

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.
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 similar or closer degree that have not been listed. Provide the date of death of any deceased heirs and the name of the Personal Representative if applicable. The Personal Representative of a deceased heir is authorized to consent on behalf of that heir. O.C.G.A. §53-6-30. 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.org. 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.

II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court, labeled GPCSF 1.

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

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

PETITION FOR TEMPORARY LETTERS OF ADMINISTRATION

The petition of _____,
whose physical address(es) is/are _____,
Street City County State Zip Code
and mailing address(es) is/are _____,
Street City County State Zip Code
shows to the Court the following:

1.

(Full name of decedent) First Middle Last
whose place of domicile was _____,
Street City County State Zip Code
departed this life on _____, 20____.

2.

(Initial one)

- _____ (a) The decedent died intestate (without making a valid Last Will and Testament).
- _____ (b) There is a contested Last Will and Testament of the decedent. The alleged will is dated _____.

3.

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

Name	Age (or over 18)	Address	Relationship

Name	Age (or over 18)	Address	Relationship

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 similar or higher degree according to O.C.G.A. §53-2-1. Provide the names of any deceased heirs and include the date of death for each. (See instructions for further clarification.) 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, indicate the deceased ancestor through whom they are related to the decedent.

5.

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

6.

Petitioner's(s') appointment is in the best interests of the estate by reason of the estate's being 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:

7.

Petitioner(s) is/are entitled to be appointed Temporary Administrator(s) by reason of:
(Initial one)

- _____ (a) Being the nominated executor(s) in decedent's purported will (a copy of which is attached hereto and made a part hereof);
- _____ (b) Being unanimously selected by all the heirs;
- _____ (c) Being a sole heir or being a surviving spouse and no action for divorce or maintenance was pending at the time of decedent's death;
- _____ (d) Having been selected by a majority in interest of the heirs;
- _____ (e) Being (an) eligible person(s) as defined in 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.

8.

To the knowledge of the petitioner(s):
(Initial one)

- _____ (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 or
- _____ (c) A petition to Probate has been filed but is delayed or contested;
- _____ (d) If a petition is pending, list the county and state where the action is pending if other than the above styled court _____

9.

Additional Data: Where full particulars are lacking, state here the reason for any such omission or any special circumstances.

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

_____ Signature of First Petitioner	_____ Signature of Second Petitioner, if any
_____ Printed Name	_____ Printed Name
_____ Mailing Address	_____ Mailing Address
_____ Telephone Number	_____ 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 (and the attached exhibits) are true.

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

Signature of First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of First Petitioner

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

Signature of Second Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Second Petitioner

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

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

PETITION FOR TEMPORARY LETTERS OF ADMINISTRATION
SELECTION BY HEIRS

For the court's consideration in determining the person whose appointment is in the best interests of the estate, (we) (all) (a majority in interest) of the heirs of the above named decedent, hereby select and request the appointment of _____ to act as Temporary Administrator(s) of the estate of said decedent.

Sworn to and subscribed before me this _____
____ day of _____, 20____. Heir Signature _____

NOTARY/ CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

Sworn to and subscribed before me this _____
____ day of _____, 20____. Heir Signature _____

NOTARY/ CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

Sworn to and subscribed before me this _____
____ day of _____, 20____. Heir Signature _____

NOTARY/ CLERK OF PROBATE COURT Printed Name
My Commission Expires _____

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

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

ORDER APPOINTING TEMPORARY ADMINISTRATOR

The petition of _____ for Temporary Letters of Administration on the estate of the above named decedent has been duly filed. It appears that said decedent died domiciled in said county, that said petitioner(s) is/are lawfully qualified for said administration, that such appointment will be in the best interests of the estate, and that it is necessary that temporary letters should issue for the sole purpose of collecting and preserving the assets of said decedent until permanent letters are granted. It is, therefore,

ORDERED that the petitioner(s) be, and is/are hereby, appointed Temporary Administrator(s) of the estate, and that Letters be issued upon said Administrator(s) giving bond with approved surety in the sum of \$_____ and taking the oath as the law requires.

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
COUNTY OF _____
STATE OF GEORGIA

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

OATH OF TEMPORARY ADMINISTRATOR

I do solemnly swear or affirm that the above named decedent died with an estate that is currently unrepresented, so far as I know or believe, and that I will well and truly marshal, collect, and preserve the assets of the decedent, and discharge to the best of my abilities all my duties as Temporary Administrator. So help me God.

Temporary Administrator

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

Clerk/Deputy Clerk of the Probate Court

IN THE PROBATE COURT
COUNTY OF _____
STATE OF GEORGIA

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

TEMPORARY LETTERS OF ADMINISTRATION

WHEREAS, the above named decedent died domiciled in this County, owning certain assets within this State; and the estate is unrepresented, and it appears necessary that such assets be collected and preserved until permanent letters are issued;

I do, therefore, hereby appoint _____ as Temporary Administrator(s) of the estate of the said decedent, for the sole purpose of collecting and preserving the assets of the said decedent until permanent letters are issued (or the Temporary Administrator is discharged); and thereupon to deliver up such assets to whomsoever this Court shall commit the administration of the estate of said decedent, as provided by law.

Temporary administrators are authorized to carry out existing contracts of the decedent, to carry on the business of the decedent, and to do such acts as are necessary for the protection and preservation of the estate provided proper orders are secured from the probate court after due notice to all parties in interest.

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:

Clerk/Deputy Clerk of the Probate Court

(Seal)