

Petition for Discharge of Personal Representative

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for a petition for discharge of a personal representative pursuant to O.C.G.A. §53-7-50 or discharge of a temporary administrator pursuant to O.C.G.A. §53-7-52. A personal representative may, pursuant to O.C.G.A. §53-7-50(e), petition the court solely for discharge from office but not from all liability.
2. If the petition is filed by a personal representative, the notice to creditors and/or debtors and creditors must have been published for four weeks, and three months must have elapsed from the date of the last publication. O.C.G.A. §§53-7-41, 53-11-4.

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 DISCHARGE OF
DECEASED) PERSONAL REPRESENTATIVE

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of _____,
as (Executor(s)) (Administrator(s))(Temporary Administrator(s)) of the above-referenced estate, shows:

1.

Petitioner(s) (initial one):

- _____ a. has/have fully administered the estate of the decedent.
- _____ b. was/were allowed to resign without fully administering said estate.
- _____ c. has/have completely discharged all duties as temporary administrator(s).

2.

The names, age or majority status, and address of all known heirs of an intestate decedent or beneficiaries of a testate decedent, or persons who succeeded to the interest of any heir or beneficiary who died after the decedent died are:

Name	Age (Or over 18)	Address	Relationship

[NOTE: If discharge is sought solely from office and not from office and all liability, STRIKE paragraphs 3. and 4. below.]

3.

Of those named in paragraph 2. above, it is not necessary to notify the following heirs or beneficiaries (a) who have relieved the personal representative of all liability and as to each of whom a copy of the writing(s) granting such relief is/are attached hereto or (b) with respect to whom the personal representative has been relieved of all further liability in (a settlement of accounts)(an intermediate report)(other binding proceeding) pursuant to an order of this court dated _____ and hereby incorporated herein:

4.

The following heirs or beneficiaries are represented or should be represented by a guardian (state names of heir/beneficiary and guardian, if one has already been appointed, and reason guardian needed/appointed):

5.

All claims against the estate have been paid (except for the following which have not been paid for the reasons set forth below):

6.

(initial one):

_____ All necessary (inventories) (and) (returns) have been filed.

_____ Petitioner was relieved of filing (inventories) (and) (returns).

7.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission.

WHEREFORE, petitioner(s)

(initial one):

_____ (a) seek(s) discharge solely from office and, therefore, pray(s) that notice issue and be published one time in the official county newspaper with copies thereof being mailed by first-class mail to the creditors named in paragraph 5. above and that an order issue discharging the petitioner(s) from office.

OR

_____ (b) seek(s) discharge from office and all liability and, therefore, pray(s) that notice issue and be served and published as required by law and that an order issue releasing and discharging the petitioner(s) from office and from all liability.

Signature of first personal representative

Signature of second personal representative if any

Printed Name

Printed Name

Address

Address

Phone Number

Phone 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 ____.

First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

Second Petitioner, if any

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

ACKNOWLEDGMENT OF SERVICE AND CONSENT TO PETITION

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

We, the undersigned, being over 18 years of age, laboring under no legal disability and being heirs or beneficiaries or unpaid purported creditors of the above-named decedent, hereby acknowledge service of a copy of the above petition and notice, waive copies of same, waive further service and notice, and hereby consent to the petition.

SIGNATURE(S) OF INTERESTED PARTIES

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Print Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Print Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Print Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Print Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Print Name