

Re: Petition for Leave to Sell Perishable Property

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when filing a petition for leave to sell property which is perishable, liable to deteriorate from keeping, or expensive to keep, pursuant to O.C.G.A. §§29-2-5 or 53-8-11.
2. Under O.C.G.A. §§29-2-5 and 53-8-11, the order for sale may be granted only after such notice and opportunity for hearing, if any, as the judge deems practicable under the circumstances. Further, the sale shall be as soon as practicable and in such manner as the court determines to be in the best interest of the estate. Therefore, all notice provisions set forth in this form may be altered by the judge if necessary.
3. This form consists of 3 pages.

II. General Instructions

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

PETITION FOR LEAVE TO SELL PERISHABLE PROPERTY

GEORGIA _____ COUNTY

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of _____ as
_____ of the _____ of
_____ shows that the following personal
property _____

_____ is of perishable nature, or liable to deteriorate
from keeping, or expensive to keep, and that it is in the best interest of said (ward) (estate) that said property be
sold as soon as practicable. Petitioner therefore prays for an order authorizing Petitioner to sell said property for
the highest valid offer received using the following method and terms of sale:

Signature of Attorney
(or petitioner if pro se)
Attorney's address:

Telephone
State Bar #

VERIFICATION

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

Petitioner
Residence Address

Telephone

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

Clerk of Probate Court or Notary Public

ORDER CONCERNING NOTICE

(Check one:)

____ Notice of the foregoing petition shall be given to _____ by _____ at least _____ days before the court rules upon the above petition.

____ It is not practicable to afford notice or a hearing prior to ruling upon the above petition, but notice shall be given prior to sale as set forth below.

DATE

JUDGE OF THE PROBATE COURT

NOTICE

(To be used only if the Judge of the Probate Court determines that it is practicable under the circumstances to afford notice or a hearing prior to ruling upon the petition.)

To: _____

_____ as _____ of the estate of _____, _____ has filed a petition for leave to sell property which is perishable, liable to deteriorate in value, or expensive to keep. You must file objection, if any, on or before _____, _____.

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 for a later date). If no objections are filed, the petition may be granted without a hearing.

DATE

JUDGE OF THE PROBATE COURT

By: _____
CLERK OF THE PROBATE COURT

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

RE: ESTATE OF)	ESTATE NO. _____
)	
_____,)	RE: PETITION FOR LEAVE TO SELL
DECEASED)	PERISHABLE PROPERTY

ORDER

Upon reading and considering the foregoing Petition, and it appearing that the facts stated therein are true, it is ORDERED that Petitioner be, and is hereby, granted leave to sell the said property for the highest valid offer received using the method and terms of sale described above, after giving notice of the property to be sold, the method and terms of such sale, and the means by which offers may be made (check one or both:)

_____ by _____

_____ by giving at least ten days written notice by first class mail or in person to the sui juris (heirs of decedent) (beneficiaries who would have received such property under will of decedent) (heirs-apparent of incapacitated adult or minor).

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 for Leave to Sell Perishable Property**, except for additions or deletions indicated as required by the Uniform Probate Court Rules.

Date

Signature of Attorney

Address:

Telephone Number:

State Bar#: