

Re: Petition to Establish Custodial Account for Missing Heir

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when petitioning the court of authority to establish a custodial account for a missing heir pursuant to O.C.G.A. §29-8-1, et seq.
2. The attached form consists of 2 pages.
3. The petitioner should contact the appropriate probate court to determine whether or not the court prefers the petitioner to first establish the account in the net amount after deduction of the 8% fee, and then submit the passbook, 8% fee, and petition to the court all at one time.
4. It may be necessary for the petitioner to provide a social security number or taxpayer identification number to be used in connection with the bank account. Contact the appropriate probate court to determine whether this information is needed from petitioner.

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 TO ESTABLISH CUSTODIAL ACCOUNT
FOR MISSING HEIR**

GEORGIA, _____ COUNTY

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of _____,
duly qualified in this Court as (Administrator) (Executor) of the Estate of _____,
deceased, shows the Court:

1.

_____ is:

- _____ an heir of the above-named deceased.
- _____ a beneficiary under the will of the above-named deceased.

2.

Petitioner, after searching diligently, cannot locate the missing person named in paragraph 1.

3.

From the estate of the deceased, the missing person named in Paragraph 1 is entitled to the sum of _____.

WHEREFORE petitioner prays:

(check one:)

- _____ that petitioner be allowed to pay over to the Judge of the Probate Court, as custodian, the missing person's share of the estate as set forth in this petition.
- _____ that the Court approve the account which has been established with _____ and accept the passbook which is herewith tendered to the Court.

Signature of Attorney
(or petitioner if pro se)

Address:

Telephone:

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:

Telephone:

Sworn to and subscribed before me this _____ day of _____, 20____.

Clerk, Probate Court/Notary Public

**PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA**

In Re: Petition to Establish Custodial Account for Missing Heir

ORDER

The foregoing petition having been read and considered, and it appearing that the facts set out in the petition are true,

IT IS ORDERED that the establishment of an account with the savings department of a good and solvent bank in the name of the undersigned as Judge of the Probate Court of this County as custodian for _____, missing heir, at the current rate of interest allowed on savings deposits, in the principal amount of _____, is hereby approved. Said principal amount is (before) (after) deduction of the 8% fee to be paid to the Court as provided for in O.C.G.A. §15-9-60(j). The passbook evidencing said custodianship account (has been) (shall be) delivered to this Court for safekeeping.

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 to Establish Custodial Account for Missing Heir**, except for additions or deletions indicated as required by the Uniform Probate Court Rules.

Date

Signature of Attorney
Address:

Telephone Number:
State Bar#: