

Petition for Letters of Administration with Will Annexed (Will Previously Probated)

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used in connection with a petition for letters of administration with the Will annexed (sometimes called letters of administration C.T.A.), when the Will has been previously probated pursuant to O.C.G.A. §53-6-15(b). In the event the will has not been previously probated, Form 7 Petition for Letters of Administration with Will Annexed should be used.
2. According to Probate Court Rule 5.6 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 5 which are labeled “Court” are to be completed by the moving party, unless otherwise directed by the court.

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 _____, DECEASED)))))))	ESTATE NO. _____ PETITION FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED (WILL PREVIOUSLY PROBATED)
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TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of _____,
whose mailing address is/are _____, shows:

1.

On _____, _____, the Last Will and Testament of _____, deceased, was probated

First	Middle	Last Name
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in this Court in _____ Form.

2.

Listed below are all of the beneficiaries under said Will which has been previously probated who have a present interest, including but not limited to a vested remainder interest but not including trust beneficiaries where there is a trustee who is not the nominated administrator with Will annexed, and whose identity and whereabouts are known or may be determined by reasonable diligence.

Name	Age (or over 18)	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

3.

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

4.

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

5.

Petitioner(s) further show(s) that the circumstances giving rise to the need for an administrator with the Will annexed (Will previously probated) are as follows:

(Initial all which apply:)

- The decedent failed to name a successor Executor in the Will.
 - The named Executor is deceased.
 - The named Executor has renounced or declined his/her right to serve as such.
 - Other reason a testate estate is unrepresented: _____
-

6.

(The Petitioner(s)) (_____) is/are entitled to be appointed Administrator(s) C.T.A. by reason of:

having been unanimously selected by the beneficiaries of the Will, which was previously probated, who are capable of expressing a choice. If the sole beneficiary is the decedent's surviving spouse, no action for divorce or separate maintenance was pending at the time of death.

appointment of the proposed Administrator(s) C.T.A. named above will best serve the interest of the estate and the proposed Administrator(s) C.T.A. is/are:

- A beneficiary or the trustee of any trust that is a beneficiary under the Will.
- An eligible person as defined in O.C.G.A. §53-6-1.
- A creditor of the estate.
- The county administrator.

7.

The proposed Administrator(s) C.T.A. should be allowed to qualify without the necessity of posting bond, since only personal representatives of intestate estates and temporary administrators are normally required to post bond. See O.C.G.A. §53-6-50(a).

WHEREFORE, Petitioner(s) pray(s):

1. That due and legal notice of this petition be given as the law requires.
2. That Letters of Administration with Will Annexed, Will previously probated, issue to the proposed Administrator(s) C.T.A. named above.
3. That this Court grant such other and further relief as it deems proper under the circumstances.

Signature of first petitioner

Signature of second petitioner 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 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
SELECTION BY BENEFICIARIES CAPABLE OF EXPRESSING A CHOICE**

PROBATE COURT OF _____ COUNTY

IN RE: PETITION OF _____ FOR LETTERS
OF ADMINISTRATION WITH WILL ANNEXED (WILL PREVIOUSLY PROBATED) ON
THE ESTATE OF _____, DECEASED.

Each of the undersigned beneficiaries hereby acknowledges service of the petition referred to above, waives copies of same and all further service and notice, selects the person proposed in said petition to be Administrator with Will Annexed (Will Previously Probated) and consents to the petition.

SIGNATURE(S) OF BENEFICIARIES

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

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

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name

Petition for Letters of Administration with Will Annexed (Will Previously Probated)

NOTICE:

THE FOLLOWING PAGES ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT. SEE PROBATE COURT RULE 5.6 (A).

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF _____) ESTATE NO. _____
)
)
) PETITION FOR LETTERS OF
) ADMINISTRATION WITH WILL
DECEASED) ANNEXED (WILL PREVIOUSLY
) PROBATED)
)

ORDER FOR SERVICE OF NOTICE AND FOR APPOINTMENT OF
GUARDIAN AD LITEM, IF NECESSARY

The foregoing Petition for Letters of Administration with Will Annexed (Will Previously
Probated) having been filed, and the beneficiaries capable of expressing a choice not having made a
unanimous selection and/or it being alleged that a nominated executor has failed to qualify, it is ordered
that notice shall issue and be served upon the beneficiaries who have not acknowledged service of the
petition (upon the executor of the deceased executor whose death created the vacancy) (upon any
executor nominated in the will who has failed to qualify), as follows: (Initial all 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:_____

_____ 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:_____

_____ IT IS ORDERED that _____
is appointed guardian ad litem for _____, and that said guardian ad
litem be duly served with a copy of the foregoing petition, Notice, 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

PROBATE COURT OF _____ COUNTY

RE: PETITION OF _____ FOR LETTERS OF
ADMINISTRATION WITH WILL ANNEXED (WILL PREVIOUSLY PROBATED),
CONCERNING THE WILL OF _____, DECEASED

(Strike the following paragraph if not applicable:)

TO: _____

(List here all heirs 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 heirs 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 notify _____,

(List here all heirs 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: _____
CLERK OF THE PROBATE COURT

ADDRESS

TELEPHONE NUMBER

NOTICE

PROBATE COURT OF _____ COUNTY

RE: PETITION OF _____ FOR LETTERS OF
ADMINISTRATION WITH WILL ANNEXED (WILL PREVIOUSLY PROBATED),
CONCERNING THE WILL OF _____, DECEASED.

(To be used if an 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 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_____.

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

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF

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)
)
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ESTATE NO. _____

_____,
DECEASED

**PETITION FOR LETTERS OF
ADMINISTRATION WITH WILL
ANNEXED (WILL PREVIOUSLY
PROBATED)**

RETURN OF SHERIFF

I have this day served _____
personally with a copy of the foregoing petition and 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 all interested parties who reside out of state at known current residence addresses.

DATE

PROBATE CLERK /DEPUTY CLERK

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF

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)

ESTATE NO. _____

_____,
DECEASED

**PETITION FOR LETTERS OF
ADMINISTRATION WITH WILL
ANNEXED (WILL PREVIOUSLY
PROBATED)**

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

)
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)
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)
)

ESTATE NO. _____

_____,
DECEASED

PETITION FOR LETTERS OF
ADMINISTRATION WITH WILL
ANNEXED (WILL PREVIOUSLY
PROBATED)

ORDER

The foregoing petition having been duly filed,

And it appearing that the Will of the decedent was previously probated in this Court, and that service was perfected according to law,

And it also appearing that _____
is/are lawfully qualified for said Administration C.T.A., and all other requirements of law having been fulfilled; and no objection being offered thereto,

IT IS HEREBY ORDERED that Letters of Administration with the Will Annexed issue to the person(s) found above to be lawfully qualified, upon his/her/their taking and subscribing the Oath as provided by law.

SO ORDERED this _____ day of _____, 20____.

Probate Judge

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF

)
)
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)
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)

ESTATE NO. _____

_____,
DECEASED

PETITION FOR LETTERS OF
ADMINISTRATION WITH WILL
ANNEXED (WILL PREVIOUSLY
PROBATED)

OATH

I do solemnly swear (or affirm) that this writing contains the true Last Will of _____
_____, deceased, so far as I know or believe, and that I
will well and truly execute the same in accordance with the laws of Georgia. So help me God.

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

Administrator C.T.A.

Judge/Clerk of the Probate Court

Administrator C.T.A.

STATE OF GEORGIA
COUNTY OF _____

ESTATE NO. _____

**LETTERS OF ADMINISTRATION WITH WILL ANNEXED
(WILL PREVIOUSLY PROBATED)**
(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 (on the ____ day of _____, _____) it was (further) ordered that _____ be allowed to qualify as Administrator with the Will Annexed, and that upon doing so, Letters of Administration with the Will Annexed be issued to said individual(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 and of Administrator(s) with the Will Annexed according to the Will and the law.

Given under my hand and official seal, the ____ day of _____, 20____.

Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

Clerk, Probate Court

(Seal)

STATE OF GEORGIA
COUNTY OF _____

ESTATE NO. _____

**LETTERS OF ADMINISTRATION WITH WILL ANNEXED
(WILL PREVIOUSLY PROBATED)**

mark out those not applicable

(Relieved of Filing Returns, Filing Bond and/or additional Statutory Powers Granted)

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 (on the ____ day of _____, _____) it was (further) ordered that _____ be allowed to qualify as Administrator with the Will Annexed, and that upon doing so, Letters of Administration with the Will Annexed be issued to said individual(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 and of Administrator(s) with the Will Annexed according to the Will and the law.

IT IS FURTHER ORDERED that the undersigned judge does hereby

(Initial all which apply:)

- _____ a. waive the bond of the Administrator(s) and grant to the Administrator(s) the power to serve without filing an inventory, and without filing any annual or other returns or reports to any court; but the fiduciary shall furnish to the income beneficiaries, at least annually, a statement of receipts and disbursements.
- _____ b. grant to the Administrator(s) all of the powers contained in O.C.G.A. § 53-12-261 not included in (a) above.

Given under my hand and official seal, the _____ day of _____, 20_____.

Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

Clerk, Probate Court (Seal)

STATE OF GEORGIA
COUNTY OF _____

ESTATE NO. _____

LETTERS OF ADMINISTRATION WITH WILL ANNEXED
(WILL PREVIOUSLY PROBATED)
(Not 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 (on the ____ day of _____, _____) it was (further) ordered that _____ be allowed to qualify as Administrator with the Will Annexed, and that upon doing so, Letters of Administration with the Will Annexed be issued to said individual(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 and of Administrator(s) with the Will Annexed according to the Will and the law and is/are hereby required to render a true and correct inventory of all the goods, chattels, rights and credits of said deceased, and make a return of them to this Court; and further, to file a proper annual or final return with this Court each year until the Administration with Will Annexed is fully discharged.

Given under my hand and official seal, the ____ day of _____, 20____.

Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

Clerk, Probate Court

(Seal)