

## **Petition of Conservator for Leave to Sell Property or Rent, Lease, or Otherwise Dispose of Property**

### INSTRUCTIONS

#### I. Specific Instructions

1. This form is to be used when a conservator requests leave to sell, rent, lease, or otherwise dispose of real or personal property at public or private sale pursuant to O.C.G.A. §29-3-35(c) or 29-5-35(c).
2. With regard to paragraph 3 of the petition, a recent appraisal should be used if available; otherwise, a copy of the most recent ad valorem tax statement should be provided. If the appraised value or tax value is higher than the selling price, explain the discrepancy on an additional sheet, and add a reference to this in paragraph 3 of the petition.
3. This petition is to be filed by the conservator and not by a guardian. A guardian ad litem must be appointed for the minor/ward.
4. Service of the Petition and Notice on the minor/ward and guardian ad litem must be by personal service. If requested by the Petitioner(s) and approved by the Court, service may be made by registered or certified mail or statutory overnight delivery with return receipt requested and with delivery restricted to addressee only. See O.C.G.A. §29-9-4(e) and/or O.C.G.A. §15-9-17.

#### 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

<b>IN RE:</b>	)	<b>ESTATE NO.</b>
	)	
_____ ,	)	<b>PETITION OF CONSERVATOR</b>
<b>MINOR/WARD</b>	)	<b>FOR LEAVE TO SELL REAL</b>
	)	<b>OR PERSONAL PROPERTY</b>
_____ ,	)	<b>OR RENT, LEASE, OR OTHERWISE</b>
<b>CONSERVATOR(S)</b>	)	<b>DISPOSE OF SAID PROPERTY</b>

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_,  
 Conservator(s) of the above minor/ward, whose address is: \_\_\_\_\_  
 \_\_\_\_\_ shows that:

1.

- Conservator(s) desire(s) to (initial one):
- |                                   |  |
|-----------------------------------|--|
| <input type="checkbox"/> a. sell  | <input type="checkbox"/> d. exchange   |
| <input type="checkbox"/> b. rent  | <input type="checkbox"/> e. dispose of |
| <input type="checkbox"/> c. lease | <input type="checkbox"/> f. other:     |

Describe certain property belonging to the minor/ward's estate. The minor/ward owns a \_\_\_ % interest in said property, described as follows (if real property, give metes and bounds description, and street address if known):

2.

The purpose of said disposition of said property is:

3.

Said transaction is believed to be in the best interest of the minor/ward, and

- \_\_\_\_\_ a. The conservator(s) desire(s) to sell the property at public sale for no less than \$ \_\_\_\_\_.
- \_\_\_\_\_ b. the conservator(s) desire(s) to sell the property at private sale for the sum of \$ \_\_\_\_\_ because it is the belief of conservator(s) that said property will not bring that amount if sold at public sale. A copy of the contract for sale is attached to this petition as Exhibit "B."
- \_\_\_\_\_ c. the conservator(s) desire to rent or lease the property for \$ \_\_\_\_\_ per month. The property currently has mortgage payments of \$ \_\_\_\_\_ per month. A copy of the contract to rent or lease the property is attached to this petition as Exhibit "B."
- \_\_\_\_\_ d. the conservator(s) desire to dispose of the property otherwise as follows:

Attached as Exhibit "A" is a copy of (a recent appraisal) (the most recent ad valorem tax statement) showing the current value of the property to be \$ \_\_\_\_\_.

4.

At present, the conservator(s) has/have a bond on file in this Court in the amount of \$ \_\_\_\_\_. The net proceeds to the minor's/ward's estate from the sale of

the subject property will be approximately \$\_\_\_\_\_ . An additional bond in the amount of \$\_\_\_\_\_ to cover the amount by which the net proceeds from the sale, plus the amount of personal property currently in the estate, will exceed the current bond amount will be posted prior to the deadline for objections set forth in the citation.

5.

Conservator(s) request(s) that the minor/ward and guardian ad litem be personally served with citation and a copy of this petition.

6.

There is no relationship or connection between the Conservator(s) or members of their immediate family and the purchaser(s) except as follows: \_\_\_\_\_.

WHEREFORE, conservator(s) pray(s) that a guardian ad litem be appointed for said minor/ward, and prays for an order directing that citation be issued and personally served, together with a copy of this petition, upon the minor/ward and guardian ad litem, and if no cause be shown to the contrary, your conservator(s) be granted leave to sell, rent, lease, or otherwise dispose of said property as set forth above.

\_\_\_\_\_  
Signature of conservator

\_\_\_\_\_  
Signature of co-conservator, if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney:

Typed/printed name of Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ State Bar # \_\_\_\_\_

**VERIFICATION**

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

Personally appeared before me the undersigned conservator(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 \_\_\_\_.

\_\_\_\_\_  
Conservator

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

\_\_\_\_\_  
Printed Name

--  
Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Co-Conservator, if any

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

\_\_\_\_\_  
Printed Name