a Guardian Ad Litem for any minors and/or incapacitated adults if necessary.
- _____ 10. Check Odyssey and use the same estate number assigned to other filing.
- _____ 11. You may proceed with processing the petition if the above is correct.
- _____ 12. Remember to proofread all documents or notices you prepare.
- _____ 13. Make sure you have entered all pertinent notes, deadlines, etc., in Odyssey if necessary.
- _____ 14. Make sure you scan all filed documents in Odyssey as appropriate or necessary.

**PETITION BY PERSONAL REPRESENTATIVE FOR
WAIVER OF BOND, WAIVER OF REPORTS, WAIVER OF STATEMENTS, AND/OR
GRANT OF CERTAIN POWERS**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used by an administrator, administrator with will annexed, or executor who has already been appointed when filing a petition 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 and pursuant to O.C.G.A. §53-7-1 (b).
2. Unanimous consent of the heirs to the personal representative's petition is required, or the beneficiaries if the decedent died testate. O.C.G.A. §53-11-2 provides that a party to a probate court proceeding concerning a decedent's estate who is unborn or unknown or 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. For purposes of the consent required, with respect to any heir who is not sui juris, such consent may be given by such guardian ad litem, natural guardian, guardian, conservator, or testamentary guardian. The personal representative of a post deceased heir or beneficiary is authorized to consent on behalf of that heir or beneficiary.
3. Signatures of those 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 his/her client; however, the attorney must certify that he or she currently represents that individual 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. 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.
4. Notice must be published once a week for four weeks.
5. The relief sought in this petition and provided in the order is not retroactive.
6. If bond has been posted, and waiver of bond is sought for the future, check with the bonding compan(y)(ies) to obtain the necessary bond description to be placed in the petition and order and to coordinate this matter with the bonding compan(y)(ies).
7. In the event the assets are to be distributed according to a will, only the beneficiaries need to be listed in paragraph 5 of the petition and a completed definitive statement in paragraph 4 of the petition is not required. In the event the decedent died intestate (without a will), paragraph 4 of the petition requires that a definitive statement be made to show to the Court that the persons named in paragraph 3 of the petition constitute

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. The personal representative of a post deceased heir or beneficiary is authorized to consent on behalf of that heir or beneficiary. O.C.G.A. §53-7-1. 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 proceedings by a guardian ad litem. O.C.G.A. §53-11-2 (b). 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."

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. According to Uniform Probate Court Rule 5.6 (A), unless the Court specifically assumes the responsibility, it is the responsibility of the petitioner to prepare the proper citation and deliver it properly so it can 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.

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 Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton
DECEASED)

ESTATE NO. XXXX-000

PETITION BY PERSONAL REPRESENTATIVE FOR WAIVER
OF BOND AND/OR GRANT OF CERTAIN POWERS

The petition of James NMM Doe

[Full name(s) of petitioner(s)] First Middle Last

whose physical address(es) is/are 123 Main Street, Atlanta, Fulton, Ga 30303
Street City County State Zip Code

and mailing address(es) is/are 123 Main Street, Atlanta, Fulton, Ga 30303
Street City County State Zip Code

shows to the Court the following:

1.

John Fulton

[Full name of decedent] First Middle Last

whose place of domicile was 123 Main Street, Atlanta, Fulton, Ga 30303
Street City County State Zip Code

departed this life on November 8, 2023.

2.

[Initial one]

_____ (a) The above-named decedent died with a last will and testament (the decedent will dated _____ (and codicil(s) dated _____), that (has been)(will be)(is hereby, as a petition for probate is being filed simultaneously) offered for probate. *[Add below the name(s) of the person(s) to be appointed, and attach the final order and letters of appointment, if any, as Exhibit _____.*

[Full name of person to be appointed] First Middle Last

[Full address] Street City County State Zip Code

Telephone Number: _____

JD (b) The above-named decedent died intestate (*without a will*). (James Doe _____, administrator(s) was/were issued letters of administration concerning the above-referenced estate by this Court on January 5 _____, 20 24.) [Add below the name(s) of the appointed administrator(s) and attach the final order and letters of appointment as Exhibit _____.

James Doe

[Full name of person to be appointed] First Middle Last

123 Main Street, Atlanta, Fulton, Ga 30303

[Full address] Street City County State Zip Code

Telephone Number: (404) 555-5555

3.

If decedent died intestate (*without a will*), list below all of the decedent's heirs at law. Each listing should include the name, age or majority status, address, and relationship to decedent. All those listed are sui juris (having the legal ability to manage one's own affairs) unless otherwise noted.

Name Age (or over 18) Address Relationship

James Doe Over 18 123 Main Street, Atlanta, Ga 30303 Spouse

Jimmy Doe Over 18 123 Main Street, Atlanta, Ga 30303 Child

Johnny Doe Over 18 456 Broad Street, Atlanta, Ga 30303 Child

4.

[Initial one]

_____ (a) A petition to probate will has been granted; therefore, a definitive statement is not required.

JD (b) The decedent died intestate (*without a will*); therefore, a definitive statement is made below.

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 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.]*

Decedent was married at the time of death. Decedent had two children who survived. No predeceased children and other heirs.

5.

Listed below are all of the beneficiaries under said will (if the decedent died testate) who have a present interest, including but not limited to a vested remainder interest, and whose identity and whereabouts are known or may be determined by reasonable diligence.

<i>Name</i>	<i>Age (or over 18)</i>	<i>Address</i>

6.

All of the heirs/beneficiaries have consented that the judge of the probate court may waive bond, waive reports, waive statements, and/or grant certain powers as set forth in the consent of heirs/beneficiaries attached hereto.

7.

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

WHEREFORE petitioner prays that the Court grant the relief requested in the consent of heirs/ beneficiaries attached hereto.

James NMMN Doe
Signature of Petitioner

James NMMN Doe

Printed Name

123 Main Street, Atlanta, Fulton, Ga 30

123 Main Street, Atlanta, Fulton, Ga 30

Mailing Address

Telephone Number

Signature of Attorney: _____

Printed Name of Attorney: _____

Address: _____

Telephone Number: _____ State Bar # _____

VERIFICATION

GEORGIA, Fulton COUNTY

Personally appeared before me the undersigned petitioner who, after being duly sworn, states that the facts set forth in the foregoing petition by personal representative for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers (and the attached exhibit(s)) are true and correct.

Sworn to and subscribed before me this 8 day of November, 2023.



NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

James M. Doe
Signature of Petitioner

James M. Doe
Printed Name of Petitioner

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton,)
DECEASED)

ESTATE NO. XXXX-000

CONSENT OF HEIRS/BENEFICIARIES

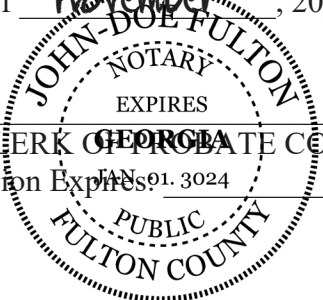
[If an heir/beneficiary is not sui juris, indicate the relationship of the person who is authorized to consent for him/her in accordance with the instruction page to this form.]

The undersigned, being an heir of the estate or being a beneficiary under the will of the above decedent, being sui juris unless otherwise indicated, do hereby authorize the judge of the probate court to:

- _____ (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 (i.e., 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 or beneficiaries, 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
8 day of November, 2023.

NOTARY/CLERK OF PROBATE COURT
My Commission Expires JAN 01, 2024



James Doe
Signature of Heir/Beneficiary

James Doe
Printed Name of Heir/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 Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton,)
DECEASED)

ESTATE NO. XXXX-000

ORDER FOR SERVICE

Upon reading the foregoing petition, it is ordered that notice be issued and published once a week for four weeks prior to the date on which objections must be filed.

SO ORDERED this 30th day of January, 2024.

Judge County Fulton

Judge of the Probate Court

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton,)
DECEASED)

ESTATE NO. XXXX-000

PETITION BY PERSONAL REPRESENTATIVE FOR WAIVER
OF BOND AND/OR GRANT OF CERTAIN POWERS

NOTICE

James M.M. Doe has/have petitioned for waiver of bond, waiver of reports, waiver of statements, and/or for the grant of certain powers contained in O.C.G.A. §53-12-261 in regard to the above estate. 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 March 4, 2024.

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 County Fulton

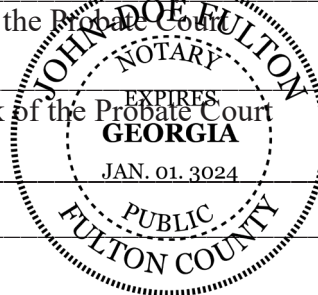
Judge of the Probate Court

By: _____

Clerk of the Probate Court

Address _____

Telephone Number _____



IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
John Fulton) ESTATE NO. XXXX-000
DECEASED)

PETITION BY PERSONAL REPRESENTATIVE FOR
WAIVER OF BOND AND/OR GRANT OF CERTAIN POWERS

FINAL ORDER

The petition 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 to the personal representative of the estate of the above-named decedent, has been duly filed. Consent to the petition was given by all heirs or beneficiaries under the will, if testate. Notice was published according to law and no objection to the petition has been filed.

It is therefore ordered that the undersigned Judge hereby:

[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.
- _____ (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 heirs or beneficiaries statements of receipts and disbursements.

FURTHER ORDERED that letters of administration or testamentary reflecting the above be issued to the personal representative(s).

SO ORDERED this 4 day of March, 2024.

Judge County Fulton
Judge of the Probate Court

INSTRUCTIONS

1. Unless an inventory has been waived, an inventory of the estate must be filed with this Court by the personal representative(s) within six months after the date of qualification as personal representative(s), and a copy of that inventory must be delivered to the heir(s)/beneficiary(y)(ies) by First-Class Mail within the same period.
2. Within 60 days after the date of qualification as personal representative(s), notice must be given once a week for four weeks by advertisement in the newspaper in this county in which sheriff's notices are published, requiring creditors of the estate to render their demands for payment 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 qualification as personal representative(s), every year, every personal representative 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 personal representative(s).
4. Unless statements have been waived, the personal representative(s) shall furnish the heirs or beneficiaries of an estate, annually, a statement of receipts and disbursements.
5. The personal representative(s) is/are allowed six months from the date of his/her/their qualification to ascertain the condition of the estate, during which he/she/they is/are exempt from suit. The personal representative(s) 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 personal representative(s) may continue the business of the decedent for the first year after his/her/their qualification without a court order.
7. The normal commissions allowed the personal representative(s) 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 heir(s)/beneficiary(y)(ies). The personal representative(s) must then make a final return, showing the receipts and disbursements since the last annual accounting, unless returns have been waived.
9. For further information see O.C.G.A. Title 53, Chapters 6 and 7.

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton
DECEASED)

ESTATE NO. XXXX-000

LETTERS TESTAMENTARY

[Bond waived, reports waived, statements waived, and/or certain powers granted]

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 _____ form to be the decedent's will and was admitted to record by order, and it was further ordered that _____, named as executor(s) in said will, be allowed to qualify, and that upon so doing, letters testamentary be issued to such executor(s).

THEREFORE, the executor(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 powers of executor(s) under the will of said decedent, according to the decedent's will and the law.

[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 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 heirs statements of receipts and disbursements.

SO ORDERED this 4 day of March, 2024.

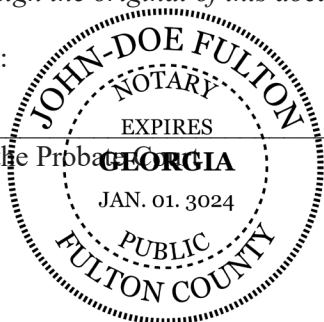
Judge County Fulton
Judge of the Probate Court

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

Issued by: _____

[Seal]

Clerk of the Probate Court



IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton,)
DECEASED)

ESTATE NO. XXXX-000

LETTERS OF ADMINISTRATION WITH WILL ANNEXED

[Relieved of filing returns and/or certain powers granted]

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(s) 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(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 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 heirs statements of receipts and disbursements.

Given under my hand and official seal, the 4 day of March, 2024.

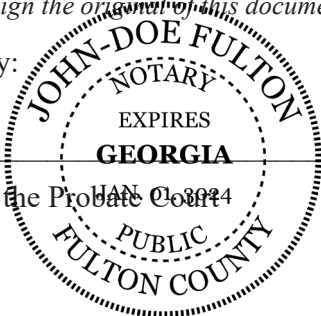
Judge County Fulton
Judge of the Probate Court

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

Issued by: _____

[Seal]

Clerk of the Probate Court _____



MISCELLANEOUS ESTATES PETITIONS

PETITION FOR AUTHORITY TO OPEN SAFE DEPOSIT BOX

The Petition for Authority to Open Safe Deposit Box can be filed when a person died having a safe deposit box on file with a bank. The bank will normally not allow anyone to have access to the box without a Court Order. The petition is usually filed when it is suspected that the decedent had a Will that may be in the safe deposit box. The bank will only allow the party to inventory the safe deposit box and not to remove anything from it. The Order on the petition directs the bank to forward the Will to the Probate Court if one is found in the safe deposit box. The executor may then come to the Court to retrieve a copy of the Will if they intend to offer it for probate.



PETITION FOR AUTHORITY TO OPEN SAFE-DEPOSIT BOX

Probate Court
136 Pryor Street SW, Suite C-230
Atlanta, Georgia, 30303
404-613-4070

TO THE JUDGE OF THE PROBATE COURT OF SAID COUNTY:

The Petition of _____, whose post office address is _____, respectfully shows the Court as follows:

1. On _____, _____ whose legal residence(is) (was) _____, (was declared to be in need of a guardian and /or conservator by this court) (departed this life).

2. The Probate Court of Fulton County has jurisdiction over the estate of said deceased or ward. If such person is deceased, attached is a copy of the death certificate, obituary or other proof of death.

3. There is a safe-deposit box in the name of said deceased or ward in the following financial institution:

4. Petitioner believes that said safe-deposit box contains the following documents:

5. Petitioner should be allowed to open and examine the contents of said safe-deposit box due to the fact that Petitioner is the _____ of said deceased or ward and that if certain documents are in said box, they should be delivered as provided by Official Code of Georgia Annotated §7-1-356 to the proper person or Court.

WHEREFORE, petitioner prays that an Order be granted allowing said financial institution in which said box is located to allow petitioner to open and examine, in the presence of an officer of said institution, the contents of said safe-deposit box and to deliver certain documents to the proper person or Court as provided by law.

Attorney's address

Attorney (or petitioner if pro se)

Telephone no. _____

MISCELLANEOUS ESTATES PETITIONS

PETITION FOR ORDER DECLARING NO ADMINISTRATION NECESSARY

The Petition for Order Declaring No Administration Necessary is filed when a person dies without leaving a valid Last Will and Testament. There is no reason for an Administrator being appointed for the decedent's estate.

The following rules apply:

- 1.** The petitioner must be an heir of the estate.
- 2.** All of the heirs have agreed among themselves as to the division of the estate. There must be unanimous consent by the heirs. The property cannot be given to anyone other than an heir/heirs.
- 3.** There can be no debts owed on the estate or the creditors must consent or be served with notice of the petition. The names and addresses of the creditors must be listed on the petition. Creditors may be served by sheriff service, certified mail or publication if the addresses are unknown. An affidavit of diligent search must be provided for any creditors receiving notice by publication.
- 4.** The property being requested must be listed on the petition with identifying information on the petition. (Personal property must have a specific description, such as bank account information, make and model of automobiles, insurance policy account information etc...) (real property must have a complete legal description... metes and bounds included.
- 5.** The filing party/Attorney receives a certified copy of the petition and Order after the Court grants the petition. The certified copy is what is used to show proof of what was awarded by the Court pursuant to the request on the petition. The Court sends a certified copy of the Order to be recorded in the Superior Court(s) records in each County(s) in Georgia where the real property is located.
- 6.** The Court takes no further action on the proceeding.

MISCELLANEOUS ESTATES PETITIONS

CHECKLIST FOR PETITION FOR ORDER DECLARING NO ADMINISTRATION NECESSARY

- _____ 1. Person died a resident of Fulton County (complete address provided).
- _____ 2. Person applying is an heir of the estate.
- _____ 3. Make sure filing party(s) provides a physical and mailing address on petition.
- _____ 4. Make sure the heir information is completed and correct in item three of the petition (names, ages, addresses, relationship to deceased).
- _____ 5. Make sure the heir information is completed and correct in item four of the petition (marital status, children, etc.)
- _____ 6. Make sure Item five identifies any personal property being requested (account numbers, automobiles, insurance policies, etc.)
- _____ 7. Make sure Item six identifies any real property being requested (must have complete legal description).
- _____ 8. Make sure item seven has a, b, c, or d initialed. (no debts, debts etc.) Names and addresses of creditors must be listed.
- _____ 9. Make sure petitioner and/or attorney has/have signed the petition.
- _____ 10. Make sure customer completes an heir worksheet if no attorney is signing the petition.
- _____ 11. Make sure you have unanimous consents on the agreement of all of the heirs and make sure they are properly witnessed, notarized, and that they are originals.
- _____ 12. Appoint a Guardian Ad Litem for any minors and/or incapacitated adults if necessary or unrepresented estates of since deceased heirs.
- _____ 13. Check Odyssey to see if any other filings on the estate and use the same estate number if appropriate.
- _____ 14. You may proceed with processing the petition if the above is correct.
- _____ 15. Remember to proofread all documents or notices you prepare.
- _____ 16. Make sure you have entered all pertinent notes, deadlines, etc., in Odyssey if necessary.
- _____ 17. Make sure you scan all filed documents in Odyssey as appropriate or necessary.

PETITION FOR ORDER DECLARING NO ADMINISTRATION NECESSARY

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when filing a petition for an order declaring no administration necessary, pursuant to O.C.G.A. § 53-2-40 et seq., and should only be used when the decedent died intestate (without a will).
2. Unanimous consent of the heirs at law to the agreed upon division is required according to O.C.G.A. § 53-2-40 (b).
3. Signatures of heirs who acknowledge service must be sworn to before a notary public or the clerk of any probate court of this State. It is not necessary that all acknowledgments appear on the same page. 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. It is not necessary that all acknowledgments appear on the same page.
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. Should a guardian ad litem be necessary because a party is not sui juris, use GPCSF Supplement 1.
5. O.C.G.A. § 53-11-2 (b) provides that when a party to a proceeding in the 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.
6. A signed original agreement setting out the heirs' agreed upon distribution of the estate must be attached to the petition. The legal description included in the agreement must sufficiently identify the property in order to pass good title.
7. Paragraph 4 of this form requires sufficient factual information for the Court to conclude that those listed in paragraph 3 of this form 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 is authorized to consent on behalf of that heir. O.C.G.A. § 53-2-40 (c). 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.”

8. Use GPCSF Supplement 2 if the Court determines it is appropriate to appoint a special process server.
9. Use GPCSF Supplement 3 when an additional certificate of service is necessary.
10. 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.
11. 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 the 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, labeled GPCSF 1.

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
John Fulton) ESTATE NO. XXXX-000
 DECEASED)

PETITION FOR ORDER DECLARING NO ADMINISTRATION NECESSARY

The petition of Jane NMM Doe
 [Full name(s) of petitioner(s)] First Middle Last
 whose physical address(es) is/are 123 Main Street, Atlanta, Fulton, Ga 30303
 Street City County State Zip Code
 and mailing address(es) is/are 123 Main Street, Atlanta, Fulton, Ga 30303
 Street City County State Zip Code
 shows to the Court the following:

1.

John Fulton
 [Full name of decedent] First Middle Last
 whose place of domicile was 123 Main Street, Atlanta, Fulton, Ga 30303
 Street City County State Zip Code
 died intestate (without a will) on October 13, 2023, owning property in this State.

2.

The above-named decedent died without 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
<u>Jane Doe</u>	<u>over 18</u>	<u>123 Main Street, Atlanta, Ga 30303</u>	<u>Spouse</u>
<u>Jimmy Doe</u>	<u>over 18</u>	<u>65 Super Street, Stockbridge, Ga 30281</u>	<u>Child</u>

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.]*

Married at the time of death. One child survived. No predeceased children. No other heirs

5.

The decedent owned the following described personal property in this State *[Include identifying account numbers, serial numbers, etc., where applicable]:*

Bank of America Account xxxxx2568
2020 Dodge Charger VIN # JDJS512354DJDJ

6.

The decedent owned the following described real property in this State *[Insert complete legal description and street address, if any]:*

123 Main Street

Copy of Meets and Bounds from Deed

7.

As to the estate of said decedent:

[Initial all that apply]

- JD (a) The estate of decedent owes no debts.
- _____ (b) The estate of decedent owes no debts, other than an outstanding security deed held by (complete name(s) and address(es) including zip codes must be provided for each creditor so listed) _____, who must be properly served in this matter unless such holder has consented in writing below to the petition.
- _____ (c) The estate of decedent owes no debts, other than to such creditor(s) as have consented in writing to the petition, as shown on the consent below.
- _____ (d) The estate of decedent owes no debts, other than (complete name(s) and address(es), including zip codes, must be provided for each creditor so listed) those listed immediately below who have not consented in writing and must be served as provided by law:

8.

All the heirs have amicably agreed upon a division of the estate among themselves as shown by the written agreement attached hereto containing original signatures of all heirs, attested to by a notary public or probate court clerk.

9.

To the knowledge of the petitioner, no other proceedings with respect to this estate are pending, or have been completed, in any other probate court in this State.

WHEREFORE, petitioner prays that this Court issue and serve any notice required by law in such matters, and that after ascertaining the legal sufficiency for granting this petition, this Court grant an order that no administration is necessary in this estate, all as provided by law.

Jane NMM Doe

Signature of Petitioner

Jane NMM Doe

Printed Name

123 Main Street, Atlanta, Fulton, Ga 30303

123 Main Street, Atlanta, Fulton, Ga 30303

Mailing Address

Telephone Number

Signature of Attorney: _____

Printed Name of Attorney: _____

Address: _____

Telephone Number: _____ State Bar # _____

VERIFICATION

GEORGIA, Fulton COUNTY

XXXX-000

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 order declaring no administration necessary (and the attached exhibit(s)) are true and correct.

Sworn to and subscribed before me this 13 day of October, 20 23

Jane M M M Doe
Signature of Petitioner



NOTARY CLERK OF PROBATE COURT

Jane M M M Doe
Printed Name of Petitioner

My Commission Expires _____

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
John Fulton,) ESTATE NO. XXXX-000
DECEASED)

AGREEMENT AND
ACKNOWLEDGMENT OF SERVICE AND CONSENT

We, being all of the heirs of the above-named decedent, hereby agree to the division of the decedent's estate among ourselves in the amounts and portions which would otherwise be determined in accordance with the rules of inheritance when a decedent dies without a will, or if different, as follows:

We hereby agree that the following interests vest as set forth below:

Jane Doe

[Full name of individual to receive interest]

123 Main Street, Atlanta, Ga 30303

[Complete address including zip code of individual to receive interest]

Over 18

[Date of birth or majority status]

100%

[Interest or percentage received pursuant to this order]

Jimmy Doe

[Full name of individual to receive interest]

65 Super Street, Stockbridge, Ga 30281

[Complete address including zip code of individual to receive interest]

Over 18

[Date of birth or majority status]

0%

[Interest or percentage received pursuant to this order]

[Full name of individual to receive interest]

[Complete address including zip code of individual to receive interest]

[Date of birth or majority status]

[Interest or percentage received pursuant to this order]

[Full name of individual to receive interest]

[Complete address including zip code of individual to receive interest]

[Date of birth or majority status]

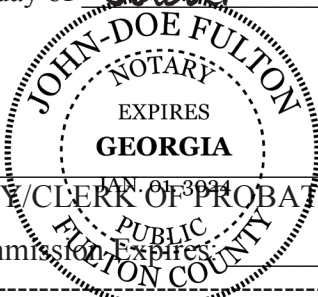
[Interest or percentage received pursuant to this order]

Legal Description and Location of Real Property:

Copy of Legal Description of 123 Main Street, Atlanta, Ga 30303

Each of the undersigned heirs or creditors (including any security deed holder) hereby acknowledges due and legal service of the foregoing petition, waives copies of same and all further service and notice in this matter, and consents to this agreement the terms of which shall be included in the final order declaring that no administration is necessary. For each individual named put the appropriate letter to show the relationship to the decedent - heir (H), or creditor (C).

Sworn to and subscribed before me this
13 day of October, 2023

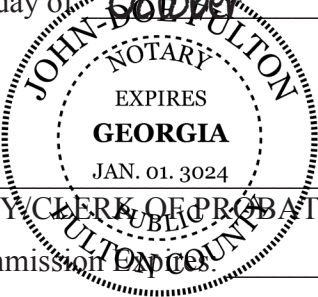


NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Jane Doe
Signature of Interested Party

Jane Doe
Printed Name of Interested Party

Sworn to and subscribed before me this
13 day of October, 2023



NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Jimmy Doe
Signature of Interested Party

Jimmy Doe
Printed Name of Interested Party

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

Signature of Interested Party

NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Printed Name of Interested Party

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

Signature of Interested Party

NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Printed Name of Interested Party

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 Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF

John Fulton,
DECEASED

)
)
)
)

ESTATE NO. XXXX-000

ORDER FOR SERVICE OF NOTICE

[Not Needed If All Creditors Have Consented]

The foregoing petition for order declaring no administration necessary having been filed, service is ordered as follows:

[Initial all that apply]

_____ Notice together with a copy of the petition shall be served personally, or by registered or certified mail or statutory overnight delivery, as requested by the petitioner(s) pursuant to O.C.G.A. § 53-11-3, 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 shall be served by registered or certified mail, 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 four weeks in the legal organ of this County, before _____, in order to serve by publication the following interested parties whose current residence addresses are unknown:

OR

Upon reading and considering the foregoing petition for order declaring no administration necessary, IT IS ORDERED that notice issue thereon as required by law, requiring all non sui juris heirs by and through guardian ad litem and/or creditors who have not consented to the petition to show cause in writing filed in this Court on or before a day certain, if published, or within 30 days of personal service, whichever is later, why the prayers of the petitioner should not be granted as prayed, and an order granted that no administration is necessary in this estate. Further ordered that any security deed holder or other creditor who has not consented in writing to the petition and whose current address is known be served with a copy of the petition, this order, and the following notice, personally or by registered or certified mail or statutory overnight delivery, as requested by the petitioner(s) pursuant to O.C.G.A. § 53-11-3, if a resident of this State, or by registered or certified mail, return receipt requested, if a nonresident with a known current address. Any creditor whose current address is not known must be served by publishing the notice once a week for four weeks.

SO ORDERED this 13 day of October, 2023.

Judge County Fulton

Judge of the Probate Court

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
)
John Fulton,) ESTATE NO. XXXX-000
DECEASED)

NOTICE

The petition of Jane MNN Doe, for an order declaring no administration is necessary in the above-referenced estate having been duly filed, *[Strike any paragraph if not applicable]*

TO: _____
[List here all interested parties having known addresses 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 who are required to be served personally, to file objection, if there is any, to the 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 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 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 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.

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.

This 13 day of October, 2023.

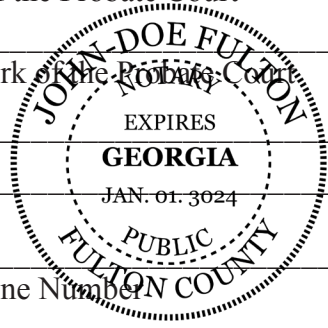
Judge County Fulton

Judge of the Probate Court
By: _____
Clerk of the Probate Court

EXPIRES
GEORGIA
JAN. 01. 3024

Address

Telephone Number



IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

John Fulton,)
DECEASED)

ESTATE NO. XXXX-000

NOTICE

The petition of Jane NMN Doe, for an order declaring no administration is necessary in the above-referenced estate having been duly filed,

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 petition, in this Court on or before _____.

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 County Fulton

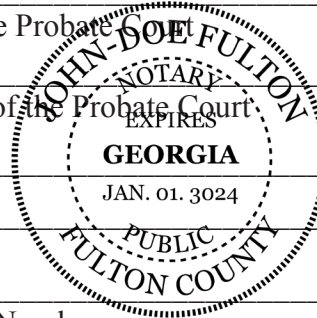
Judge of the Probate Court

By: _____

Clerk of the Probate Court

Address

Telephone Number



IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF

John Fulton
DECEASED

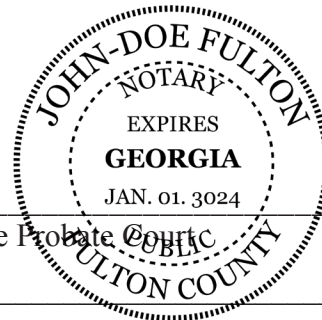
)
)
)
)

ESTATE NO. XXXX-000

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 petition for order declaring no administration necessary, order for service of notice, including any attached exhibits and the notice to the following parties at the addresses below:

This 13 day of October 2023.



Clerk of the Probate Court

Address

Telephone Number

Probate Court Return Mailing Address:

(Above space to be used for filing in Superior Court Clerk's Office of Deeds and Records)

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF

John Fulton

DECEASED

)
)
)
)

ESTATE NO. XXXX-000

PETITION FOR ORDER DECLARING NO ADMINISTRATION NECESSARY

FINAL ORDER

A petition for order declaring no administration necessary on the above estate was filed. It appearing that the decedent died intestate domiciled within, or domiciled outside the State of Georgia but owning real property within, the above county; that all of the heirs of said decedent have agreed upon a division of the estate as evidenced by the agreement attached to the petition and incorporated herein by reference; that the estate of said decedent owes no debts, except to creditors, if any, including any security deed holders, who have consented or been served in this matter; and that no objection has been filed.

ACCORDINGLY, IT IS ORDERED that no administration is necessary on the above estate and by agreement of the parties the following interest hereby vests as follows:

GRANTOR: [Name of decedent]: John Fulton

ADDRESS OF THE DECEDENT: 123 Main Street, Atlanta, Fulton, Ga 30303

Legal description and location of any real property:

Copy of Legal Description of 123 Main Street, Atlanta, Ga 30303

IT IS FURTHER ORDERED that the clerk shall send a certified copy of this order to the clerk(s) of the superior court(s) for recording on the deed records of the following county(ies) in which real property is located _____ County(ies).

SO ORDERED this 13 day of October 2023.

Judge County Fulton

Judge of the Probate Court

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

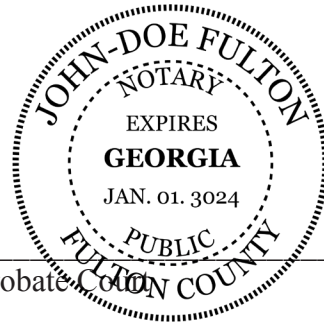
IN RE: ESTATE OF)
)
John Fulton) ESTATE NO. XXXX-000
DECEASED)

**CERTIFICATION OF SERVICE OF ORDER
FOR NO ADMINISTRATION NECESSARY**

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 certified copy of the order of no administration necessary and the agreement of the parties in the no administration necessary to each party and county(ies) named below as addressed herein and deposited in the United States Mail, with the return address of this Court thereon.

Fulton County Tax Commissioner

This 13 day of October 2023.



Clerk of the Probate Court

Address

Telephone Number

MISCELLANEOUS ESTATES PETITIONS

DETERMINE HEIRS

The decedent's heirs are determined at the time a person passes away.

1. Spouse and/or children, if any
 - a. In wedlock out of wedlock, or legally adopted children.
 - b. Grandchildren can also be heirs if a child dies prior to the decedent survived by descendants.
2. Parents who survive a decedent mother and father and/or one or the other.
3. Siblings of the whole or half-blood
 - a. Children of a predeceased sibling, nieces or nephews may also be heirs depending on dates of death and who may have had descendants.
4. Grandparents – *Paternal and Maternal.*
5. Uncles and Aunts - *Siblings of the decedent's parents.*
6. First Cousins - *Children of predeceased Uncles and Aunts.*
7. Second Cousins - *Only if there are no surviving uncles, aunts or first cousins.*
8. Guardian Ad Litem – *The heirs are unknown so the filing party(ies) must provide an affidavit of diligent search.*

For additional understanding, see Figures 1 and 2.

Figure 1

IF YOU DIE WITH:	HERE'S WHAT HAPPENS:
Children but no spouse	Children inherit everything
Spouse but no descendants	Spouse inherits everything
Spouse and descendants	Spouse and descendants equally share the intestate property, but the spouse's share may not be less than 1/3
Parents but no spouse or descendants	Parents inherit everything
Siblings but no spouse, descendants, or	Siblings inherit everything

MISCELLANEOUS ESTATES PETITIONS

Figure 2



Note: The term “pre-deceased” and “post-deceased” refer to the time of death of a person in relation to the **decedent** for whom an estate is currently being filed.

MISCELLANEOUS ESTATES PETITIONS

ESCHEAT

If no person appears and claims to be an heir within four years from when Letters issued on an intestate estate, the personal representative may Petition this Court to determine that the property escheats to the state. The property is paid over to the county board of education.



APPOINTMENT OF GUARDIAN AD LITEM AND COUNTY ADMINISTRATORS

APPOINTMENT OF GUARDIAN AD LITEM AND COUNTY ADMINISTRATORS

GUARDIAN AD LITEM

The role of the Guardian Ad Litem is to give an answer/response for a specified proceeding on behalf of party (ies) who are legally unable to respond/answer on their own behalf to legal matters. (minor, incapacitated adult or for parties who are unknown and may have an interest in the proceeding. A Guardian Ad Litem must be appointed for heirs of a decedent who are minors, unborn child, incapacitated adults, and unrepresented estates of since deceased heirs, or unknown heirs.

The Court has a list of Guardian Ad Litem which have been approved by Judge Johnson. Guardian Ad Litem are appointed in order from the approved list so there is a fair amount of cases assigned to the Attorneys on the list. The only exception would be if an Attorney has already been previously appointed for the estate. The Court would want to use the same Attorney because they are already familiar with the estate.

The Court may also consider appointing someone other than the Attorneys on the Court's list. The filing party/attorney would have to request in their petition that another individual such the natural parent, legal guardian, or another Attorney be appointed. Keep in mind the party must not have a conflict of interest such as being heir, petitioner, works in the same law firm, or share office space with the filing Attorney.

IN THE PROBATE COURT OF Fulton COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
_____,) ESTATE NO. XXXX-000
DECEASED/MINOR/ADULT WARD/)
ALLEGED INCAPACITATED ADULT)

ORDER TO APPOINT GUARDIAN AD LITEM

[Name of petition]

The Court hereby finds that _____,
who is (an adult ward)(a minor)(unborn)(unknown)(post deceased heir having no personal
representative)(an alleged incapacitated adult), is in need of representation by a guardian ad litem.

[Initial if applicable]

_____ This Court hereby determines that _____, as
(natural guardian)(testamentary guardian)(conservator)(guardian) has no conflict of
interest and may represent such person in this proceeding.

THEREFORE, IT IS HEREBY ORDERED that

Name Address Telephone Number

is appointed as guardian ad litem for _____,
for the purpose of this proceeding and that said guardian ad litem be duly served with a copy of
the above-referenced petition, order for service of notice, notice and notice of this appointment,
and that upon said guardian ad litem's acceptance of same, said guardian ad litem shall:

[Initial all that apply]

- _____ (a) attend the hearing and make answer hereto (and) (or)
_____ (b) file a written report with the Court.

This appointment is limited to this proceeding only, and it shall cease when a final order is entered
on this petition.

SO ORDERED this 13 day of October, 20 23

Judge County Fulton
Judge of the Probate Court

APPOINTMENT OF GUARDIAN AD LITEM AND COUNTY ADMINISTRATORS

COUNTY ADMINISTRATOR

The Court may appoint a County Administrator when it has been determined that a neutral party should be appointed because there is some type of conflict/dispute regarding the estate. The Judge will decide whether it is in the best interest of the estate that a neutral party represents the estate. The heirs of an estate may also request that the County Administrator be appointed for an estate if they feel a neutral party would best serve the estate.



SERVICE



SERVICE

TYPES OF SERVICES FOR ESTATE FILLINGS

- I. FCM - First Class Mailing** (Regular Mail)
- II. CM - Certified Mail** (Out of State Residents)
- III. RM - Registered Mail** (Out of the Country Residents)
- IV. SS - Sheriff Service or Certified Mail Restricted**
(Personal Service to in state Residents)
- V. Pub - Publication to Parties with addresses unknown**
(Must provide an affidavit of diligent search for the parties before the Court will proceed with the publication.)

Note: Service is important because it notifies any interested party/parties that they have a certain date or deadline to file a response to a filing/pleading for which they may have an interest in before the Court moves forward with entering a final order of judgement on a pleading.

SERVICE

Figure 1

PETITION TYPE	SHERIFF SERVICE	CERTIFIED MAIL	FIRST CLASS MAIL	PUBLICATION	GUARDIAN AD LITEM
Petition for Temporary Letters of Administration (Bond Required)	No heirs need to consent	No heirs need to consent	No heirs need to consent	N/A	N/A
Petition for Letters of Administration	N/A	N/A	Heirs who have not consented	Requesting powers or heir has an unknown address	Minor incapacitated adult or unrepresented estate
Petition to Probate Will in Common Form	No heirs need to consent	No heirs need to consent	No heirs need to consent	N/A	N/A
Petition to Probate Will in Solemn Form	Heirs with a State of Georgia address	Heirs with an out of state address	N/A	Requesting powers or an heir has an unknown address	Minor incapacitated adult or unrepresented estate
Petition to Probate Will in Solemn Form Will Annexed	Heir or beneficiary with a State of Georgia address	Heir or beneficiary with an out of state address	N/A	Requesting powers or an heir or beneficiary has an unknown address	Minor incapacitated adult or unrepresented estate
Petition to Probate Will in Solemn Form Will Annexed (Previously Probated)	Beneficiaries with a State of Georgia address	Beneficiaries with an out of state address	N/A	Requesting powers or an Beneficiaries has an unknown address	Minor incapacitated adult or unrepresented estate
Petition for Year's Support	N/A	N/A	Heirs and Creditor(s) who have not consented	Required 4x Publication	Minor incapacitated adult or unrepresented estate
Petition for Order Declaring No Administration Necessary	Creditor who has not consented with a State of GA address	Creditor who has not consented with an out of state address	N/A	Creditor who has not consented with an unknown address	Minor incapacitated adult or unrepresented estate

SERVICE

DEFECTIVE SERVICE(S)

Defective Service occurs when service on a party (ies) has been returned to the Court for whatever reason unserved on the intended party.

First Class, Certified Mail, and/ or Registered Mail may be returned to the Court by the postal service with one of several notations.

1. Moved - unable to forward
2. Forwarding time has expired
3. Attempted - not known
4. Deceased

The filing party/attorney must be notified of the fault and to provide a new correct address for service. An amendment is required to correct a defective address. The Court will then do an amended notice to party(ies) at the new address provided by the filing party/attorney.

Sheriff Service or Certified Mail may be defective if the party(ies) for whom it was intended was not served personally or the intended party(ies) does not personally sign for Certified Mail. (Examples are someone else was served by the sheriff such as a spouse or other individual other the intended or someone else signs for the Certified Mail instead of the intended party.

The filing party/attorney must be notified of the fault and to provide a new correct address for service. The Court will then do an amended notice to party(ies) at the new address provided by the filing party/attorney.

Publication can be defective if the Court is notified by the filing party, the Attorney of the individual we published notice to produces an address for service. An amended notice must be done to the party(ies) at the addresses provided to cure the defect with the service.



OATHS

OATHS

An **oath** is when the petitioner swears before the Probate Judge or Clerk of the Court and affirm that they will conduct matters of the state in an ethical matter according to the laws of Georgia. There are 4 oaths that a petitioner can take. Executor's Oath, Temporary Administrator Oath, Administrator Oath, and Administrator's Oath. The oath that is administered is based on the petition that the filed with the court.

Sample copy of an oath:

IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
) ESTATE NO. _____)
DECEASED/MINOR/ADULT WARD)

OATH

[Initial applicable]

[Strike through those portions in parenthesis that are not applicable.]

_____ **(EMERGENCY)(TEMPORARY)(TESTAMENTARY) GUARDIAN'S OATH**
I do solemnly swear (or affirm) that I will well and truly perform the duties required of me as (emergency)(temporary)(testamentary) guardian of the minor/adult ward named above.

_____ **(EMERGENCY)(TESTAMENTARY) CONSERVATOR'S OATH**
I do solemnly swear (or affirm) that I will well and truly perform the duties required of me as (emergency)(testamentary) conservator of the minor/adult ward named above and faithfully account to the minor/adult ward named above for his or her estate.

_____ **TEMPORARY ADMINISTRATOR'S OATH - O.C.G.A. § 53-6-32**
I do solemnly swear (or affirm) that the deceased died (testate)(intestate) and with an estate that is currently unrepresented, so far as I know or believe, and that I will well and truly administer on all the estate of the deceased and discharge to the best of my ability all my duties as temporary administrator. So help me God.

_____ **ADMINISTRATOR'S OATH - O.C.G.A. § 53-6-24**
I do solemnly swear (or affirm) that the deceased died intestate, so far as I know or believe and that I will well and truly administer the estate in accordance with the laws of Georgia. So help me God.

_____ **(ADMINISTRATOR WITH WILL ANNEXED) (EXECUTOR'S) OATH - O.C.G.A. § 53-6-16**
I do solemnly swear (or affirm) that this writing contains the true last will of the deceased, so far as I know or believe and that I will well and truly execute the same in accordance with the laws of Georgia. So help me God.

Sworn to and subscribed before me this

_____ day of _____, 20_____.

Judge County Fulton

Judge/Clerk of the Probate Court

Fiduciary's Signature

Printed Name of Fiduciary

OATHS

To know which oath to administer based to the petition filed.

Petition Type	Temporary Administrator's Oath	Administrators Oath	Executor's Oath	Admin CTA
Petition for Temporary Letters of Administration	X			
Petition for Letters of Administration		X		
Petition to Probate Will in Common Form			X	
Petition to Probate Will in Solemn Form			X	
Petition to Probate Will in Solemn Form Will Annexed				X
Petition to Probate Will in Solemn Form Will Annexed (Previously Probated)				X

IN-PERSON OATHS

1. Greet the petitioner who has come to the court to take their oath
2. Ask for the estate name or estate number
3. Fill out the top portion of the oath form with the name and number
4. Ask the petitioner for some form of identification (i.e. drivers license, ID, passport) to verify if the person is the correct person who should be taking their oath.
5. Administer the proper oath related to their petition
6. Have them sign and print
7. As clerk of the court, You will sign and date the document as well
8. The Judge or legal staff will need to sign for recording purposes and letters to be issued
9. Letters are issued

OATHS

VIRTUAL OATHS

Sample copy of a Petition for Letters of Administration:

Meeting Time: Tuesdays 11:00 am or Thursdays at 2:00 pm

No appointment necessary!

Zoom Instructions: [Link: <https://zoom.us/s/91279490022>]

1. You will need to print out the attached Oath.
2. Print the name and estate number of the deceased at the top of the Oath page.
3. Once the Oath has been administered, please email the Oath and a copy of your ID within 24 hours of taking your oath to probate.oath@fultoncountyga.gov

Administering the Oath:

1. Ask petitioner to provide a form of identification
2. Administer the oath and have petitioner affirm
 - a. The oath must be printed out and signed during zoom meeting
 - i. Electronic signatures are NOT permitted by the court
3. Have petitioner sign the appropriate line
 - a. Have them show their signature
4. Inform petitioner of the ways to return the oath to the court
 - a. Mail oath to the court with original signature
 - b. Scan oath and identification and email it to the clerk whom administered the oath.

Court Responsibilities:

1. Once the court has received the oath, the clerk who administered the oath will need to date and sign
2. The oath is given to the respective division for them to prepare letters.

Essential Equipment:

1. Webcam
2. Headphone/ Headset



Judge Kenya M. Johnson



FultonProbateGA.org