

Re: 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. The attached form consists of 8 pages.

II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.

STATE OF GEORGIA
COUNTY OF

**PETITION OF PERSONAL REPRESENTATIVE FOR
LEAVE TO SELL PROPERTY**

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The Petition of _____, as duly appointed and qualified (Administrator) (Executor) of the Estate of _____, deceased, shows that :

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.

Petitioner desires 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):

3.

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

- _____ to pay the debts of the estate and or
- _____ to make distributions to the (heirs)(beneficiaries)
- _____ other: _____

4.

The petitioner desires 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 \$_____ .

5.

At present, the petitioner has 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.

6.

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

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

Signature of Attorney
(Or petitioner if pro se)

Address: _____

Telephone: _____

State Bar #: _____

Signature of Attorney
(Or petitioner if pro se)

Address: _____

Telephone: _____

State Bar #: _____

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned petitioner who on oath states that the facts set forth in the foregoing petition are true.

Petitioner
Address: _____

Petitioner
Address: _____

Telephone: _____

Telephone: _____

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

Clerk, Probate Court/Notary Public

ORDER FOR SERVICE OF NOTICE

PROBATE COURT OF _____ COUNTY

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 _____, in order to serve by publication the following (heirs)(beneficiaries) whose current residence addresses are unknown or who are unknown:

DATE

JUDGE OF THE PROBATE COURT

NOTICE

PROBATE COURT OF _____ COUNTY

Re: PETITION OF _____ FOR
LEAVE TO SELL PROPERTY OF 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 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 _____, ____.

(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 _____, ____ (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 _____, ____ (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. 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.

WITNESS, the Hon. _____, Judge

By:

CLERK, PROBATE COURT OF _____ 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 the notice, to each of the following (heirs)(beneficiaries) who reside out of state at known current residence addresses:

DATE

CLERK, PROBATE COURT

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 _____, _____.

Deputy Sheriff, _____ County

ORDER APPOINTING GUARDIAN AD LITEM

PROBATE COURT OF _____ COUNTY

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.

DATE

JUDGE OF THE PROBATE COURT

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 _____, ____.

NOTARY/CLERK OF PROBATE COURT

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

NOTARY/CLERK OF PROBATE COURT

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

NOTARY/CLERK OF PROBATE COURT

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

NOTARY/CLERK OF PROBATE COURT

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

NOTARY/CLERK OF PROBATE COURT

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

NOTARY/CLERK OF PROBATE COURT

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:)	ESTATE NUMBER _____
)	
ESTATE OF _____,)	RE: PETITION OF PERSONAL
DECEASED)	REPRESENTATIVE FOR LEAVE
)	TO SELL PROPERTY

FINAL ORDER

The petition of _____, as Personal Representative of the estate of the above-named decedent, to sell certain property 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.

Date

Judge of the Probate Court

**CERTIFICATE IN ACCORDANCE WITH
UNIFORM PROBATE COURT RULE 21(F)**

I certify that the content of the foregoing is identical in all material respects with Georgia probate court standard form entitled **Petition of Personal Representative for Leave to Sell Property**, except for additions or deletions indicated as required by the Uniform Probate Court Rules.

Date

Signature of Attorney
Address:

Telephone Number:
State Bar#: