

Re: Petition to Probate Will in Solemn Form

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when filing a petition to probate will in solemn form pursuant to O.C.G.A. §53-5-20, et seq.
2. It is permissible, but not mandatory, to use this form in connection with a petition to probate a copy of a will in lieu of a lost original pursuant to O.C.G.A. §53-4-46, provided that appropriate interlineations are made, and additional information is given to overcome the presumption of revocation. Check with the court in which the petition will be filed.
3. This form may, but is not required to, be used where service by registered or certified mail with return receipt requested is requested by the petitioner in lieu of personal service, in accordance with O.C.G.A. §53-11-3(e). Appropriate changes would be required in the order for notice, notice and certificate of service.
4. Signatures of heirs who acknowledge service must be attested by a notary public or the clerk of any probate court of this state. It is not necessary that all acknowledgments appear on the same page. An attorney at law may acknowledge service on behalf of an heir; however, the attorney must certify that he or she currently represents that heir with regard to the pending matter and, in order to comply with O.C.G.A. §53-11-6, the attorney's signature must be attested as provided above. With respect to a power of attorney, the attorney-in-fact may acknowledge service on behalf of the donor of the power, provided that the power of attorney grants such authority, the signature of the attorney-in-fact is attested, a copy of the power of attorney is attached, and the attorney-in-fact certifies that the copy is a true copy and is still in effect.
5. O.C.G.A. §53-5-22(c) provides that service of notice, when made personally or by mail, shall include a copy of the petition and of the will for which probate is sought. The same is true when service is acknowledged.
6. The attached form consists of 8 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 SOLEMN FORM

GEORGIA, _____ COUNTY

To the Honorable Judge of the Probate Court:

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

1.

On _____, _____, _____
First Middle Last Name
whose place of domicile was _____
Street City County State
departed this life owning property in Georgia.

2.

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

3.

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

Name	Age (Or over 18)	Address	Relationship

4.

Additional Data: Where full particulars are lacking, state here the reasons for any such omission. Also, state here all pertinent facts which may govern the method of giving notice to any party and which may determine whether or not a guardian ad litem should be appointed for any party. If any heirs listed above are cousins, grandchildren, nephews or nieces of the decedent, please indicate the deceased ancestor through whom they are related to the decedent. If any executor nominated in the will has an equal or higher priority to 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.

_____ The probate of another purported will of the decedent is pending in this state in the _____ County Probate Court. The names and address(es) of the propounder(s) and the names, addresses and ages or majority status of the beneficiaries under the other purported will to whom notice is required under O.C.G.A. §53-5-22(b) are listed on the attachment hereto, which is expressly made a part hereof, as if fully set forth herein.

WHEREFORE, petitioner(s) pray(s) leave to prove said Will in solemn form, that due and legal notice be given as the law requires, that said Will 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)
Address:

Telephone Number:
State Bar #:

Signature of Attorney (or
petitioner if pro se)
Address:

Telephone Number:
State Bar #:

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
Residence Address:

Petitioner
Residence Address:

Telephone Number:

Telephone Number:

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

Clerk of Probate Court or Notary Public

ORDER FOR SERVICE OF NOTICE

PROBATE COURT OF _____ COUNTY

The foregoing petition to probate Will in solemn form having been filed, and it appearing that the following heirs did not acknowledge service, it is Ordered that:

(Initial any and all of the following which apply:)

_____ Notice must be served personally, together with a copy of the petition and the purported will, at least ten days before the will can be probated on the following heirs who reside in Georgia:

_____ Notice must be served by registered or certified mail, return receipt requested, together with a copy of the petition and the purported will, upon the following nonresident heirs whose current residence addresses are known: _____

_____ Notice must be published once a week for four weeks in the newspaper in which sheriff's advertisements are published in this county, before _____, in order to serve by publication the following heirs whose current residence addresses are unknown or who are unknown:

DATE

JUDGE OF THE PROBATE COURT

NOTICE

PROBATE COURT OF _____ COUNTY

Re: PETITION OF _____ TO
PROBATE IN SOLEMN FORM THE WILL OF _____,
DECEASED, UPON WHICH AN ORDER FOR SERVICE WAS GRANTED BY THIS COURT ON
_____, _____

(Strike the following paragraph if no heir is required to be served by publication:)

TO: _____ ~~is~~
here all unknown heirs and known heirs having unknown addresses to be served by publication) _____ and all and singular the heirs of said decedent, and to whom it may concern:

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before _____, _____.

(Strike the following paragraph if not applicable:)

TO: _____
(List here all heirs having known addresses in the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirteenth (13th) day after _____, _____ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 13 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

TO: _____
(List here all heirs having known addresses outside the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirtieth (30th) day after _____, _____ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 30 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

This is further to notify _____
(List here all heirs who reside in Georgia to be served personally)
_____, who are required to be served personally, to file objection, if there is any, to the above referenced petition, in this Court on or before the tenth (10th) day after the date you are personally served.

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. If any objections are filed, a hearing will be (held on _____) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

WITNESS, the Hon. _____, Judge

By: _____
CLERK, PROBATE COURT OF _____ COUNTY

RETURN OF SHERIFF

I have this day served _____ personally with a copy of the foregoing petition, purported will and the notice.

Date Deputy Sheriff, _____ County

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, purported will and the notice, to each of the following heirs who reside out of state at known current residence addresses:

DATE

CLERK, PROBATE COURT

ORDER APPOINTING GUARDIAN AD LITEM

PROBATE COURT OF _____ COUNTY

IT IS ORDERED that _____ is appointed guardian ad litem for _____, and that said guardian ad litem be duly served with a copy of the foregoing Notice, petition, purported will and notice of this appointment, and that upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer hereto. This appointment is limited to this proceeding only and it shall cease when a final order is entered on this petition.

DATE

JUDGE OF THE PROBATE COURT

ANSWER OF GUARDIAN AD LITEM

I hereby accept the foregoing appointment, acknowledge service and notice of the proceedings as provided by law, and for answer say:

DATE

GUARDIAN AD LITEM

ADDRESS

TELEPHONE

**ACKNOWLEDGMENT OF SERVICE
AND ASSENT TO PROBATE INSTANTER**

GEORGIA, _____ COUNTY

IN RE: PETITION OF _____ TO PROBATE

THE WILL OF _____,
DECEASED, IN SOLEMN FORM

We, the undersigned, being over 18 years of age, laboring under no legal disability and being heirs of the above-named decedent, hereby acknowledge service of a copy of the petition to probate said will in solemn form, purported will, and notice, waive copies of same, waive further service and notice, and hereby assent to the probate of said will in solemn form without further delay.

SIGNATURE(S) OF HEIRS

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

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

NOTARY/CLERK OF PROBATE COURT

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

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

Date

Signature of Attorney

Address:

Telephone Number:

State Bar#: