

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 testator or intestate, for a period of 12 months, taking into consideration the following: (1) 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 (2) 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 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."

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. _____
)
)
_____,) PETITION FOR YEAR'S SUPPORT
DECEASED)
)
)

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The Petition of _____,
First Middle Last Name
whose mailing address is _____, shows that:

1.

The petitioner is:

- _____ A. The surviving spouse.
- _____ B. A guardian or other individual acting on behalf of the surviving spouse or minor child(ren) (state specific relationship): _____

2.

The decedent, _____, whose domicile was _____
(State full street address of decedent, including County of domicile)
departed this life on _____, 20 _____.

3.

(Initial one:)

- _____ A. There is not a Will.
- _____ B. There is a Will, which has been offered for probate.
- _____ C. There is a Will, which will be offered for probate.
- _____ D. There is a Will, which will not be offered for probate but is attached to this Petition or is on file with this Court.

4.

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

5.

Petitioner shows that the following named minor child ____ of said decedent , to wit:

Name of Minor Child D.O.B. Name, Address of Parent or Guardian

Name of Minor Child D.O.B. Name, Address of Parent or Guardian

Name of Minor Child D.O.B. Name, Address of Parent or Guardian

Name of Minor Child D.O.B. Name, Address of Parent or Guardian

Name of Minor Child D.O.B. Name, Address of Parent or Guardian

(and _____(Full Name of Surviving Spouse, if applicable)
(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 above.

6.

A schedule of the property or a statement of the amount of money or both which the petitioner proposes to have set aside to the individuals listed in paragraph 5. above as year's support is attached hereto as "Exhibit A" and made a part hereof.

7.

(Select "A" or "B", and strike inapplicable words:)

_____ A. (There is no executor or administrator of this estate) (The petitioner is the executor or administrator of this estate) and therefore petitioner has set forth below by affidavit marked "Exhibit B" and made a part hereof a list of all interested persons, who must be mailed a copy of the notice not less than 21 days prior to the deadline shown in the notice by which objections, if any, must be filed.

_____ B. _____ (is) (are) the acting executor(s) or administrator(s) of this estate and must receive 21 days' notice by mail as described above. Note: "Exhibit B" is not required.

8.

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:

- _____ 1. Real property taxes accrued in the year of decedent's death;
- _____ 2. Real property taxes accrued in the year in which this petition is filed; or
- _____ 3. 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.

9.

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 described above.
- 3. That any interested person who is a minor or an incapacitated adult have a guardian ad litem appointed for him or her, except for any minor child of decedent on whose behalf this petition has been filed by a guardian who is not the spouse of the decedent.
- 4. That this Court grant such other and further relief as it deems proper under the circumstances.

Signature of petitioner

Printed Name

Address

Telephone 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 ____.

Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF _____) ESTATE NO. _____
)
)
_____,) PETITION FOR YEAR'S SUPPORT
DECEASED)
)
)

EXHIBIT A

SCHEDULE OF PROPERTY

[NOTE: If the petitioner proposes to have set aside any interest in real property, then the complete legal 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 (page 8).]

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 aside as year's support:

Petitioner

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF _____) ESTATE NO. _____
)
) PETITION FOR YEAR'S SUPPORT
DECEASED)
)

EXHIBIT B

LIST OF INTERESTED PERSONS

(To be completed if (1) there is no 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 petitioner 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, 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. 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:

Table with 4 columns: Name, Last Known Address, Age (or over 18), Relationship to Decedent. Multiple empty rows for entry.

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

Petitioner

Notary Public, or Clerk, Probate Court

Probate Court Return Mailing Address:

CERTIFICATE OF ORDER OF YEAR'S SUPPORT

(Pursuant to Ga. Code Ann. §53-3-11)

GEORGIA, _____ COUNTY

DATE ORDER GRANTED: _____

GRANTOR: (NAME OF DECEDENT) _____

GRANTEE: (FULL NAME OF SURVIVING SPOUSE, AND EACH MINOR CHILD, AND DATE OF BIRTH OF EACH MINOR)

ADDRESS OF GRANTEE: _____

Legal Description of Real Property and Interest Therein:

Also land in _____, Count(y)(ies).

Original Certificate delivered or mailed to Clerk of Superior Court of _____
_____ County on _____, 20_____.

Certificate prepared by:

SIGNATURE OF ATTORNEY

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 and that the above information is true and correct.

By: _____
PROBATE CLERK/DEPUTY CLERK