

Petition for Discharge of Personal Representative

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 FOR DISCHARGE OF |
| DECEASED |) | PERSONAL REPRESENTATIVE |
| |) | |

**ORDER FOR SERVICE OF NOTICE AND
APPOINTING GUARDIAN AD LITEM, IF APPLICABLE**

[Initial A. (discharge solely from office) or B. (discharge from office and all liability)]:

_____ A. The foregoing petition having been filed, seeking discharge solely from office, it is ordered that Notice be published one time in the newspaper in which sheriff's advertisements are published in this county at least ten days before _____, 20____ and that a copy of the petition and Notice be mailed by first-class mail to the creditors whose claims have not been paid as set forth in paragraph 5. of the petition.

_____ B. The foregoing petition having been filed, seeking discharge from office and all liability, it is ordered that all heirs or beneficiaries or unpaid creditors who did not acknowledge service and consent to the Petition be served as follows:

(Initial any and all of the following which apply:)

_____ Notice must be served personally, together with a copy of the petition, at least ten days before the deadline for filing objections on the following interested parties who reside in Georgia and have not acknowledged service:

_____ Notice must be served by registered or certified mail, return receipt requested, together with a copy of the petition, upon the following nonresident interested parties whose current residence addresses are known: _____

_____ Notice must be published once a week for four weeks in the newspaper in which sheriff's advertisements are published in this county, before _____, 20____ in order to serve by publication the following interested parties whose current residence addresses are unknown or who are unknown:

_____ (Applies in all cases unless notice is published for four weeks:) Notice must be published one time in the newspaper in which sheriff's advertisements are published in this county at least ten days before _____, 20____ which is the date on or before which any objection is required to be filed.

_____ 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, 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

NOTICE
(For Discharge Solely from Office)

PROBATE COURT OF _____ COUNTY

RE: PETITION OF _____ FOR
DISCHARGE FROM OFFICE AS _____ OF
THE ESTATE OF _____, DECEASED.

TO: _____

(List all creditors who did not acknowledge service whose claims have not been paid.)
and to whom it may concern:

This is to notify you to file objection, if there is any, to the above-referenced petition, in this Court on or before _____, 20____. All objections to the petition must be in writing, setting forth the grounds of any such objections. 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, a hearing will be (held on _____) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

PROBATE JUDGE

By: _____
PROBATE CLERK/DEPUTY CLERK

ADDRESS

TELEPHONE NUMBER

CERTIFICATE OF MAILING

This is to certify that I have this date forwarded by first-class mail, in a stamped, addressed envelope, a copy of the foregoing petition and notice, to each of the following creditors at the addresses given by petitioner(s) in paragraph 5. of the petition:

DATE

PROBATE CLERK/DEPUTY CLERK

NOTICE

(For Discharge from Office and all Liability)

PROBATE COURT OF _____ COUNTY

RE: PETITION OF _____ FOR
DISCHARGE AS _____ OF THE ESTATE OF
_____, DECEASED.

(Strike the following paragraph if no interested party is required to be served by publication:)

TO: _____

(List here all unknown interested parties and known interested parties having unknown addresses to be served by publication) and (all and singular the heirs of said decedent),(the beneficiaries under the will,) and to whom it may concern:

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before _____, 20_____.

(Strike the following paragraph if not applicable:)

TO: _____

(List here all interested parties having known addresses in the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirteenth (13th) day after _____, 20_____ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 13 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

TO: _____

(List here all interested parties having known addresses outside the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirtieth (30th) day after _____, 20_____ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 30 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

This is further to: _____,

(List here all interested parties who reside in Georgia to be served personally)

who are required to be served personally, to file objection, if there is any, to the above referenced petition, in this Court on or before the tenth (10th) day after the date you are personally served.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. 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, a hearing will be (held on _____, 20_____) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

PROBATE JUDGE

By: _____
PROBATE CLERK/DEPUTY CLERK

ADDRESS

TELEPHONE NUMBER

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF _____) ESTATE NO. _____
)
)
_____,) PETITION FOR DISCHARGE OF
DECEASED) PERSONAL REPRESENTATIVE
)

RETURN OF SHERIFF

I have this day served _____
personally with a copy of the foregoing petition and the notice.

Date

Deputy Sheriff, _____ County

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, a copy of the foregoing petition and notice, to each of the following interested parties who reside out of state at known current residence addresses

DATE

CLERK, PROBATE COURT

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

| | | |
|------------------|---|---------------------------|
| IN RE: ESTATE OF |) | ESTATE NO. _____ |
| |) | |
| _____, |) | PETITION FOR DISCHARGE OF |
| DECEASED |) | PERSONAL REPRESENTATIVE |
| |) | |

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 _____, DECEASED |)))) | ESTATE NO. _____ PETITION FOR DISCHARGE OF PERSONAL REPRESENTATIVE |
|--|------------------|---|

FINAL ORDER

The foregoing petition for discharge of _____ as _____ was duly filed in this Court, notice was duly issued, served and published as required by law, and it appears that the petitioner(s) is/are legally entitled to discharge and no objection has been filed. Therefore,

IT IS ORDERED that petitioner(s) be, and is/are hereby, discharged

(initial one:)

_____ a. solely from office

_____ b. from office and all liability.

SO ORDERED this _____ day of _____, 20_____.

Probate Judge