

**Re: Petition for Discharge**

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used for a petition for discharge of a personal representative pursuant to O.C.G.A. §53-7-50 or discharge of a temporary administrator pursuant to O.C.G.A. §53-7-52. A personal representative may, pursuant to O.C.G.A. §53-7-50(e), petition the court solely for discharge from office but not from all liability.
2. If the petition is filed by a personal representative, the notice to creditors and/or debtors and creditors must have been published for four weeks, and three months must have elapsed from the date of the last publication. O.C.G.A. §§53-7-41, 53-11-4.
3. The attached form consists of 9 pages.

II. General Instructions

General instructions applicable to all Georgia probate court standard forms are available in each probate court.



3.

Of those named in paragraph 2. above, it is not necessary to notify the following heirs or beneficiaries (a) who have relieved the personal representative of all liability and as to each of whom a copy of the writing(s) granting such relief is/are attached hereto or (b) with respect to whom the personal representative has been relieved of all further liability in (a settlement of accounts)(an intermediate report)(other binding proceeding) pursuant to an order of this court dated \_\_\_\_\_ and hereby incorporated herein:

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4.

The following heirs or beneficiaries are represented or should be represented by a guardian (state names of heir/beneficiary and guardian, if one has already been appointed, and reason guardian needed/appointed):

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5.

All claims against the estate have been paid (except for the following which have not been paid for the reasons set forth below):

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6.

(Check one):

  

All necessary (inventories) (and) (returns) have been filed.  
Petitioner was relieved of filing (inventories) (and) (returns).

Wherefore, petitioner(s)

(Check one):

(a) seek(s) discharge solely from office and, therefore, pray(s) that notice issue and be published one time in the official county newspaper with copies thereof being mailed by first-class mail to the creditors named in paragraph 5. above and that an order issue discharging the petitioner(s) from office.

OR

(b) seek(s) discharge from office and all liability and, therefore, pray(s) that notice issue and be served and published as required by law and that an order issue releasing and discharging the petitioner(s) from office and from all liability.

\_\_\_\_\_  
Signature of Attorney (or  
petitioner if pro se)  
Address:

Telephone Number:

State Bar #:

\_\_\_\_\_  
Signature of Attorney (or  
Petitioner if pro se)  
Address:

Telephone Number:

State Bar #:

**VERIFICATION**

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned petitioner(s) who on oath state(s) that the facts set forth in the foregoing petition are true.

\_\_\_\_\_  
Signature of Petitioner

Residence Address:

Telephone:

\_\_\_\_\_  
Signature of Petitioner

Residence Address:

Telephone:

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

\_\_\_\_\_  
Clerk of Probate Court or Notary Public

**ORDER FOR SERVICE OF NOTICE**

PROBATE COURT OF \_\_\_\_\_ COUNTY

[**SELECT** A. (discharge solely from office) or B. (discharge from office and all liability)]:

A. The foregoing petition having been filed, seeking discharge solely from office, it is ordered that Notice be published one time in the newspaper in which sheriff's advertisements are published in this county at least ten days before \_\_\_\_\_ and that a copy of the petition and Notice be mailed by first-class mail to the creditors whose claims have not been paid as set forth in paragraph 5. of the petition.

B. The foregoing petition having been filed, seeking discharge from office and all liability, it is ordered that all heirs or beneficiaries who did not acknowledge service or with respect to whom the petitioner(s) has (have) not been relieved of liability and any purported creditors whose claims have not been paid who did not acknowledge service be served.

(Initial any and all of the following which apply:)

Notice must be served personally, together with a copy of the petition, at least ten days before the deadline for filing objections on the following interested parties who reside in Georgia and have not acknowledged service:

Notice must be served by registered or certified mail, return receipt requested, together with a copy of the petition, upon the following nonresident interested parties whose current residence addresses are known: \_\_\_\_\_  
\_\_\_\_\_

Notice must be published once a week for four weeks in the newspaper in which sheriff's advertisements are published in this county, before \_\_\_\_\_, in order to serve by publication the following interested parties whose current residence addresses are unknown or who are unknown:

(Applies in all cases unless notice is published for four weeks:) Notice must be published one time in the newspaper in which sheriff's advertisements are published in this county at least ten days before \_\_\_\_\_, which is the date on or before which any objection is required to be filed.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE OF THE PROBATE COURT

**NOTICE**  
(For Discharge Solely from Office)

PROBATE COURT OF \_\_\_\_\_ COUNTY

Re: PETITION OF \_\_\_\_\_ FOR  
DISCHARGE FROM OFFICE AS \_\_\_\_\_ OF THE  
ESTATE OF \_\_\_\_\_, DECEASED.

TO:  (List all creditors who did not acknowledge service whose claims have not been paid.)

and to whom it may concern:

This is to notify you to file objection, if there is any, to the above-referenced petition, in this Court on or before \_\_\_\_\_, \_\_\_\_\_. All objections to the petition must be in writing, setting forth the grounds of any such objections. If any objections are filed, a hearing will be (held on \_\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

WITNESS, the Hon. \_\_\_\_\_, Judge

By:  
CLERK, PROBATE COURT OF \_\_\_\_\_ COUNTY

**CERTIFICATE OF MAILING**

This is to certify that I have this date forwarded by first-class mail, in a stamped, addressed envelope, a copy of the foregoing petition and notice, to each of the following creditors at the addresses given by petitioner(s) in paragraph 5. of the petition:

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CLERK, PROBATE COURT

**NOTICE**

(For Discharge from Office and all Liability)

PROBATE COURT OF \_\_\_\_\_ COUNTY

Re: PETITION OF \_\_\_\_\_ FOR DISCHARGE AS \_\_\_\_\_ OF THE ESTATE OF \_\_\_\_\_, DECEASED.

(Strike the following paragraph if no interested party is required to be served by publication:)

TO:

(List here all unknown interested parties and known interested parties having unknown addresses to be served by publication)

and (all and singular the heirs of said decedent,)(the beneficiaries under the will,) and to whom it may concern:

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before \_\_\_\_\_, \_\_\_\_\_.

(Strike the following paragraph if not applicable:)

TO:

(List here all interested parties having known addresses in the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirteenth (13th) day after \_\_\_\_\_, \_\_\_\_\_ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 13 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

TO:

(List here all interested parties having known addresses outside the continental U.S. to be served by certified or registered mail)

This is to notify you to file objection, if there is any, to the above referenced petition, in this Court on or before the thirtieth (30th) day after \_\_\_\_\_, \_\_\_\_\_ (the date of the mailing of this Notice to you by certified or registered mail, return receipt requested); provided, however, that if a return receipt for such Notice is actually received by the Court within such 30 days, the deadline for the filing of any objection shall be ten (10) days from the date of receipt shown on such return receipt.

(Strike the following paragraph if not applicable:)

This is further to (List here all interested parties who reside in Georgia to be served personally)

\_\_\_\_\_, who are required to be served personally, to file objection, if there is any, to the above referenced petition, in this Court on or before the tenth (10th) day after the date you are personally served.

**BE NOTIFIED FURTHER:** All objections to the petition must be in writing, setting forth the grounds of any such objections. If any objections are filed, a hearing will be (held on \_\_\_\_\_) (scheduled at a later date). If no objections are filed, the petition may be granted without a hearing.

WITNESS, the Hon. \_\_\_\_\_, Judge

By:

CLERK, PROBATE COURT OF \_\_\_\_\_ COUNTY

**RETURN OF SHERIFF**

I have this day served \_\_\_\_\_ personally with a copy of the foregoing petition and the notice.

\_\_\_\_\_

Date

Deputy Sheriff, \_\_\_\_\_ County

**CERTIFICATE OF MAILING**

This is to certify that I have this date forwarded by registered or certified mail, return receipt requested, in a stamped, addressed envelope, a copy of the foregoing petition and notice, to each of the following interested parties who reside out of state at known current residence addresses

\_\_\_\_\_

DATE

\_\_\_\_\_

CLERK, PROBATE COURT

**ORDER APPOINTING GUARDIAN AD LITEM**

PROBATE COURT OF \_\_\_\_\_ COUNTY

IT IS ORDERED that \_\_\_\_\_ is appointed guardian ad litem for \_\_\_\_\_, and that said guardian ad litem be duly served with a copy of the foregoing Notice, petition, and notice of this appointment, and that upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer hereto. This appointment is limited to this proceeding only and it shall cease when a final order is entered on this petition.

\_\_\_\_\_

DATE

\_\_\_\_\_

JUDGE OF THE PROBATE COURT

**ANSWER OF GUARDIAN AD LITEM**

I hereby accept the foregoing appointment, acknowledge service and notice of the proceedings as provided by law, and for answer say:

\_\_\_\_\_

DATE

\_\_\_\_\_

GUARDIAN AD LITEM

ADDRESS:

TELEPHONE:



**ACKNOWLEDGMENT OF SERVICE  
AND CONSENT TO PETITION**

GEORGIA, \_\_\_\_\_ COUNTY

IN RE: PETITION OF \_\_\_\_\_ FOR  
DISCHARGE AS \_\_\_\_\_ OF THE  
ESTATE OF \_\_\_\_\_, DECEASED.

We, the undersigned, being over 18 years of age, laboring under no legal disability and being heirs or beneficiaries or unpaid purported creditors of the above-named decedent, hereby acknowledge service of a copy of the above petition and notice, waive copies of same, waive further service and notice, and hereby consent to the petition.

SIGNATURE(S) OF INTERESTED  
PARTIES

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

NOTARY/CLERK OF PROBATE COURT

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

NOTARY/CLERK OF PROBATE COURT

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

NOTARY/CLERK OF PROBATE COURT

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

NOTARY/CLERK OF PROBATE COURT

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

NOTARY/CLERK OF PROBATE COURT

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

NOTARY/CLERK OF PROBATE COURT

PROBATE COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

RE: ESTATE OF \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
\_\_\_\_\_, ) RE: PETITION FOR DISCHARGE  
DECEASED )

**FINAL ORDER**

The foregoing petition for discharge of \_\_\_\_\_ as  
\_\_\_\_\_ was duly filed in this Court, notice was duly issued, served and  
published as required by law, and it appears that the petitioner(s) (is)(are) legally entitled to discharge and no  
objection has been filed. Therefore,

IT IS ORDERED that petitioner(s) be, and (is)(are) hereby, discharged (solely from office)(from office  
and all liability).

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE OF THE PROBATE COURT

**CERTIFICATE IN ACCORDANCE WITH  
UNIFORM PROBATE COURT RULE 21(F)**

I certify that the content of the foregoing is identical in all material respects with Georgia probate court  
standard form entitled **Petition for Discharge**, except for additions or deletions indicated as required by the  
Uniform Probate Court Rules.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Attorney  
Address:

Telephone Number:  
State Bar#: