

**Re: Application of Guardian for Letters of Dismission**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for an application by a guardian for letters of dismission pursuant to O.C.G.A. §29-2-84(a).
2. The statute (O.C.G.A. §29-2-84(a)) does not require any notice except publication one time in the legal newspaper. However, Utica Mutual Insurance Co. v. Mitchell, No. A97A078 (Court of Appeals, July 16, 1997) signals that this may not be sufficient. Therefore, this form includes an acknowledgment form to be signed by the former ward, now of age or now restored to competency. If the ward is deceased or if a new guardian has been appointed, it is recommended that the appropriate interested parties acknowledge service or be served in the same manner as provided in Chapter 11 of Title 53.
3. The attached form consists of 4 pages.

II. General Instructions

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

**APPLICATION OF GUARDIAN FOR LETTERS OF DISMISSION**

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

To the Honorable Judge of the Probate Court of said State and County:

The application of \_\_\_\_\_, Guardian(s) of the  
estate of \_\_\_\_\_, former \_\_\_\_\_, show(s):

1.

Applicant(s) (has)(have) fully discharged all duties as such, and (is)(are) entitled to be discharged from said trust. Applicant(s) further show(s) that all required inventories and returns have been filed with this Court.

2.

(Check one:)

\_\_\_\_\_ The ward is of age.

\_\_\_\_\_ There is no longer a necessity to continue the guardianship because:

\_\_\_\_\_

\_\_\_\_\_

3.

(Check if applicable:)

\_\_\_\_\_ Attached hereto is an acknowledgment of service and consent to the petition signed by the former ward.

WHEREFORE, applicant(s) pray(s) that citation issue herein and be published as required by law, and that the condition of said estate and the conduct and accounts of the applicant(s) be examined, and if found satisfactory and correct, and no cause is shown to the contrary, that applicant(s) be discharged from said trust and receive Letters of Dismission.

\_\_\_\_\_  
Signature of Attorney (or applicant if pro se)

\_\_\_\_\_  
Signature of Attorney (or applicant if pro se)

Address:

Address:

Telephone:

Telephone:

State Bar #:

State Bar #:

**VERIFICATION**

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

Personally appeared before me the undersigned applicant(s) who on oath state(s) that the facts set forth in the foregoing application are true.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

Residence Address:

Residence Address:

Telephone:

Telephone:

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

\_\_\_\_\_  
Clerk of Probate Court or Notary Public

**ORDER FOR CITATION**

Probate Court of \_\_\_\_\_ County

The within and foregoing application having been read and considered, it is Ordered that citation issue and be published one time at least 10 days before the deadline for objections.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge of the Probate Court

**CITATION**

PROBATE COURT OF \_\_\_\_\_ COUNTY

Re: Estate of \_\_\_\_\_, former

\_\_\_\_\_, guardian(s) (has) (have) applied for Letters of Dismission from said trust. This is to notify all persons concerned to show cause, if any they can, why said applicant(s) should not be discharged. All objections must be in writing, setting forth the grounds of any such objections, and filed on or before \_\_\_\_\_, \_\_\_\_\_.

If any objections are filed a hearing will be (held on \_\_\_\_\_) (scheduled for a later date). If no objections are filed, the application may be granted without a hearing.

WITNESS the Honorable \_\_\_\_\_, Judge

By: \_\_\_\_\_  
Clerk, Probate Court

STATE OF GEORGIA

IN RE: ESTATE OF	)	ESTATE NO. _____
	)	
_____, )	RE: APPLICATION OF GUARDIAN FOR	
FORMER )	LETTERS OF DISMISSION	
	)	

**ACKNOWLEDGMENT**

The undersigned acknowledges that his or her guardian of property has turned over all assets held in the guardianship to the undersigned upon (reaching the age of eighteen)(his or her emancipation)(restoration to competency), will file a final return, and will file for Letters of Dismission.

By signing this document, the undersigned acknowledges the receipt of \$\_\_\_\_\_ from the guardian and consents that the guardian may be discharged from office and from all liability.

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

\_\_\_\_\_  
Signature of Former Ward

\_\_\_\_\_  
Notary Public/Clerk of Probate Court

STATE OF GEORGIA

IN RE: ESTATE OF	)	ESTATE NO. _____
	)	
_____, )	RE: APPLICATION OF GUARDIAN FOR	
FORMER )	LETTERS OF DISMISSION	
	)	

**ORDER**

The foregoing application, averring that the applicant(s) (has)(have) fully discharged the duties of applicant(s)'s trust, was duly filed in this Court, citation was duly issued and published as required by law, and it appears from an examination of the condition of the estate and the conduct and accounts of the applicant(s) that the applicant(s) (has)(have) faithfully and honestly discharged the trust and confidence reposed in the applicant(s) and that applicant(s) (is)(are) legally entitled to discharge therefrom, that the ward is of age or there is no longer a necessity for continuing the guardianship, that citation issued and was published as required by law (,that the former ward has acknowledged receipt of all guardianship assets) and no good cause has been shown to the contrary. Therefore,

IT IS ORDERED that applicant(s) be, and (is)(are) hereby, discharged from said trust, and that, as evidence thereof, Letters of Dismission issue to applicant(s).

\_\_\_\_\_  
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 **Application of Guardian for Letters of Dismission**, except for additions or deletions indicated as required by the Uniform Probate Court Rules.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Attorney  
Address:

Telephone Number:  
State Bar#: