

PETITION FOR TEMPORARY LETTERS OF ADMINISTRATION

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for a Petition for Temporary Letters of Administration pursuant to O.C.G.A. § 53-6-30 et seq.
2. The Probate Court may at any time and without notice grant Temporary Letters of Administration on an unrepresented estate to continue in full force and effect until the Temporary Administrator is discharged or a personal representative is appointed according to O.C.G.A. § 53-6-30. According to O.C.G.A. § 53-11-5, “The probate judge may direct any additional service or notice or extend the time to respond with respect to any proceedings covered by this chapter....”
3. Paragraph 4 requires sufficient factual information for the Court to conclude that those listed in Paragraph 3 include each and every heir of the Decedent and that there are not additional heirs of the same or closer degree according to O.C.G.A. § 53-2-1. These facts must allow the Court to rule out the possibility that there may be other heirs of the same or closer degree who have not been listed. Provide the date of death of any deceased heirs and the name of the deceased heir’s Personal Representative if applicable. The Personal Representative of a deceased heir is authorized to consent on behalf of that heir. O.C.G.A. § 53-7-1. [NOTE: If you are uncertain how to determine the heirs of a Decedent, refer to the “Heirs Determination Worksheet” available from the Probate Court or at www.gaprobate.gov.] Examples of such statement would be: (a) “Decedent was or was not married at the time of his death and had no children born, adopted, living or deceased, other than listed herein”; (b) “Decedent had no other siblings half or whole other than those listed herein”; (c) “the Decedent’s brother who died previously had no other children born, adopted, living or deceased, other than listed herein.”
4. Temporary Administrator(s) should only collect and preserve the assets of the estate and only expend funds, if approved, by the Judge of the Probate Court according to O.C.G.A. § 53-6-31.
5. An oath must be administered by a Probate Judge or Clerk (the oath cannot be administered by a notary public). Use Georgia Probate Court Supplement 4 for the oath. The oath is not included in this form. Georgia Probate Court Standard Form 53, Commission to Administer Oath, can be used if the oath is to be administered by a court outside the State of Georgia.

II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court or at www.gaprobate.gov, labeled GPCSF 1.

4.

Required: *[Provide sufficient factual information to enable the Court to conclude that all of the heirs of the Decedent are included and that there are no heirs of the same or closer degree according to O.C.G.A. § 53-2-1. Provide the names of any deceased heirs, the name and address of his or her Personal Representative, if any, and include the date of death for each. [See instructions for further clarification.] Also, state here all pertinent facts that may govern the method of giving notice to any party and that 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, indicate the deceased ancestor through whom they are related to the Decedent.]*

5.

Under the law, it is necessary that a Temporary Administrator collect and preserve said estate and _____ should be appointed Administrator(s) by reason of:

[Initial one]

- _____ (a) being unanimously selected by all the heirs *[This alternative does not apply if the surviving spouse is the sole heir and an action for divorce or separate maintenance was pending at the time of Decedent's death.];*
- _____ (b) being the surviving spouse where no action for divorce or separate maintenance was pending at the time of Decedent's death;
- _____ (c) being (an) heir(s) and not the surviving spouse;
- _____ (d) having been selected by a majority in interest of the heirs;
- _____ (e) being (an) eligible person(s) as defined by O.C.G.A. § 53-6-1;
- _____ (f) being (a) creditor(s) of the Decedent (evidence of the indebtedness is attached);
- _____ (g) being the county administrator.

6.

To the knowledge of the petitioner(s):
[Initial all that apply]

- _____ (a) No petition for appointment of a Personal Representative has been filed.
- _____ (b) A petition for Letters of Administration has been filed but is delayed.
[If a petition is pending, list the county and state where the action is pending (if other than the above styled court) _____.]
- _____ (c) A petition to Probate has been filed but is delayed or contested.
[If a petition is pending, list the county and state where the action is pending (if other than the above styled court) _____.]

7.

The Decedent passed leaving an estate of real property located in _____
_____ County(ies), Georgia [list real property that is located in another state and/or country] having a total fair market value of approximately \$ _____.

Decedent passed leaving personal property as follows [provide approximate value]:

- _____ (a) Cash/bank accounts/certificates of deposit; \$ _____
- _____ (b) Stocks/bonds/brokerage accounts; \$ _____
- _____ (c) Other assets of significant value [list]; \$ _____

APPROXIMATE TOTAL VALUE OF PERSONAL PROPERTY \$ _____

8.

Petitioner(s)' appointment is in the best interest of the estate because the estate is unrepresented and it is necessary for Temporary Letters of Administration to be granted for the sole purpose of collecting and preserving the assets of the Decedent.

Request(s) for specific authorization(s) in order to preserve the assets are as follows:

9.

Additional Data: *[Where full particulars are lacking, state here the reasons for any such omission.]*

WHEREFORE, Petitioner(s) pray(s) for an order appointing Petitioner(s) Temporary Administrator(s) of said estate.

Signature of Petitioner

Printed Name

Mailing Address

Telephone Number

Signature of Attorney _____

Printed Name of Attorney _____

Address _____

Telephone Number _____ State Bar # _____

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned Petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Petition for Temporary Letters of Administration (and the attached Exhibit(s)) are true and correct.

Sworn to and subscribed before me this
_____ day of _____, 20_____

Signature of Petitioner

NOTARY/CLERK OF PROBATE COURT

Printed Name of Petitioner

My Commission Expires _____

IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
_____,) **ESTATE NO.** _____
DECEASED)

ORDER APPOINTING TEMPORARY ADMINISTRATOR

A Petition for Temporary Letters of Administration for the above-named Decedent was filed. _____ was/were nominated Temporary Administrator(s) in the Petition and is/are hereby found to be legally qualified for said office. The Court finds that the Decedent died domiciled within, or domiciled outside the State of Georgia but owning property within, the above County. The Court finds that the estate is currently unrepresented. The Court further finds that no objection has been filed, all requirements of law have been fulfilled, that this appointment is in the best interest of the estate, and that it is necessary that temporary letters should issue for the sole purpose of collecting and preserving the assets of the Decedent until a personal representative is appointed.

ACCORDINGLY, IT IS ORDERED that the person(s) named above is/are found to be qualified for such office and is/are hereby appointed Temporary Administrator(s) of the estate of the Decedent, and that Temporary Letters be issued upon said Temporary Administrator(s) giving bond with approved surety in the sum of \$ _____ and taking the oath as provided by law.

IT IS FURTHER ORDERED that no disbursements from said estate may be made by said Temporary Administrator(s) unless permission is granted by further order of this Court for the purpose of preserving the estate.

SO ORDERED this _____ day of _____, 20____.

Judge of the Probate Court

**IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED _____)

TEMPORARY LETTERS OF ADMINISTRATION

At a regular term of Probate Court, this Court granted an order allowing _____ to qualify as Temporary Administrator(s) of the above-named Decedent, who was domiciled in this County at the time of his or her death or was domiciled in another state but owned property in this County at the time of his or her death, and that upon so doing, Temporary Letters of Administration be issued to such Temporary Administrator(s).

THEREFORE, the said Temporary Administrator(s), having taken the oath of office and complied with all necessary prerequisites of the law, is/are legally authorized to collect and preserve the assets of the Decedent until a Personal Representative is appointed (or the Temporary Administrator is discharged); and thereupon to deliver up such assets to the Personal Representative of the estate of said Decedent, according to Georgia law.

IN TESTIMONY WHEREOF, I have hereunto affixed my signature as Judge of the Probate Court of said County and the seal of this office this _____ day of _____, 20____.

Judge of the Probate Court

NOTE: The following must be signed if the Judge does not sign the original of this document:

Issued by: _____ *[Seal]*

Clerk of the Probate Court