

**UNOFFICIAL VERSION – PENDING SUPREME COURT APPROVAL**

**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. A 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](http://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”; and (c) “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, after such notice as the judge deems necessary, 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](http://www.gaprobate.gov), labeled GPCSF 1.

UNOFFICIAL VERSION – PENDING SUPREME COURT APPROVAL

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ )  
 )  
\_\_\_\_\_, ) ESTATE NO. \_\_\_\_\_  
DECEASED )

PETITION FOR TEMPORARY LETTERS OF ADMINISTRATION

The petition of \_\_\_\_\_  
[Full name(s) of petitioner(s)] First Middle Last  
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 all of the decedent’s heirs at law, with age or majority status, address, and relationship to the decedent set opposite the name of each:

Name	Age (or over 18)	Address	Relationship
_____			
_____			
_____			
_____			

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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 person and that may determine whether or not a guardian ad litem should be appointed for any person. 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.]*

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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); or
- \_\_\_\_\_ (g) being the county administrator.

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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 in 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 in the above styled court) \_\_\_\_\_.]

7.

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

The 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)(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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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9.

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

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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 # \_\_\_\_\_

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**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: \_\_\_\_\_

**UNOFFICIAL VERSION – PENDING SUPREME COURT APPROVAL**

**IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

**IN RE: ESTATE OF** \_\_\_\_\_ )  
 )  
\_\_\_\_\_, ) **ESTATE NO.** \_\_\_\_\_  
**DECEASED** )

**SELECTION BY HEIRS**

The undersigned, being 18 years of age or older, laboring under no legal disability and being an heir of the above-named decedent, hereby acknowledges service of a copy of the petition for temporary letters of administration, waives copies of same, waives further service and notice, and hereby selects \_\_\_\_\_ to act as temporary administrator(s) of the above-styled estate.

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Signature of Heir

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name of Heir

My Commission Expires: \_\_\_\_\_

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Signature of Heir

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name of Heir

My Commission Expires: \_\_\_\_\_

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Signature of Heir

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name of Heir

My Commission Expires: \_\_\_\_\_