

Petition to Probate Will in Solemn Form and for Letters of Administration With Will Annexed

NOTICE: UNLESS OTHERWISE DIRECTED BY THE COURT, THE FOLLOWING FORMS ARE FOR PROBATE COURT STAFF TO COMPLETE

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF	)	ESTATE NO. _____
)	
_____ ,	)	PETITION TO PROBATE WILL IN
DECEASED	)	SOLEMN FORM AND FOR
	)	LETTERS OF ADMINISTRATION
	)	WITH WILL ANNEXED

ORDER FOR SERVICE OF NOTICE AND FOR APPOINTMENT OF GUARDIAN AD LITEM, IF NECESSARY

The foregoing Petition to Probate Will in Solemn Form and for Letters of Administration with Will Annexed having been filed, and all the heirs not having acknowledged service and/or the beneficiaries capable of expressing a choice not having made a unanimous selection and/or it being alleged that a nominated executor has failed to qualify, it is ordered that notice shall issue and be served upon the ((heirs) (beneficiaries) who have not acknowledged service of the petition) (upon any executor nominated in the Will who has failed to qualify), as follows:

(Initial any and all which apply:)

_____ Notice must be served personally, together with a copy of the petition and purported Will, at least ten days before the deadline for filing objections upon the following interested parties who reside in Georgia:

_____ Notice must be served by registered or certified mail, return receipt requested, together with a copy of the petition and purported Will, upon the following nonresident interested parties whose current residence addresses are known:

_____ Notice must be published once a week for four weeks in the newspaper in which sheriff's advertisements are published in this county, before _____, in order to serve by publication the following interested parties whose current residence addresses are unknown:

_____ IT IS ORDERED that _____ is appointed guardian ad litem for _____ (minor)(unborn heir)(and the unknown heir), and that said guardian ad litem be duly served with a copy of the foregoing Notice, petition, purported Will and notice of this appointment, and that upon said guardian ad litem's acceptance of the same, said guardian ad litem shall make answer hereto. This appointment is limited to this proceeding only and it shall cease when a final order is entered on this petition.

SO ORDERED this _____ day of _____, 20 _____.

Probate Judge

NOTICE

PROBATE COURT OF _____ COUNTY
RE: PETITION OF _____ TO PROBATE IN SOLEMN FORM
THE WILL OF _____, DECEASED, AND FOR LETTERS OF
ADMINISTRATION WITH WILL ANNEXED, UPON WHICH AN ORDER FOR SERVICE WAS
GRANTED BY THIS COURT ON _____.

(Strike the following paragraph if not applicable:)

TO: (List here all interested parties having known addresses in the continental U.S. to be served by certified or registered mail) _____

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirteenth (13th) 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 13 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

TO: (List here all interested parties having known addresses outside the continental U.S. to be served by certified or registered mail) _____

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirtieth (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 ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

TO: (List here all interested parties who reside in Georgia to be served personally) _____

_____ who are required to be served personally, to file objection, if there is any, to the above referenced petition, in this Court on or before the tenth (10th) day after the date you are personally served.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/phone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on _____) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

PROBATE JUDGE
By: _____
CLERK OF THE PROBATE COURT

ADDRESS

TELEPHONE NUMBER

NOTICE

PROBATE COURT OF _____ COUNTY

RE: PETITION OF _____ TO PROBATE
IN SOLEMN FORM THE WILL OF _____,
DECEASED, AND FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED,
UPON WHICH AN ORDER FOR SERVICE WAS GRANTED BY THIS COURT
ON _____.

(For use if an interested party is required to be served by publication:)

TO:(List here all known interested parties having unknown addresses to be served by publication) _____

All interested parties and all and singular the heirs of said decedent, the beneficiaries under the purported Will, and to whom it may concern: 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 pleadings must be signed before a notary public or probate court clerk, and filing fees must be tendered with your pleadings, unless you qualify to file as an indigent party. Contact probate court personnel at the below address/phone number for the required amount of filing fees. If any objections are filed, a hearing will be (held on _____)
(scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

PROBATE JUDGE

By: _____
CLERK OF THE PROBATE COURT

ADDRESS

TELEPHONE NUMBER

CERTIFICATE OF MAILING

This is to certify that I have this date forwarded by registered or certified mail, return receipt requested, in a stamped, addressed envelope, a copy of the foregoing petition, purported Will and the notice to all of the interested parties who reside out of state.

DATE

PROBATE CLERK/DEPUTY CLERK

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

)

)

)

RETURN OF SHERIFF

I have this day served _____
personally with a copy of the foregoing petition, purported Will and notice.

Date

Deputy Sheriff, _____ County

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

ANSWER OF GUARDIAN AD LITEM

I hereby accept the foregoing appointment, acknowledge service and notice of the proceedings as provided by law, and for answer say:

Date

Guardian ad Litem
Address _____

Telephone _____

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

ORDER

The Petition of _____ to probate the Will of the above decedent in Solemn Form, and requesting that Letters of Administration with the Will Annexed be issued as set forth in the petition, having been duly filed;

And it appearing that the decedent died domiciled in this County, that notice was issued and duly served according to law, or was duly waived, and that notice of the petitioner's intention to proceed with the proof in Solemn Form has been duly served upon all of the heirs;

And said Will having been (self-proved)(proved by one of the witnesses thereto) to be the Last Will and Testament of said decedent, and it also appearing that _____

is/are lawfully qualified for said Administration, and all other requirements of law having been fulfilled; and no objection being offered thereto,

IT IS HEREBY ORDERED that said Will be established as the true Last Will and Testament of said decedent, that the same be admitted to record as proved in Solemn Form, and that Letters of Administration with the Will Annexed issue to the person(s) found above in this Order to be qualified for such office, upon his/her/their taking and subscribing the Oath as provided by law.

IT IS FURTHER ORDERED that said Administrator(s) with Will Annexed shall disburse all property according to the terms of the Will and shall maintain all records of income and disbursements until they are discharged.

IT IS FURTHER ORDERED that the clerk/deputy clerk shall serve the Administrator(s) with Will Annexed with a copy of this Order by first class mail and shall file a certificate of service showing such service.

(initial if applicable)

_____ IT IS FURTHER ORDERED that Letters of Testamentary Guardianship and/or Conservatorship shall issue to the individuals so designated in said Will.

SO ORDERED this _____ day of _____, 20_____.

Probate Judge

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF	)	ESTATE NO. _____
)	
_____ ,	)	PETITION TO PROBATE WILL IN
DECEASED	)	SOLEMN FORM AND FOR
	)	LETTERS OF ADMINISTRATION
	)	WITH WILL ANNEXED

OATH

I do solemnly swear (or affirm) that this writing contains the true Last Will and Testament of _____, 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 ____.

_____ Administrator C.T.A.

CLERK OF PROBATE COURT Printed Name

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

_____ Administrator C.T.A.

CLERK OF PROBATE COURT Printed Name

STATE OF GEORGIA

COUNTY OF _____

ESTATE NO. _____

LETTERS OF ADMINISTRATION WITH WILL ANNEXED
(Relieved of Filing Returns)

By _____, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the ____ day of _____, 20____, at a regular term of the Probate Court, the Last Will and Testament dated _____ of _____ deceased, at the time of his or her death a resident of said County, was legally proven in Solemn form and was admitted to record by order, and (on the ____ day of _____, _____) 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).

NOW, THEREFORE, the said _____, 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 the Will Annexed according to the Will and the law.

Given under my hand and official seal, the ____ day of _____, 20____.

Probate Judge

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

Issued by:

(Seal)

PROBATE CLERK/DEPUTY CLERK

STATE OF GEORGIA

COUNTY OF _____

ESTATE NO. _____

LETTERS OF ADMINISTRATION WITH WILL ANNEXED
(Relieved of Filing Returns and/or Certain Powers Granted at Time of Appointment)

By _____, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the ____ day of _____, 20____, at a regular term of the Probate Court, the Last Will and Testament dated _____, _____ of _____ deceased, at the time of his or her death a resident of said County, was legally proven in Solemn form and was admitted to record by order, and (on the ____ day of _____, _____) 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).

NOW, THEREFORE, the said _____, 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 the Will Annexed according to the Will and the law.

IT IS FURTHER ORDERED that the undersigned judge does hereby

(Initial all which apply:)

- _____ a. waive the bond of the Administrator(s) and granted to the Administrator(s) the power to serve without filing an inventory, and without filing any annual or other returns or reports to any court; but the fiduciary shall furnish to the income beneficiaries, at least annually, a statement of receipts and disbursements.
- _____ b. grant to the Administrator(s) all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above.

Given under my hand and official seal, the ____ day of _____, 20____.

Probate Judge

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

Issued by:

(Seal)

PROBATE CLERK/DEPUTY CLERK

STATE OF GEORGIA

COUNTY OF _____

ESTATE NO. _____

LETTERS OF ADMINISTRATION WITH WILL ANNEXED
(Not Relieved of Filing Returns)

By _____, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the ____ day of _____, 20____, at a regular term of the Probate Court, the last Will and Testament dated _____ of _____ deceased, at the time of his or her death a resident of said County, was legally proven in Solemn form and was admitted to record by order, and (on the ____ day of _____, _____) 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).

NOW, THEREFORE, the said _____, 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 the 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 until the Administration with Will Annexed is fully discharged.

Given under my hand and official seal, the ____ day of _____, 20____.

Probate Judge

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

Issued by:

(Seal)

PROBATE CLERK/DEPUTY CLERK

STATE OF GEORGIA

COUNTY OF _____

ESTATE NO. _____

LETTERS OF TESTAMENTARY GUARDIANSHIP OF MINOR

From the Judge of the Probate Court of said County.

TO: _____, Testamentary Guardian(s)

RE: _____, Minor

Pursuant to the Last Will and Testament of _____, deceased, you have been appointed Testamentary Guardian of the minor. You have assented to this appointment by taking your oath. In general, your duties as Testamentary Guardian are to protect and maintain the person of the minor and your power over the minor shall be the same as that of a parent over a child, the guardian(s) standing in place of the parent(s). A guardian shall at all times act as a fiduciary in the minor's best interest and exercise reasonable care, diligence, and prudence.

Special Instructions:

1. It is your duty to see that the minor is adequately fed, clothed, sheltered, educated, and cared for, and that the minor receives all necessary medical attention.
2. You must keep the Court informed of any change in your name or address.
3. You should inform the Court of any change of location of your minor.
4. You shall, within 60 days of appointment and within 60 days after each anniversary date of appointment, file with this Court and provide to the conservator of the minor, if any, a personal status report concerning the minor.
5. You shall promptly notify the court of any conflict of interest which may arise between you as guardian and the minor pursuant to O.C.G.A. §29-2-23.
6. The guardianship automatically terminates when the minor dies, reaches age 18, is adopted, or is emancipated.
7. You shall act in coordination and cooperation with the minor's conservator, if appointed, or if not, with others who have custody of the minor's property.
8. Please consult your attorney if you have any questions. Your authority to act pursuant to these Letters is subject to applicable statutes and to any special orders entered in this case.

Give under my hand and official seal, this _____ day of _____, 20_____.

Probate Judge

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

Issued by:

PROBATE CLERK/DEPUTY CLERK (Seal)

STATE OF GEORGIA

COUNTY OF _____

ESTATE NO. _____

LETTERS OF TESTAMENTARY CONSERVATORSHIP OF MINOR

From the Judge of the Probate Court of said County.

TO: _____, Testamentary Conservator(s)

RE: _____, Minor

Pursuant to the Last Will and Testament of the below-named decedent, you have been appointed Testamentary Conservator of the minor's property. You have assented to this appointment by taking your oath. In general, your duties as Testamentary Conservator are to protect and maintain the property of the minor and utilize the minor's property solely for the benefit of the minor. Please consult your attorney if you have any questions.

These Letters of Testamentary Conservatorship empower the above testamentary conservator to hold, for the minor, only property which passed through the estate of

_____, Deceased.

Given under my hand and official seal, this _____ day of _____, 20_____.

Probate Judge

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

Issued by:

PROBATE CLERK/DEPUTY CLERK

(Seal)