

Re: Petition for Order Declaring No Administration Necessary

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when filing a petition for order declaring no administration necessary, pursuant to O.C.G.A. §53-2-40, et seq.
2. O.C.G.A. §53-2-40(b) no longer requires that all heirs must be sui juris. O.C.G.A. §53-11-2 provides that a party to a probate proceeding who is not sui juris, must be represented by a guardian provided that the court may appoint a guardian ad litem or determine that the natural guardian, guardian of the person or property, or testamentary guardian has no conflict and may serve.
3. O.C.G.A. §53-2-40(c) provides that the personal representative of a deceased heir is authorized to agree to the division of property.
4. A signed original agreement setting out the heirs' agreed upon distribution of the estate must be attached to the petition.
5. 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 ORDER DECLARING NO ADMINISTRATION NECESSARY

GEORGIA, _____ COUNTY

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

The Petition of _____, whose mailing address is

Street City State Zip
respectfully shows to the Court the following:

1.

_____, whose domicile
was _____ died
First Middle Last Name
intestate on _____, _____. Petitioner is an heir of the decedent.
Street City County State

2.

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

Name	Age (Or over 18)	Address	Relationship

3.

Additional information concerning the personal representative of any now deceased heir, the guardian of any incapacitated adult heir, and any information relative to whom the court should appoint as guardian, if one is needed, in this proceeding:

4.

The decedent owned the following described personal property in this state (include identifying account numbers, serial numbers, etc., where applicable):

5.

The decedent owned the following described real property in this state (insert complete legal description and street address, if any):

6.

The estate of said decedent owes no debts
(Check any and all which apply)

___ A. except that there is an outstanding security deed held by _____
_____, who must be properly served in
this matter unless such holder has consented in writing below to the petition.

___ B. except to such creditor(s) as have consented in writing to the petition, as shown on
the consent below.

___ C. except the creditor(s) whose name(s) and address(es) are listed immediately below
who have not consented in writing and must be served as provided by law:

7.

The heirs have amicably agreed upon a division of the estate among themselves as shown by the written agreement attached hereto containing original signatures of all heirs, attested to by a notary public or probate court clerk.

8.

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 prays that this Court issue and serve any notice required by law in such matters, and that after ascertaining the legal sufficiency for granting this petition, this Court grant an Order that no administration is necessary in this estate, all as provided by law.

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

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

Telephone Number:

Telephone Number:

State Bar #:

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:

Telephone Number:

Petitioner
Residence Address:

Telephone Number:

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

Clerk of Probate Court or Notary Public

ORDER FOR NOTICE
(NOT NEEDED IF ALL CREDITORS HAVE CONSENTED)

Upon reading and considering the foregoing petition, IT IS ORDERED that notice issue thereon as required by law, requiring all creditors who have not consented to the petition to show cause in writing filed in this Court on or before a day certain, if published, or within ten days of personal service, whichever is later, why the prayers of the petitioner should not be granted as prayed, and an Order granted that no administration is necessary in this estate. Further Ordered that any security deed holder or other creditor who has not consented in writing to the petition and whose current address is known be served with a copy of the Petition, this Order, and the following Notice, personally if a resident of this state, or by registered or certified mail, return receipt requested, if a nonresident with a known current address. Any creditor whose current address is not known must be served by publishing the notice once a week for four weeks.

DATE

JUDGE OF THE PROBATE COURT

NOTICE

Georgia, _____ County Probate Court

TO WHOM IT MAY CONCERN:

_____ has petitioned for an order finding that no administration is necessary on the estate of _____, deceased. All creditors who have not consented to the petition are, therefore, required to show cause on or before _____, or within ten days after personal service, whichever is later, why such order should not be granted.

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 for a later date). If no objections are filed, the petition may be granted without a hearing.

JUDGE OF THE PROBATE COURT

DATE

By: _____
CLERK OF THE PROBATE COURT

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 supplied by the petitioner(s), a copy of the foregoing petition and the notice, to each of the following creditors who reside out of state at known current addresses:

_____ DATE

_____ CLERK, PROBATE COURT

RETURN OF SHERIFF

I do hereby certify that I have this day served _____, creditor in this matter, with a copy of the foregoing Petition for Order Declaring No Administration Necessary, Order for Notice and Notice.

_____ Date

_____ Deputy Sheriff, _____ County

ACKNOWLEDGMENT OF SERVICE AND CONSENT

Each of the undersigned heirs or creditors (including any security deed holder) hereby acknowledges due and legal service of the foregoing Petition, waives copies of same and all further service and notice in this matter, and consents to the following Final Order declaring that no administration is necessary in the estate of _____, deceased.

SIGNATURE(S) OF HEIRS OR CREDITORS
(INCLUDING ANY SECURITY DEED
HOLDERS)

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

NOTARY/CLERK OF PROBATE COURT

RELATIONSHIP TO ESTATE

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

NOTARY/CLERK OF PROBATE COURT

RELATIONSHIP TO ESTATE

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

NOTARY/CLERK OF PROBATE COURT

RELATIONSHIP TO ESTATE

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

NOTARY/CLERK OF PROBATE COURT

RELATIONSHIP TO ESTATE

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

NOTARY/CLERK OF PROBATE COURT

RELATIONSHIP TO ESTATE

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

NOTARY/CLERK OF PROBATE COURT

RELATIONSHIP TO ESTATE

AGREEMENT

We, being all of the heirs of _____, deceased, hereby agree to the division of the decedent's estate among ourselves in the amounts and portions determined in accordance with the rules of inheritance when a decedent dies without a will, or if different, as follows:

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

HEIR

NOTARY/CLERK OF PROBATE COURT

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

HEIR

NOTARY/CLERK OF PROBATE COURT

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

HEIR

NOTARY/CLERK OF PROBATE COURT

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

HEIR

NOTARY/CLERK OF PROBATE COURT

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

HEIR

NOTARY/CLERK OF PROBATE COURT

STATE OF GEORGIA

IN THE MATTER OF:)	ESTATE NO. _____
)	
ESTATE OF)	RE: PETITION FOR ORDER
)	DECLARING NO
_____ ,)	ADMINISTRATION NECESSARY
DECEASED)	

FINAL ORDER

A Petition stating that no administration is necessary on the above estate has been duly filed. It appearing that the decedent died intestate domiciled in this county or died intestate owning real property in this county if the decedent was not domiciled in this state; that all of the heirs of said decedent have agreed upon a division of the estate as evidenced by the Agreement attached to the petition and incorporated herein by reference; that the estate of said decedent owes no debts, except to creditors, if any, including any security deed holders, who have consented or been served in this matter; (that notice was issued and published once a week for four weeks in the newspaper in this county in which sheriff's advertisements appear); and that no written objections to the granting of an Order Declaring No Administration Necessary in said estate have been filed within the time required by law; now, therefore,

IT IS ORDERED AND DECREED that No Administration is Necessary on the above estate.

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 for Order Declaring No Administration Necessary**, except for additions or deletions indicated as required by the Uniform Probate Court Rules.

Date

Signature of Attorney
Address:

Telephone Number:
State Bar#: