

**Re: Petition for Order Declaring No Administration Necessary**

INSTRUCTIONS

I. Specific Instructions

1. \_\_\_\_\_ This form is to be used when filing a petition for order declaring no administration necessary, pursuant to O.C.G.A. §53-2-40, et seq. Formatted: Indent: Hanging: 72 pt
2. O.C.G.A. §53-2-40(b) no longer requires that all heirs must be sui juris. 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 of the person or property, or testamentary guardian has no conflict and may serve.
3. \_\_\_\_\_ O.C.G.A. §53-2-40(c) provides that the personal representative of a deceased heir is authorized to agree to the division of property. Formatted: Indent: Hanging: 72 pt
4. A signed original agreement setting out the heirs' agreed upon distribution of the estate must be attached to the petition.
5. The attached form consists of 8 pages.

II. General Instructions

1. \_\_\_\_\_ General instructions applicable to all Georgia probate court standard forms are available in each probate court. Formatted: Indent: Left: 0 pt

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**PETITION FOR ORDER DECLARING NO ADMINISTRATION NECESSARY**

GEORGIA, \_\_\_\_\_ COUNTY

To the Honorable Judge of the Probate Court of said State and County:

The Petition of \_\_\_\_\_, whose mailing address is \_\_\_\_\_

Street City State Zip  
respectfully shows to the Court the following:

1.

\_\_\_\_\_ whose domicile was \_\_\_\_\_  
First Middle Last Name  
Street City County State

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\_\_\_\_\_ died  
intestate on \_\_\_\_\_, 19\_\_\_\_. Petitioner is an heir of the decedent.

2.

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

Name	Age (Or over 18)	Address	Relationship
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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3.

Additional information concerning the personal representative of any now deceased heir, the guardian of any incapacitated adult heir, and any information relative to whom the court should appoint as guardian, if one is needed, in this proceeding:

4.

The decedent owned the following described personal property in this state (include identifying account numbers, serial numbers, etc., where applicable):

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5.

The decedent owned the following described real property in this state (insert complete legal description and street address, if any):

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6.

The estate of said decedent owes no debts  
(Check any and all which apply)

- \_\_\_ A. except that there is an outstanding security deed held by \_\_\_\_\_, who must be properly served in this matter unless such holder has consented in writing below to the petition.
- \_\_\_ B. except to such creditor(s) as have consented in writing to the petition, as shown on the consent below.
- \_\_\_ C. except the creditor(s) whose name(s) and address(es) are listed immediately below who have not consented in writing and must be served as provided by law:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

7.

The heirs have amicably agreed upon a division of the estate among themselves as shown by the written agreement attached hereto containing original signatures of all heirs, attested to by a notary public or probate court clerk.

8.

To the knowledge of the petitioner, no other proceedings with respect to this estate are pending, or have been completed, in any other probate court in this state.

WHEREFORE, petitioner prays that this Court issue and serve any notice required by law in such matters, and that after ascertaining the legal sufficiency for granting this petition, this Court grant an Order that no administration is necessary in this estate, all as provided by law.

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\_\_\_\_\_  
 Signature of Attorney (or  
 petitioner if pro se)  
 Address:

\_\_\_\_\_  
 Signature of Attorney (or  
 petitioner if pro se)  
 Address:

Telephone Number:

Telephone Number:

State Bar #:

State Bar #:

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**VERIFICATION**

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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.

_____ Petitioner	_____ Petitioner
Residence Address:	Residence Address:
Telephone Number:	Telephone Number:

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Clerk of Probate Court or Notary Public

**ORDER FOR NOTICE**  
**(NOT NEEDED IF ALL CREDITORS HAVE CONSENTED)**

Upon reading and considering the foregoing petition, IT IS ORDERED that notice issue thereon as required by law, requiring all creditors who have not consented to the petition to show cause in writing filed in this Court on or before a day certain, if published, or within ten days of personal service, whichever is later, why the prayers of the petitioner should not be granted as prayed, and an Order granted that no administration is necessary in this estate. Further Ordered that any security deed holder or other creditor who has not consented in writing to the petition and whose current address is known be served with a copy of the Petition, this Order, and the following Notice, personally if a resident of this state, or by registered or certified mail, return receipt requested, if a nonresident with a known current address. Any creditor whose current address is not known must be served by publishing the notice once a week for four weeks.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE OF THE PROBATE COURT

**NOTICE**

Georgia, \_\_\_\_\_ County Probate Court

TO WHOM IT MAY CONCERN:

\_\_\_\_\_ has petitioned for an order finding that no administration is necessary on the estate of \_\_\_\_\_, deceased. All creditors who have not consented to the petition are, therefore, required to show cause on or before \_\_\_\_\_, or within ten days after personal service, whichever is later, why such order should not be granted.

All objections to the petition must be in writing, setting forth the grounds of any such objections. If any objections are filed a hearing will be (held on \_\_\_\_\_) (scheduled for a later date). If no objections are filed, the petition may be granted without a hearing.

_____ DATE	_____ By: _____ CLERK OF THE PROBATE COURT
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**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 supplied by the petitioner(s), a copy of the foregoing petition and the notice, to each of the following creditors who reside out of state at known current addresses:

| \_\_\_\_\_  
DATE

←-----  
CLERK, PROBATE COURT

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\_\_\_\_\_

**RETURN OF SHERIFF**

| I do hereby certify that I have this day served \_\_\_\_\_  
\_\_\_\_\_, creditor in this matter, with a copy of the foregoing Petition for Order  
Declaring No Administration Necessary, Order for Notice and Notice.

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| \_\_\_\_\_  
Date Deputy Sheriff, \_\_\_\_\_ County

| \_\_\_\_\_  
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**ACKNOWLEDGMENT OF SERVICE AND CONSENT**

Each of the undersigned heirs or creditors (including any security deed holder) hereby acknowledges due and legal service of the foregoing Petition, waives copies of same and all further service and notice in this matter, and consents to the following Final Order declaring that no administration is necessary in the estate of \_\_\_\_\_, deceased.

SIGNATURE(S) OF HEIRS OR CREDITORS  
(INCLUDING ANY SECURITY DEED  
HOLDERS)

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
RELATIONSHIP TO ESTATE

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
RELATIONSHIP TO ESTATE

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
RELATIONSHIP TO ESTATE

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me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
RELATIONSHIP TO ESTATE

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\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
RELATIONSHIP TO ESTATE

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\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
RELATIONSHIP TO ESTATE

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**AGREEMENT**

We, being all of the heirs of \_\_\_\_\_, deceased, hereby agree to the division of the decedent's estate among ourselves in the amounts and portions determined in accordance with the rules of inheritance when a decedent dies without a will, or if different, as follows:

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

HEIR

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NOTARY/CLERK OF PROBATE COURT

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Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

HEIR

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me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

HEIR

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Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

HEIR

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NOTARY/CLERK OF PROBATE COURT

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Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

HEIR

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