

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 (sometimes called Letters of Administration C.T.A.) pursuant to O.C.G.A. §53-6-13 et seq.
2. Signatures of heirs and beneficiaries who acknowledge service must be attested by 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 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. It is not necessary that all acknowledgments appear on the same page.
3. 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. This form also provides for a copy of the purported Will to be served upon the beneficiaries, which, though not required by the statute, is of some practical benefit and simplifies several parts of this form.

II. General Instructions

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

4.

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, and whose identity and whereabouts are known or may be determined by reasonable diligence.

Name	Age (Or over 18)	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 persons listed above as heirs are cousins, grandchildren, nephews or nieces of the decedent, please indicate the deceased ancestor through whom they are related to the decedent. 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.

6.

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

(initial all which apply:)

- _____ The decedent failed to name an Executor in the Will.
- _____ The named Executor is deceased.
- _____ The named Executor has renounced his/her right to serve as such.
- _____ Other reason a testate estate is unrepresented _____
_____.

7.

(The Petitioner(s)) (_____) is/are entitled to be appointed Administrator C.T.A. 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's surviving spouse, no action for divorce or separate maintenance was pending at the time of death of the testator.
- _____ b. appointment of the proposed Administrator(s) C.T.A. named above will best serve the interest of the estate and the proposed Administrator(s) C.T.A. is/are:
 - _____ (i) A beneficiary or the trustee of any trust that is a beneficiary under the Will.
 - _____ (ii) An eligible person as defined in O.C.G.A. §53-6-1.
 - _____ (iii) A creditor of the estate.
 - _____ (iv) The county administrator.

8.

The proposed Administrator(s) C.T.A. 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 if applicable)

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

WHEREFORE, Petitioner(s) pray(s):

1. That due and legal notice of this petition be given as the law requires.
2. That the Will be admitted to probate in solemn form and to record upon proper proof.
3. That Letters of Administration with Will Annexed issue to the proposed Administrator(s) C.T.A. named above.
4. That Letters of Testamentary Guardianship and/or Letters of Testamentary Conservatorship issue, if applicable,
5. That this Court grant such other and further relief as it deems 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 WILL IN SOLEMN FORM BY HEIRS AND BY BENEFICIARIES CAPABLE OF EXPRESSING A CHOICE

PROBATE COURT OF _____ COUNTY

IN RE: PETITION OF _____ TO PROBATE THE WILL OF _____, DECEASED, IN SOLEMN FORM, AND FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED.

Each of the undersigned beneficiaries hereby acknowledges service of a copy of the petition referred to above and the purported Will, waives all further service and notice, selects the person proposed in said petition to be Administrator with Will Annexed and consents to the petition.

Each of the undersigned heirs of the above-named decedent being 18 years of age or older, and laboring under no legal disability, hereby acknowledges service of a copy of the petition referred to above, purported Will, and notice, waives all further service and notice, and hereby assent to the probate of said Will in Solemn Form without further delay.

SIGNATURE(S) OF HEIRS/BENEFICIARIES

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Print Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Print Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Print Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Print Name

**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 understand that once appointed, I 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