

PROBATE COURT OF _____ COUNTY

INFORMATION SHEET FOR

IDENTIFICATION OF HEIRS OF A DECEDENT

Heirs of a decedent are determined in accordance with O.C.G.A. ' 53-2-1. "Heirs" of a decedent are those persons who would inherit the estate of a Georgia domiciled decedent who died without a will (intestate). The term is **not** synonymous with the term "beneficiaries," a term which refers to those persons who receive a benefit under a lawful will of a decedent (although "heirs" certainly may be "beneficiaries", and vice versa). This form may help you properly and completely determine the heirs of a decedent for purposes of notice requirements in a probate court in Georgia.

For purposes of inheritance under Georgia law and for purposes of identifying the legal heirs of a decedent, the following rules apply:

- A. The legal spouse of a decedent who is in life at the time of the decedent's death is always an heir of the decedent. Although common law marriages were abolished in Georgia as of January 1, 1997, any common law marriage in legal existence on December 31, 1996 remains valid under Georgia law. There is no common law divorce under Georgia law, and a simple separation of the parties, no matter for what length of time, will not dissolve a legal marriage, whether a ceremonial and licensed marriage or a common law marriage. The death of a spouse or the entry of a final decree of divorce by a court of competent jurisdiction prior to the death of the decedent terminates the spousal relationship for purposes of inheritance, and the deceased or divorced spouse is not an heir of a decedent.
- B. Children of a decedent who are born after the death of the decedent are considered children in being at the decedent's death, provided they were conceived prior to the decedent's death, were born within ten months of the decedent's death, and survived 120 hours or more after birth.
- C. The half-blood, whether on the maternal or paternal side, are considered equally with the whole-blood, so that the children of any common parent are considered brothers and sisters to each other.

D. Legally adopted children are considered equally with natural born children. The legal adoption of a child by someone other than the natural parents ends the parental relationship and such child is no longer an heir of either natural parent. Children born out of wedlock are the heirs of their mother, and vice versa. Children born out of wedlock are the heirs of their father, and vice versa, provided paternity has been established in accordance with law. For purposes of notice requirements in a probate court in Georgia, children believed to be the offspring of a decedent father should be listed as "heirs," except when paternity has already been disproved in a court of competent jurisdiction. All children born within wedlock or within the usual period of gestation thereafter who have been conceived by artificial insemination are irrebuttably presumed legitimate if both spouses have consented in writing to the use and administration of artificial insemination.

Determination Inquiries:

Name of Decedent: _____

Date of Death: _____

Legal Residence: _____

1. Was the decedent survived by a spouse? If yes, please provide the name and age of the spouse:

Spouse: _____ Age: _____

2. Was the decedent survived by children or descendants of any deceased children? If not, **you may STOP**. If a decedent is survived by a spouse but not by any children or descendants of deceased children, the surviving spouse is the sole heir. If yes, please provide the names and ages of each child ever born to adopted by the decedent:

(a) Children of decedent born as issue of any marriage:

Living Children

Deceased Children

Name

Name

(b) Children of decedent born out of wedlock:

Living Children

Deceased Children

Name

Name

NOTE: IF ALL OF THE CHILDREN OF DECEDENT ARE ALIVE, YOU MAY STOP. The spouse, if any, and all the children are the heirs of the decedent.

Deceased Great-grandchildren

Name

Parent's Name

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: IF ALL OF THE GREAT-GRANDCHILDREN OF THE DECEDENT ARE ALIVE, YOU MAY STOP. IF THERE ARE ANY DECEASED GREAT-GRANDCHILDREN, YOU MUST ATTACH AN ADDITIONAL SHEET FOR THEIR CHILDREN. If the decedent was survived by a spouse and/or any lineal descendants, there is no need to proceed further on this form. The persons in the categories below are not "heirs" of a decedent who is survived by a spouse and/or lineal descendants.

5. Was the decedent survived by a parent? If yes, please provide the names and ages of the parents:

<u>Name</u>	<u>Age</u>	<u>Date of Death, if Deceased</u>
Mother: _____	_____	_____
Father: _____	_____	_____

NOTE: IF ANY PARENT IS ALIVE, YOU MAY STOP. If both parents survived, they are the sole heirs of the decedent; if only one parent survived, that parent is the sole heir of the decedent.

6. Did the decedent ever have any brothers or sisters (of whole or half-blood)? If yes, please give the names and ages of all brothers and sisters of the decedent:

Living Brothers and Sisters		Deceased Brothers and Sisters	
Name		Name	
_____		_____	
_____		_____	
_____		_____	
_____		_____	
_____		_____	

NOTE: IF ALL OF THE BROTHERS AND SISTERS OF THE DECEDENT ARE ALIVE, YOU MAY STOP. The brothers and sisters are the heirs of the decedent.

7. Were any of the deceased siblings of the decedent survived by a child or children (nieces or nephews of the decedent)? If yes, please give the names and ages of each child ever born to or adopted by the deceased sibling of the decedent:

Living Nieces and Nephews

Name	Parent's Name
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Deceased Nieces and Nephews

Name	Parent's Name
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: IF ALL OF THE NIECES AND NEPHEWS OF THE DECEDENT ARE ALIVE, YOU MAY STOP. The surviving brothers and/or sisters, if any, and the children of deceased siblings are the heirs of the decedent.

8. Were any of the deceased nieces and/or nephews of the decedent survived by a child or children (grand-nieces or grand-nephews of the decedent)? If yes, please give the names and ages of each child ever born to or adopted by the deceased niece or nephew of the decedent:

Living grand-nieces and grand-nephews

Name	Parent's Name
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Deceased grand-nieces and grand-nephews

Name	Parent's Name
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: IF ALL OF THE GRAND-NIECES AND GRAND-NEPHEWS OF THE DECEDENT ARE ALIVE, YOU MAY STOP. IF THERE ARE ANY DECEASED GRAND-NIECES OR GRAND-NEPHEWS, YOU MUST ATTACH AN ADDITIONAL SHEET FOR THEIR CHILDREN. If there are any persons in the above categories, there is no need to proceed further with this form.

9. Who were the decedent=s grandparents? Please provide the names and ages of the grandparents:

Name Age Date of Death, if Deceased

Mother=s Mother: _____

Mother=s Father: _____

Father=s Mother: _____

Father=s Father: _____

NOTE: IF ANY GRANDPARENT OF THE DECEDENT IS ALIVE, YOU MAY STOP.

10. Was the decedent survived by aunts or uncles (maternal and/or paternal)? If yes, please provide the names and ages of the aunts and/or uncles:

Living aunts and uncles

Name	Parent's Name
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Deceased aunts and uncles

Name

Parent's Name

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: IF ALL OF THE AUNTS AND UNCLES OF THE DECEDENT ARE ALIVE, YOU MAY STOP.

11. Were any of the deceased aunts and/or uncles of the decedent survived by a child or children (first cousins of the decedent)? If yes, please give the names and ages of each child ever born to or adopted by the deceased aunt or uncle of the decedent:

First Cousins of the decedent who are alive:

Name

Parent's Name

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: IF THERE ARE NO PERSONS IN ANY OF THE ABOVE CATEGORIES, THE HEIRS OF THE DECEDENT ARE DETERMINED UNDER O.C.G.A. '53-2-1(b)(8).

APPENDIX A8-2

Table of Consanguinity

Showing Degrees of Relationship by Blood

Instructions

Place the subject/decendent for whom you need to establish relationships in the blank box. The labeled boxes will then list the relationship by title to the subject and the degree of distance from the subject.

