

Petition by Personal Representative for Waiver of Bond and/or Grant of Certain Powers

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 BY PERSONAL
DECEASED	)	REPRESENTATIVE FOR WAIVER OF
	)	BOND AND/OR GRANT OF CERTAIN
	)	POWERS

ORDER FOR PUBLICATION AND APPOINTING GUARDIAN AD LITEM, IF NECESSARY

Upon reading the foregoing petition, it is ordered that notice be issued and published once a week for four weeks prior to the date on which objections must be filed.

(initial if applicable)

_____ IT IS FURTHER ORDERED that _____ is appointed guardian ad litem for _____, and that said guardian ad litem be duly served with a copy of the foregoing Notice, petition, purported Will if any, and notice of this appointment, and that upon said guardian ad litem's acceptance of 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

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF	)	ESTATE NO. _____
)	
_____	)	PETITION BY PERSONAL
DECEASED	)	REPRESENTATIVE FOR WAIVER OF
	)	BOND AND/OR GRANT OF CERTAIN
	)	POWERS

NOTICE

_____ has petitioned for waiver of bond and/or for the grant of certain powers contained in O.C.G.A. §53-12-232 in regard to the above estate. All interested parties are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the court on or before _____, 20_____. All pleadings/objections must be signed before a notary public or before a probate court clerk, and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, the Petition may be denied or a hearing will be (held on _____, 20 _____ in the Probate Court of _____ County, courtroom _____, (address) _____, Georgia)(scheduled for a later date). If no objections are filed, the petition may be granted without a hearing.

PROBATE CLERK/DEPUTY CLERK

ADDRESS

TELEPHONE NUMBER

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF	)	ESTATE NO. _____
)	
_____,	)	PETITION BY PERSONAL
DECEASED	)	REPRESENTATIVE FOR WAIVER OF
	)	BOND AND/OR GRANT OF CERTAIN
	)	POWERS

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. _____
)	
_____ ,	)	PETITION BY ADMINISTRATOR
DECEASED	)	PERSONAL REPRESENTATIVE
	)	FOR WAIVER OF BOND AND/OR
	)	GRANT OF CERTAIN POWERS

FINAL ORDER

The petition for waiver of bond and/or grant of certain powers contained in O.C.G.A. §53-12-232 to the personal representative of the estate of _____, deceased, has been duly filed. Consent to the petition was given by all heirs or beneficiaries under the Will, if testate. Notice was published according to law and no objection to the petition has been filed.

It is therefore ordered that the undersigned judge does hereby: (Initial all which apply):

- _____ a. waive the necessity of bond of this personal representative from the date of this order forward, and grant to the personal representative the power to serve without making and filing inventory if not yet due, and without filing any annual or other returns or reports covering any period from the date of this order forward to any court; but the fiduciary shall in the future furnish to the income beneficiaries, at least annually, a statement of receipts and disbursements. The present bond of the personal representative dated _____, number _____ written by _____, surety, in the amount of \$ _____ is hereby reduced to zero (\$0) as of the date of this order. The foregoing relief is given upon the following conditions: The personal representative's surety shall be relieved of all liability from the date of this order forward, except liability for any waste or misconduct by the personal representative which occurred before the date of this order, and with respect to such continuing liability the surety shall not be relieved until the personal representative has been discharged as provided by law. Further, the personal representative must file a return with this court within 60 days from the date of this order covering the period from his most recent return, if any, up to the date of this order. A copy of such return shall be sent by first class mail by the personal representative to all of the heirs, if the decedent was intestate, and beneficiaries, if the decedent died testate. Objections to such return may be filed within 30 days after such return is filed with the court. If such notice is not given, or if any objection is made and sustained by the court, the court may withdraw from the date the personal representative failed to give such notice or from the date of its order on such objections any relief granted upon this petition.

- _____ b. grant to the personal representative from the date of this order forward all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above.

FURTHER ORDERED that Letters of Administration or Testamentary reflecting the above be issued to the personal representative.

SO ORDERED this _____ day of _____, 20_____.

Probate Judge

INSTRUCTIONS

1. Unless inventory has been waived, an inventory of the estate must be filed with this Court by the Personal Representative within six (6) months after the date of qualification as Personal Representative, and a copy of that inventory must be delivered to the heirs by first-class mail within the same period.

2. Within sixty (60) days after the date of qualification as Personal Representative, notice must be given once a week for four (4) weeks by advertisement in the newspaper in this County in which sheriff's notices are published, requiring creditors of the estate to render in their demands and requiring debtors to make payment.

3. Unless returns have been waived, or a different accounting period has been approved, within sixty (60) days after the anniversary date of qualification as Personal Representative, in each and every year, every Personal Representative must make a just and true account, under oath, of his receipts and expenditures on behalf of the estate during the preceding year, together with a note or memorandum of any other fact necessary to the exhibition of the true condition of the estate. The vouchers showing the correctness of each item must be retained by the Personal Representative.

4. The Personal Representative is allowed six (6) months from the date of his qualification to ascertain the condition of the estate, during which he is exempt from suit. He should collect all debts due the estate, and pay the debts of the estate, wholly or in part, at the end of the six-month period. Payment of the debts of the decedent shall be made in accordance with their rank in priority as provided in O.C.G.A. §53-7-40.

5. The Personal Representative may continue the business of his intestate for the year of his qualification without a court order.

6. The normal commissions allowed the Personal Representative are two and one-half percent (2.5%) of all sums of money received, and a like commission on all sums of money paid out. In addition, the Judge of the Probate Court may allow a commission of up to three percent (3%) of the value of all property distributed in kind. There are special rules concerning commissions on interest earned and extra compensation.

7. After the payment of all expenses of administration and other debts, the balance of the estate shall be promptly distributed to the heirs. The Personal Representative must then make a final return, showing the receipts and disbursements since the last annual accounting, unless returns have been waived.

For further information see O.C.G.A. Title 53, Chapters 6 and 7.

STATE OF GEORGIA
COUNTY OF _____ ESTATE NO. _____

LETTERS OF ADMINISTRATION

(Bond Waived and/or Certain Powers Granted Subsequent to Time of Appointment)

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

WHEREAS, _____ died intestate (check one:)

_____ domiciled in this County:

_____ not domiciled in this State, but owning property in this County:

and this Court granted an order appointing _____ as Administrator of the estate of said decedent, and said Administrator did duly qualify for such office; the Court hereby grants unto said Administrator full power to collect the assets of said decedent, and to pay the debts of said estate, so far as such assets will extend, according to law, and then to pay over the balance, if any, to the legal heirs of said decedent, and to do and perform all other duties as such Administrator, according to the laws of this State.

In addition, this Court has by order dated _____:

(Check all which apply:)

- _____ a. waived the necessity of bond of the Administrator from the date of such order forward, and granted to the administrator the power to serve without filing an inventory if not due prior to the date of such order, and without filing any annual or other returns or reports covering any period from the date of such order forward to any court; but the fiduciary shall in the future furnish to the income beneficiaries, at least annually, a statement of receipts and disbursements. Further, the Administrator must file a return with this court within 60 days from the date of such order covering the period from his most recent return, if any, up to the date of such order and a copy of such return must be sent by first class mail by the administrator to all of the heirs and known creditors of the estate at the time such return is filed.
- _____ b. granted to the Administrator from the date of such order forward all of the powers contained in O.C.G.A. §53-12-232 not included in (a) above.

If Letters of Administration were previously issued to this Administrator, these Letters replace those.

IN TESTIMONY WHEREOF, I have hereunto affixed my signature as Judge of the Probate Court of said County and the seal of this office 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 TESTAMENTARY

(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 _____ form and was admitted to record by order, and it was further ordered that _____, named as Executor(s) in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor(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, according to the Will and the law.

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

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