

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. Check with the court in which the petition will be filed.
3. This form may, but is not required to, be used where service by registered or certified mail with return receipt requested is requested by the petitioner in lieu of personal service, in accordance with O.C.G.A. §53-11-3(e). Appropriate changes would be required in the order for notice, notice and certificate of service.
4. Signatures of heirs who acknowledge service must be attested by 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 attested as provided above. With respect to a power of attorney, the attorney-in-fact may acknowledge service on behalf of the donor 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. §53-5-22(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.

II. General Instructions

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

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF _____) ESTATE NO. _____
)
)
_____,)
DECEASED) PETITION TO PROBATE WILL
) IN SOLEMN FORM

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of _____, whose mailing
address is/are _____

_____, shows:

1.

On _____, 20_____, _____
First Middle Last Name
whose place of domicile was _____
Street City County State
departed this life owning property in Georgia.

2.

While alive, decedent duly made and published a Last Will and Testament dated
_____, which is herewith offered for probate in Solemn Form.
Your petitioner(s) is/are named as the Executor.

3.

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

Name	Age (Or over 18)	Address	Relationship

4.

(initial if applicable)

_____ As shown in paragraph 3. above, the decedent was survived by (a) minor child(ren), and:

_____ a. (initial if applicable). The Will names a Testamentary Guardian of the minor child(ren) of the decedent. Petitioner shows there is no living parent of said child(ren). The following individual(s) who has/have consented to serve is/are named as Testamentary Guardian in the decedent's Will:

Name Address

_____ b. (initial if applicable). The Will names a Testamentary Conservator of the minor child(ren) of the decedent for property passing under the decedent's Will. The following individual(s) who has/have consented to serve is/are named as Testamentary Conservator(s) in the decedent's Will:

Name Address

_____ i. (initial as applicable). There is/are now a court-appointed Conservator(s), who is/are identified as follows:

Name Address

5.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission. Also, state here all pertinent facts which may govern the method of giving notice to any party and which may determine whether or not a guardian ad litem should be appointed for any party. If any heirs listed above are cousins, grandchildren, nephews or nieces of the decedent, please indicate the deceased ancestor through whom they are related to the decedent. If any executor nominated in the will has an equal or higher priority to the propounder, but will not qualify, indicate the name and reasons.

6.

(initial one)

_____ 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.

_____ The probate of another purported Will of the decedent is pending in this state in the _____ County Probate Court. The names 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, which is expressly made a part hereof, as if fully set forth herein.

WHEREFORE, petitioner(s) pray(s)

1. leave to prove said Will 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 Guardianship and/or 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 first petitioner

Signature of second petitioner if any

Printed Name

Printed Name

Address

Address

Phone Number

Phone Number

Signature of Attorney: _____

Typed/printed name of Attorney: _____

Address: _____

Telephone: _____ State Bar # _____

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

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

First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

Second Petitioner, if any

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

**ACKNOWLEDGMENT OF SERVICE
AND ASSENT TO PROBATE INSTANTER**

GEORGIA, _____ COUNTY

IN RE: PETITION OF _____ TO PROBATE
THE WILL OF _____,
DECEASED, IN SOLEMN FORM

We, the undersigned, being 18 years of age or older, laboring under no legal disability and being heirs of the above-named decedent, hereby acknowledge service of a copy of the petition to probate said Will in solemn form, purported Will, and notice, waive copies of same, waive further service and notice, and hereby assent to the probate of said Will in solemn form without further delay.

SIGNATURE(S) OF HEIRS

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

NOTARY/CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

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

NOTARY/CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

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

NOTARY/CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

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

NOTARY/CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

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

NOTARY/CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

**TESTAMENTARY GUARDIAN AND/OR TESTAMENTARY CONSERVATOR
CONSENT TO SERVE**

GEORGIA, _____ COUNTY

IN RE: PETITION OF _____ TO PROBATE
THE WILL OF _____,
DECEASED, IN SOLEMN FORM

I/We, the undersigned, being 18 years of age or older, laboring under no legal disability and being named as Testamentary Guardian(s) and/or Testamentary Conservator(s), hereby consent to serve. I/We understand that once appointed, I/We will have the same rights, powers, and duties as set forth in O.C.G.A. §29-2-4 and 29-3-5.

SIGNATURE

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name