

## Petition of Personal Representative for Leave to Sell Property

### INSTRUCTIONS

#### I. Specific Instructions

1. This form is to be used when a personal representative or temporary administrator petitions for leave to sell real or personal property pursuant to O.C.G.A. §53-8-13. If the petition is by a temporary administrator, this form should be altered as follows: The term "temporary administrator" should be placed wherever the term "Personal Representative" or "Administrator" appears throughout the entire form.
2. With regard to paragraph 4 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 4 of the petition.
3. In the event the assets are to be distributed according to a will, only the beneficiaries need to be listed in Paragraph 2. In the event the Decedent died Intestate (without a will) Paragraph 2 requires that a definitive statement be made to show to the court that the person named in paragraph 1 constitutes all of the heirs of the decedent and that there are no heirs of the same or closer degree according to O.C.G.A §53-2-1. Provide the date of death for any deceased heirs. NOTE: If you are uncertain how to determine the heirs of a decedent, please refer to the "Heirs Determination Sheet" available from the probate court or at [www.gaprobate.org](http://www.gaprobate.org). Examples of such statement would be: (a) "decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein"; (b) "decedent had no other siblings half or whole other than those listed herein"; (c) "the decedent's brother who died previously, had no other children born, adopted, living or deceased, other than listed herein."

#### 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. _____
	)	
_____ ,	)	<b>PETITION OF PERSONAL</b>
<b>DECEASED</b>	)	<b>REPRESENTATIVE FOR</b>
	)	<b>LEAVE TO SELL PROPERTY</b>

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_,  
as duly appointed and qualified Personal Representative of the Estate of \_\_\_\_\_  
\_\_\_\_\_, deceased, shows:

1.

Listed below or attached hereto as Exhibit 1 are all of decedent's (heirs) (beneficiaries), with the age or majority status, address and relationship to decedent set opposite the name of each:

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

2.

In the event the assets are to be distributed according to a will, only the beneficiaries need to be listed in Paragraph 2. In the event the Decedent died Intestate (without a will), a definitive statement must be made which will show to the court that those persons named in Paragraph 1 constitute all of the heirs of the decedent and that there are no heirs of similar or higher degree according to O.C.G.A. §53-2-1 . Provide the names of any deceased heirs and include the date of death for each. (See instructions for further clarification.)

3.

Petitioner(s) desire(s) to sell certain real and/or personal property of said estate. The property and the estate's interest in said property are described as follows (give metes and bounds description, and street address if known, if real property):

4.

The specific purpose of said sale of said property is (check all which apply):

- a. to pay the debts of the estate and/or
- b. to make distributions to the (heirs)(beneficiaries)
- c. other: \_\_\_\_\_

5.

The petitioner(s) desire(s) to sell said real and/or personal property upon the following terms and conditions [explain the proposed date, place and method of sale, including any minimum sales prices, and attach and label copies of any applicable contracts]: \_\_\_\_\_

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

6.

At present, the petitioner(s) has/have a bond on file in this Court in the amount of \$\_\_\_\_\_. The net proceeds to the 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 notice.

7.

The following (heirs)(beneficiaries) are not sui juris and require the appointment of a guardian ad litem to represent their interests in this matter:

\_\_\_\_\_  
\_\_\_\_\_

8.

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

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WHEREFORE, petitioner(s) pray(s)

1. an order directing notice be issued and served as the law requires, and
2. if no cause be shown to the contrary, your petitioner(s) be granted leave to sell said property as set forth above.

\_\_\_\_\_  
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

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_, )  
DECEASED ) PETITION OF PERSONAL  
 ) REPRESENTATIVE FOR  
 ) LEAVE TO SELL PROPERTY

ORDER FOR SERVICE OF NOTICE AND APPOINTING  
GUARDIAN AD LITEM IF NECESSARY

The foregoing petition of personal representative for leave to sell property having been filed, it is ordered that: (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 objections on the following (heirs)(beneficiaries) 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 nonresident (heirs)(beneficiaries) 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 (heirs)(beneficiaries) 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 LEAVE  
TO SELL PROPERTY OF ESTATE OF \_\_\_\_\_, DECEASED.

(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 notify \_\_\_\_\_,

(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

**NOTICE**

PROBATE COURT OF \_\_\_\_\_ COUNTY

RE: PETITION OF \_\_\_\_\_ FOR LEAVE  
TO SELL PROPERTY OF ESTATE OF \_\_\_\_\_, DECEASED.

(For use 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)

All interested parties 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

**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 the notice, to the (heirs)(beneficiaries) who reside out of state at known current residence addresses.

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DATE

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PROBATE CLERK/DEPUTY CLERK

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_, ) PETITION OF PERSONAL  
DECEASED ) REPRESENTATIVE FOR  
 ) LEAVE TO SELL PROPERTY  
 )

RETURN OF SERVICE

I have this day served \_\_\_\_\_  
with a copy of the within notice and Petition of Personal Representative for Leave to Sell Property.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Deputy Sheriff, \_\_\_\_\_ County

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_, )  
DECEASED ) PETITION OF PERSONAL  
 ) REPRESENTATIVE FOR  
 ) LEAVE TO SELL PROPERTY

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

**ACKNOWLEDGMENT OF SERVICE AND CONSENT TO PETITION**

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

IN RE: PETITION OF \_\_\_\_\_ FOR LEAVE  
TO SELL PROPERTY OF THE ESTATE OF \_\_\_\_\_, DECEASED

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

SIGNATURE(S) OF  
(HEIRS)(BENEFICIARIES)

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

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF	)	ESTATE NO. _____
	)	
_____,	)	<b>PETITION OF PERSONAL</b>
<b>DECEASED</b>	)	<b>REPRESENTATIVE FOR LEAVE</b>
	)	<b>TO SELL PROPERTY</b>

**FINAL ORDER**

The petition of \_\_\_\_\_, as Personal Representative of the estate of the above-named decedent, to sell certain property described as \_\_\_\_\_

\_\_\_\_\_ owned by said Estate for the purpose stated in the petition, coming on regularly to be heard; and

IT APPEARING that each (heir)(beneficiary) has been lawfully served with proper notice or has acknowledged service; and

IT APPEARING that the purpose of the transaction is lawful and that the proposed transaction is fair and is in the best interest of the Estate (and the guardian ad litem having filed an answer approving said transaction);

IT IS HEREBY ORDERED that the said Petitioner, as Personal Representative of said Estate, is authorized to sell the property described in the petition upon the terms set forth in said petition.

IT IS FURTHER ORDERED that a report of the sale authorized by this Order shall be furnished to this Court by the Petitioner. Said report shall specify the property sold, the purchasers, the amounts received, and the terms of the sale.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Probate Judge