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 **COUNTY** STATE OF GEORGIA IN RE: ESTATE OF ESTATE NO. **DECEASED** PETITION TO PROBATE WILL IN SOLEMN FORM AND FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED The petition of [Full name(s) of petitioner(s)] First Middle Last whose physical address(es) is/are City Zip Code County State and mailing address(es) is/are Street City Zip Code County State shows to the Court the following: 1. [Full name of decedent] Middle whose place of domicile was Street City County State , 20 . departed this life on 2. While alive, decedent duly made and published a last will and testament dated , (along with codicil(s) dated), which is herewith offered for probate in solemn form as decedent's "will". 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

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.]

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.

Name Age (or over 18)		Address	

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 th	hat apply]			
(a)	(a) The decedent failed to nominate an executor in the will.			
(b)	(b) The nominated administrator has not reached age of majority.			
(c)	(c) The nominated executor is deceased.			
	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 petition	er(s) is/are entitled			
to be appointed adm	ninistrator with will annexed by reason of:			
[Initial (a) o	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'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 was 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.			

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.]

	the time of the decedent's death, and at this time, the decedent left (a) minor 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
[Initial one	10.
_	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

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	
Printed Name	
Mailing Address	
Telephone Number	
Signature of Attorney:	
Printed Name of Attorney:	
Address:	
Telephone Number:	State Bar #

VERIFICATION

GEORGIA,CO	DUNTY
state(s) that the facts set forth in the for	regoing petition to probate will in solemn form and ford (and the attached exhibit(s)) are true and correct.
Sworn to and subscribed before me this day of, 20	Signature of Petitioner
NOTARY/CLERK OF PROBATE COU	RT Printed Name of Petitioner

IN THE PROBATE COURT OF _____ COUNTY STATE OF GEORGIA IN RE: ESTATE OF ESTATE NO. **DECEASED** 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 instanter; and selects the administrator with will annexed nominated in the petition. Sworn to and subscribed before me this ____ day of ______, 20_____ Signature of Heir/Beneficiary NOTARY/CLERK OF PROBATE COURT Printed Name of Heir/Beneficiary My Commission Expires: Sworn to and subscribed before me this _____ day of _______, 20_____ Signature of Heir/Beneficiary NOTARY/CLERK OF PROBATE COURT Printed Name of Heir/Beneficiary My Commission Expires: _____ Sworn to and subscribed before me this _____ day of _______, 20_____ Signature of Heir/Beneficiary NOTARY/CLERK OF PROBATE COURT Printed Name of Heir/Beneficiary

My Commission Expires:

IN THE PROBATE COURT OF _ STATE O	F GEORGIA COUNTY
IN RE: ESTATE OF))) ESTATE NO
DECEASED)
CONSENT	CONSERVATOR'S TO SERVE tamentary conservator is named in the will]
	e or older, laboring under no legal disability, and reby consents to serve. I understand that once uties 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	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 _	COUNTY
STATE OI	F GEORGIA
IN RE: ESTATE OF)) ESTATE NO
DECEASED)
ORDER FOR SEI	RVICE OF NOTICE
The foregoing petition to probate will in will annexed having been filed, service is order	solemn form and for letters of administration with ed as follows:
[Initial all that apply]	
shall be served personally, or by registered or requested by the petitioner(s) pursuant to O.C.G	f the petition and purported will (and codicil(s)) certified mail or statutory overnight delivery, as s.A. § 53-11-3, at least 30 days before the will (and terested parties who reside in Georgia: [If mailed, icted delivery to addressee only]
be served by registered or certified mail, return	ne petition and purported will (and codicil(s)) shall receipt requested, or statutory overnight delivery wing nonresident interested parties whose current
Notice shall be published once this county, before, 20_ following interested parties whose current resid	a week for four weeks in the legal organ of, in order to serve by publication the lence addresses are unknown:
SO ORDERED this day of	, 20
	Judge of the Probate Court

IN THE PROBATE COURT OF COUNTY STATE OF GEORGIA
IN RE: ESTATE OF) , ESTATE NO
DECEASED)
NOTICE
IN RE: Petition 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 overnig 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 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 register mail or statutory overnight delivery with restricted delivery to the addressee, if specifically requested by the petitioner(statutory overnight delivery with restricted delivery to the addressee).
This is to notify you to file objection, if there is any, to the above-referenced petition this Court on or before the 30th day after, 20 (the date of the mailir 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 registered mail or statutory overnight delivery with restricted delivery to the addressee, if specifically requested petitioner(s)]
This is to notify you to file objection, if there is any, to the above-referenced petition this Court on or before the 30th day after, 20 (the date of the mailing of th notice to you by certified or registered mail, return receipt requested); provided, however, that if return receipt for such notice is actually received by the Court within such 30 days, the deadling 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 notition, in
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 t	fees must be tendered with your objections, unless you
qualify to file as an indigent party. Con	tact 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 objection	s are filed, the petition may be granted without a hearing.
	Judge of the Probate Court
	By:
	Clerk of the Probate Court
	Address
	T.11
	Telephone Number

IN THE PROBATE COURT OF STATE O	COUNTY CEORGIA
IN RE: ESTATE OF DECEASED)) ESTATE NO
DECEASED)
CERTIFICA	ΓE OF SERVICE
I certify that I have this date mailed (un postage affixed thereto for First-Class Mail	less otherwise noted) in an envelope with the proper delivery copies of the
to the following parties at the addresses below:	
	Clerk of the Probate Court
	Address
	Telephone Number

IN THE	PROBATE COU	RT OF	COUNTY
	ST	TATE OF GEO	ORGIA
IN RE: ESTATE O DECEASED	F)	ESTATE NO
DECEASED			ESTRIE NO.
ORDER GRANTIN	NG PETITION T	O PROBATE	WILL (AND CODICIL(S)) IN SOLEMN FRATION WITH WILL ANNEXED
An alleged 1	ast will and testa	ment dated	
(and codicil(s) dated	d) was/were propounded.
domiciled outside th further finds that all or acknowledged se	e State of Georgia of the heirs at law ervice. The Cour have been fulfilled	a but owning proving and beneficiand the further finds d. The Court further fu	was/were propounded. as that the decedent died domiciled within, or roperty within, the above county. The Court wries under the propounded will were served at that no objection has been filed, and all arther finds that the propounded will (is self-
ACCORDIN	GLY, IT IS ORD	ERED that the	will dated) is/are established as the
last will and testame as proven in solemi personal representati	ent of the decedent in form; and, that ive(s) by taking the ssue. The clerk sh	the decedent the person(s) in the required oath all serve the per	r's will"); that the will be admitted to record named above has/have leave to qualify as h, after which letters of administration with ersonal representative(s) with copies of this
	rms of the decede	ent's will and	l representative(s) shall disburse all property shall maintain all records of income and .
IT IS FURTE	HER ORDERED		
[Initial all th	at apply]		
(a)	An inventory sh	all be filed.	
(b)	Annual returns s		
(c)	Letters of testan	nentary conserv	vatorship shall issue to
(d)	Letters of testam	nentary guardia	anship shall issue to
SO ORDERI	ED this da	ay of	, 20
		 Judg	e of the Probate Court

GPCSF 7 [14] Eff. July 2021

IN THE PROBATE COURT OF COUNTY STATE OF GEORGIA IN RE: ESTATE OF **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) of the above-named decedent, who was domiciled in (and codicil(s) dated 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 day of , 20 . Judge of the Probate Court The following must be signed if the judge does not sign the original of this document: Issued by: [Seal] Clerk of the Probate Court

IN THE PROBATE COURT OF		COUNTY	
STATE OF G	EORGIA		
IN RE: ESTATE OF DECEASED ,)) ESTATE NO	•	
LETTERS OF ADMINISTRATIO		NEXED	
At a regular term of the probate communication (and codicil(s			
the above-named decedent, who was domiciled in the domiciled in another state but owned property in the legally proven in solemn form to be the decedent's	nis county at the time of nis county at the time of will and was admitted	Fhis or her death or was of his or her death, was to record by order, and be allowed to	
THEREFORE, the said administrator(s), have all the necessary prerequisites of the law, is/are leg exercise all the powers of executor(s) under the will will annexed according to the will and the law an correct inventory of all the goods, chattels, rights, a of them to this Court; and further, to file a proper a within 60 days of the anniversary date of appointments is/are fully discharged.	ally authorized to discled of said deceased and of dis/are hereby required and credits of said decean and or final return with	harge all the duties and of administrator(s) with ed to render a true and ased, and make a return ith this Court each year	
Given under my hand and official seal, the	day of	, 20	
The following must be signed if the judge does not sign the original of this document:	Judge of the Probate C	Court	
Issued by:	[Seal]		
Clerk of the Probate Court			

IN THE PROBATE COURT OF	COUNTY
STATE OF G	GEORGIA
IN RE: ESTATE OF DECEASED ,)) ESTATE NO
DECEASED	<u> </u>
LETTERS OF TESTAMENTARY CO [To be completed only in the event a testame	
TO:	, Testamentary Conservator(s)
RE:	, Minor
	, Minor's Date of Birth
this appointment by taking your oath. In general, to protect and maintain the property of the minor benefit of the minor. Consult your attorney if you labove-named decedent. In general, to protect and maintain the property of the minor of the minor. Consult your attorney if you labove-named decedent.	and utilize the minor's property solely for the have any questions. atorship empower the above testamentar
Given under my hand and official seal, the	day of, 20
	Judge of the Probate Court
The following must be signed if the judge does not sign the original of this document:	
Issued by:	[Seal]
Clerk of the Probate Court	