

Re: Petition for Letters of Administration with Will Annexed (Will Previously Probated)

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used in connection with a petition for letters of administration with the will annexed (sometimes called letters of administration C.T.A.), when the will has been previously probated pursuant to O.C.G.A. §53-6-15(b).
2. 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 FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED
(WILL PREVIOUSLY PROBATED)**

GEORGIA, _____ COUNTY

TO THE JUDGE OF THE PROBATE COURT OF SAID STATE AND COUNTY:

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

1.

On _____, _____, the Last Will and Testament of _____, deceased, was probated
First Middle Last Name
in this Court in _____ Form.

2.

Listed below are all of the beneficiaries under said Will who have a present interest, including but not limited to a vested remainder interest but not including trust beneficiaries where there is a trustee who is not the nominated administrator with will annexed, and whose identity and whereabouts are known or may be determined by reasonable diligence.

Name	Age (Or over 18)	Address

3.

The proposed Administrator C.T.A should be allowed to qualify without the necessity of posting bond, since only personal representatives of intestate estates and temporary administrators are normally required to post bond. See O.C.G.A. §53-6-50(a).

WHEREFORE, Petitioner(s) pray(s):

1. That due and legal notice of this petition be given as the law requires.
2. That Letters of Administration with Will Annexed issue to the proposed Administrator(s) C.T.A. named above.
3. That this Court grant such other and further relief as it deems 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

ACKNOWLEDGMENT OF SERVICE AND
SELECTION BY BENEFICIARIES CAPABLE OF EXPRESSING A CHOICE

PROBATE COURT OF _____ COUNTY

IN RE: PETITION OF _____ FOR LETTERS
OF ADMINISTRATION WITH WILL ANNEXED ON THE ESTATE OF
_____, DECEASED.

Each of the undersigned hereby acknowledges service of the petition referred to above, waives copies of same and all further service and notice, selects the person proposed in said petition to be Administrator with Will Annexed and consents to the petition.

SIGNATURE(S) OF BENEFICIARIES

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

ORDER FOR SERVICE OF NOTICE

The foregoing Petition for Letters of Administration with Will Annexed having been filed, and the beneficiaries capable of expressing a choice having not made a unanimous selection and/or it being alleged that a nominated executor has failed to qualify, it is ordered that notice shall issue and be served upon the beneficiaries who have not acknowledged service of the petition (upon the executor of the deceased executor whose death created the vacancy) (upon any executor nominated in the will who has failed to qualify), as follows:

(Initial all which apply:)

____ Notice must be served personally, together with a copy of the petition, at least ten days before the deadline for filing objections on the following interested parties who reside in Georgia:

____ Notice must be served by registered or certified mail, return receipt requested, together with a copy of the petition, upon the following nonresident interested parties 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 interested parties whose current residence addresses are unknown or who are unknown:

DATE

JUDGE OF THE PROBATE COURT

NOTICE

PROBATE COURT OF _____ COUNTY

Re: PETITION OF _____ FOR LETTERS OF ADMINISTRATION WITH WILL ANNEXED, CONCERNING THE WILL OF _____, DECEASED.

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

TO: _____

(List here all unknown interested parties and known interested parties having unknown addresses to be served by publication)

_____ 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 interested parties 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 interested parties 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 (List here all interested parties 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

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 and notice, to each of the following interested parties who reside out of state at known current residence addresses:

DATE

CLERK, PROBATE COURT

RETURN OF SHERIFF

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

Date Deputy Sheriff, _____ County

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 petition, Notice 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

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

RE: ESTATE OF)	ESTATE NO. _____
)	
_____ ,)	RE: PETITION FOR LETTERS OF
DECEASED)	ADMINISTRATION WITH WILL
)	ANNEXED (WILL PREVIOUSLY
)	PROBATED)

ORDER

The foregoing petition having been duly filed;

And it appearing that the will of the decedent was previously probated in this Court, and that service was perfected according to law,
And it also appearing that _____

is/are lawfully qualified for said Administration C.T.A., and all other requirements of law having been fulfilled; and no objection being offered thereto,

IT IS HEREBY ORDERED that Letters of Administration with the Will Annexed issue to the person(s) found above to be lawfully qualified, upon his/her/their taking and subscribing the Oath as provided by law.

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 _____, _____.

Administrator C.T.A.

Judge/Clerk of the Probate Court

Administrator C.T.A.

**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 Letters of Administration with Will Annexed (Will Previously Probated)**, except for additions or deletions indicated as required by the Uniform Probate Court Rules.

Date

Signature of Attorney
Address:

Telephone Number:
State Bar#: