

Re: Petition for Leave to Encroach on Corpus

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for filing a Petition for Leave to Encroach on Corpus pursuant to O.C.G.A. §29-2-2.
2. This form consists of 2 pages.

II. General Instructions

General instructions applicable to all Georgia probate court standard forms appear in Volume 255 of the Georgia Reports and are available in each probate court.

PETITION FOR LEAVE TO ENCROACH ON CORPUS

GEORGIA _____ COUNTY

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The Petition of _____, Guardian of the
(Person and) Property of _____,
(_____ shows:

1. As such guardian petitioner has in hand assets valued at _____ Dollars
(\$ _____).

2. The income from said assets is insufficient for the maintenance, support and education of
[Check one or both, as applicable]:
____ said ward
____ _____, who (is) (are)
legally dependent upon said ward.

3. There are no other assets available to petitioner to maintain, support and educate the person(s)
indicated in Paragraph 2 above.

4. Petitioner has previously encroached on the corpus of this estate in the total amount of
approximately _____ Dollars (\$ _____).

5. The encroachment requested in this petition is needed for the purpose of maintenance, support or
education of the person(s) indicated in Paragraph 2 above in order to provide the following specific items (attach
separate sheet if necessary): _____

_____.

WHEREFORE petitioner prays that the Court grant an order allowing petitioner to expend from the
corpus of the ward's estate, the sum of _____ Dollars
(\$ _____) for the purposes set forth above.

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

Telephone no.

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 no.

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

Clerk, Probate Court/Notary Public

ORDER

Upon reading and considering the foregoing petition, and it appearing that the averments therein made are true; it is ordered that the same be, and is hereby, granted; said Guardian is hereby allowed to expend from the corpus of said ward's estate up to the sum of _____ Dollars (\$ _____) for the specific items set forth above for the purpose of maintenance, support or education of the person(s) indicated in Paragraph 2 of the petition, and said Guardian must show in his/her annual returns how such funds are actually spent.

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 Encroach on Corpus**, except for additions or deletions indicated as required by the Uniform Probate Court Rules.

Date

Signature of Attorney
Address:

Telephone Number:
State Bar#: