

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. *[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”; 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 GPCSF 4 for the oath. The oath is not included in this form. GPCSF 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 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.]*

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.

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 \$ _____ 0.00

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:

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: _____

