

**Re: Petition for Presumption of Death of Missing Individual Believed to be Dead**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for petition for presumption of death of missing individual believed to be dead pursuant to O.C.G.A. §53-9-1 et seq.
2. This form is to be used in conjunction with a petition for letters of administration, a petition to probate will in common or solemn form, a petition for a year's support or a petition for an order that no administration is necessary. Any of these other petitions may be granted at any time after the presumption of death is established, provided that all legal requirements for the granting of the other petition have been met.
3. The attached form consists of 7 pages.

II. General Instructions

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

**PETITION FOR PRESUMPTION OF DEATH  
OF MISSING INDIVIDUAL BELIEVED TO BE DEAD**

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

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_,  
whose mailing address is \_\_\_\_\_,  
respectfully shows to the Court:

1.

\_\_\_\_\_ (hereinafter referred to as the "missing individual"),  
who was domiciled at \_\_\_\_\_,  
Georgia, is missing.

2.

(Check one:)

- The missing individual has been missing from his last known place of domicile for a continuous period of four years.
- The missing individual has been missing from his last known place of domicile for a continuous period of not less than one year.

3.

The missing individual was last heard from on \_\_\_\_\_, at  
which time he was at \_\_\_\_\_.

4.

Listed below are the names of all the missing individual's heirs with the age or majority status, address, and relationship to the missing individual set opposite the name of each:

Name	Age (Or over 18)	Address	Relationship

5.



**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.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Petitioner

Address:

Address:

Telephone:

Telephone:

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Clerk of Probate Court or Notary Public

**ACKNOWLEDGMENT OF SERVICE  
AND ASSENT TO PETITION**

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

IN RE: PETITION OF \_\_\_\_\_ FOR THE  
PRESUMPTION OF DEATH OF \_\_\_\_\_,  
MISSING INDIVIDUAL BELIEVED TO BE DEAD

We, the undersigned, being over 18 years of age, laboring under no legal disability and being would be heirs if the missing individual were known to be dead, hereby acknowledge service of a copy of the petition for presumption of death of missing individual believed to be dead and notice, waive copies of same, waive further service and notice, and hereby assent to the petition without further delay.

SIGNATURE(S) OF WOULD BE HEIRS

Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

NOTARY/CLERK OF PROBATE COURT

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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 THE MATTER OF \_\_\_\_\_ ) ESTATE NUMBER \_\_\_\_\_  
 )  
 )  
MISSING INDIVIDUAL BELIEVED DEAD ) RE: PETITION FOR PRESUMPTION OF  
 ) DEATH OF MISSING INDIVIDUAL  
 ) BELIEVED TO BE DEAD

**ORDER FOR SERVICE OF NOTICE  
(AND SEARCH FOR MISSING INDIVIDUAL)**

[Note: If desired, the following Order for Service of Notice and Notice of Hearing may be combined with any other such Order and Notice required for the issuance of letters or an order for year's support or that no administration is necessary.]

On \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
filed a petition on the estate of the above-named missing individual, believed to be dead, together with this petition to establish the presumption of such individual's death.

IT IS ORDERED that notice be published once a week for four weeks, in the official newspaper in this county in which sheriff's advertisements are published, giving notice that on a day stated, which must be at least 90 days after the first publication, evidence will be heard by this Court concerning the alleged absence of the missing individual and the circumstances and duration thereof.

IT IS FURTHER ORDERED that the notice be (initial any and all of the following which apply):

\_\_\_\_\_ served personally, together with a copy of the petition, upon the following individuals who would be heirs if the missing individual were known to be dead, who reside within this state, who have not acknowledged service:

\_\_\_\_\_

\_\_\_\_\_ served by registered or certified mail, return receipt requested, together with a copy of the petition, upon nonresident individuals who would be heirs if the missing individual were known to be dead, whose current residence addresses are known and who have not acknowledged service:

\_\_\_\_\_

\_\_\_\_\_ served by publication upon the following individuals who would be heirs if the missing individual were known to be dead, whose current residence addresses are unknown and who have not acknowledged service:

\_\_\_\_\_

\_\_\_\_\_ (Optional) IT IS FURTHER ORDERED that the petitioner search for the missing individual in the following manner:

\_\_\_\_\_

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

\_\_\_\_\_  
JUDGE OF THE PROBATE COURT

**PROBATE COURT OF \_\_\_\_\_ COUNTY**  
**STATE OF GEORGIA**

IN THE MATTER OF \_\_\_\_\_ ) ESTATE NUMBER \_\_\_\_\_  
 )  
 )  
 ) RE: PETITION FOR PRESUMPTION OF  
MISSING INDIVIDUAL BELIEVED DEAD ) DEATH OF MISSING INDIVIDUAL  
 ) BELIEVED TO BE DEAD  
 )

**NOTICE OF HEARING**

A petition for presumption of death of \_\_\_\_\_,  
a missing individual believed dead, has been filed by \_\_\_\_\_  
(in conjunction with a petition for \_\_\_\_\_). Notice is hereby given  
that at \_\_\_\_\_ o'clock \_\_\_\_\_.m., on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, evidence will be  
heard by the probate court concerning the alleged absence of said missing individual and the circumstances and  
duration thereof. The missing individual, if alive, or any other individual having evidence that the missing  
individual is alive, is required to produce and present to the court evidence that the missing individual is still in life.

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

\_\_\_\_\_  
JUDGE OF THE PROBATE COURT

By: \_\_\_\_\_  
Clerk of the Probate Court

Publication dates:

**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  
who reside out of state at known current residence addresses:

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CLERK, PROBATE COURT

**PROBATE COURT OF \_\_\_\_\_ COUNTY**  
**STATE OF GEORGIA**

IN THE MATTER OF \_\_\_\_\_ ) ESTATE NUMBER \_\_\_\_\_  
 )  
 )  
 ) RE: PETITION FOR PRESUMPTION OF  
MISSING INDIVIDUAL BELIEVED DEAD ) DEATH OF MISSING INDIVIDUAL  
 ) BELIEVED TO BE DEAD  
 )

**ORDER ESTABLISHING PRESUMPTION OF DEATH AND DATE THEREOF**

The petition of \_\_\_\_\_, for presumption of death of \_\_\_\_\_, a missing individual believed to be dead, having come before the Court for hearing on \_\_\_\_\_, \_\_\_\_\_, and it appearing that notice of such hearing was duly published and served as required by law, and after hearing evidence in said case, it is the finding of the Court that a diligent and reasonable effort has been made to locate the missing individual and that a legal presumption of death of said missing individual has been established and has not been rebutted, or has been established by a preponderance of the evidence, whichever applies,

IT IS ORDERED that the Court finds that the missing individual is dead and that the date of death is hereby established as \_\_\_\_\_.

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

\_\_\_\_\_  
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 Presumption of Death of Missing Individual Believed to be Dead**, except for additions or deletions indicated as required by the Uniform Probate Court Rules.

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Date

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Signature of Attorney  
Address:

Telephone Number:  
State Bar#: