

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when filing a petition to probate will in common form pursuant to O.C.G.A. §53-5-16 et seq.
2. This form should not be used in connection with a petition to probate a copy of a will in lieu of a lost original without checking with the court in which the petition will be filed.
3. This form should not be used to file a combination petition to probate will and for letters of administration with the will annexed (see Petition to Probate Will in Solemn Form and For Letters of Administration with Will Annexed).
4. The attached 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 TO PROBATE WILL IN COMMON FORM

STATE OF GEORGIA

COUNTY OF _____

To the Honorable Judge of the Probate Court:

The petition of _____ whose mailing address is _____, shows to the Court:

1.

On _____, _____, _____ whose place of domicile was _____ departed this life owning property in Georgia.

2.

While alive, the decedent duly made and published a Last Will and Testament dated _____ which is offered for probate in Common Form. Your petitioner is named as the Executor.

3.

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

Table with 4 columns: Name, Age (Or over 18), Address, Relationship. Includes five horizontal lines for data entry.

4.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission. If any persons listed above as heirs are cousins, grandchildren, nephews or nieces of the decedent, please list the deceased ancestor through whom they are related to the decedent. If any executor nominated in the will has a priority equal to or higher than the propounder but will not qualify, indicate the name and reasons.

5.

To the knowledge of the petitioner, no other proceedings with respect to this estate are pending, or have been completed, in any other probate court in this state.

WHEREFORE, petitioner(s) pray(s) leave to prove said Will in Common Form, that it be admitted to record on proper proof, that Letters Testamentary issue, and that this Court order such other relief as may be proper under the circumstances.

Signature of Attorney (or
petitioner if pro se)

Signature of Attorney (or
petitioner if pro se)

Address:

Address:

Telephone Number:
State Bar #:

Telephone Number:
State Bar #:

VERIFICATION

GEORGIA, _____ COUNTY

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

Petitioner

Petitioner

Residence Address:

Residence Address:

Telephone Number:

Telephone Number:

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

Clerk of Probate Court or Notary Public

STATE OF GEORGIA

| | | |
|---------------|---|---------------------------------|
| RE: ESTATE OF |) | ESTATE NO. _____ |
| |) | |
| _____, |) | RE: PETITION TO PROBATE WILL IN |
| DECEASED |) | COMMON FORM |

ORDER

It has been shown to the Court in the matter of the Last Will and Testament of _____, deceased, propounded by _____, named as Executor, that the said decedent died domiciled in said County; and that the said Will has been (self-proved) (proved by a witness) to be the Last Will and Testament of said decedent as alleged by the propounder.

IT IS, THEREFORE, ORDERED by this Court that said Will be established as the Last Will and Testament of _____, that the same be admitted to record as proved in Common Form, that the Executor have leave to qualify as such by taking the required oath, and upon so doing, that Letters Testamentary be issued.

DATE

JUDGE OF THE PROBATE COURT

OATH

I do solemnly swear (or affirm) that this writing contains the true Last Will of _____, deceased, so far as I know or believe, and that I will well and truly execute the same in accordance with the laws of Georgia. So help me God.

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

Judge/Clerk of the Probate Court

Executor

**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 Probate Will in Common Form**, except for additions or deletions indicated as required by the Uniform Probate Court Rules.

Date

Signature of Attorney

Address:

Telephone Number:

State Bar#: