

Petition for Order Declaring No Administration Necessary

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when filing a petition for order declaring no administration necessary, pursuant to O.C.G.A. §53-2-40 et seq.
2. O.C.G.A. §53-2-40(b) no longer requires that all heirs must be sui juris. O.C.G.A. §53-11-2 provides that a party to a probate proceeding who is not sui juris, must be represented by a guardian provided that the court may appoint a guardian ad litem or determine that the natural guardian, guardian of the person or property, or testamentary guardian has no conflict and may serve.
3. O.C.G.A. §53-2-40(c) provides that the personal representative of a deceased heir is authorized to agree to the division of property.
4. A signed original agreement setting out the heirs' agreed upon distribution of the estate must be attached to the petition.
5. Paragraph 3 requires that a definitive statement be made to show to the court that the persons named in paragraph 2 constitute all of the heirs of the decedent and that there are no heirs of the same or closer degree according to O.C.G.A. §53-2-1. Provide the date of death for any deceased heirs. NOTE: If you are uncertain how to determine the heirs of a decedent, please refer to the "Heirs Determination Sheet" 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."
6. The attached form consists of 12 pages.

II. General Instructions

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

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: ESTATE OF _____) ESTATE NO. _____
)
)
DECEASED _____,) PETITION FOR ORDER DECLARING
) NO ADMINISTRATION NECESSARY

To the Honorable Judge of the Probate Court of said State and County:

The Petition of _____, whose mailing address is

Street City State Zip

respectfully shows to the Court the following:

1.

_____, whose domicile
First Middle Last Name
was _____ died
Street City County State
intestate (without a will) on _____, 20_____. Petitioner is
an heir of the decedent.

2.

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

Name	Age (Or over 18)	Address	Relationship

3.

Make a definitive statement which will show to the court that those persons named in Paragraph 2 constitute all of the heirs of the decedent all of the heirs of the decedent 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 provide any additional information concerning the personal representative of any now deceased heir, the guardian of any incapacitated adult heir, and any information relative to whom the court should appoint as guardian, if one is needed, in this proceeding:

4.

The decedent owned the following described personal property in this state (include identifying account numbers, serial numbers, etc., where applicable):

5.

The decedent owned the following described real property in this state (insert complete legal description and street address, if any):

6.

As to the estate of said decedent's:
(Initial any and all which apply)

- ___ A. The estate of decedent owes no debts.
- ___ B. The estate of decedent owes no debts, except that there is an outstanding security deed held by (complete name(s) and address(es) including zip codes must be provided for each creditor so listed) _____, who must be properly served in this matter unless such holder has consented in writing below to the petition.
- ___ C. The estate of decedent owes no debts, except to such creditor(s) as have consented in writing to the petition, as shown on the consent below.
- ___ D. The estate of decedent owes no debts, except the creditor(s) (complete name(s) address(es) including zip codes must be provided for each creditor so listed) are listed immediately below who have not consented in writing and must be served as provided by law:

7.

The heirs have amicably agreed upon a division of the estate among themselves as shown by the written agreement attached hereto containing original signatures of all heirs, attested to by a notary public or probate court clerk.

8.

To the knowledge of the petitioner, no other proceedings with respect to this estate are pending, or have been completed, in any other probate court in this state.

WHEREFORE, petitioner prays that this Court issue and serve any notice required by law in such matters, and that after ascertaining the legal sufficiency for granting this petition, this Court grant an Order that no administration is necessary in this estate, all as provided by law.

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

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

Telephone Number _____

Telephone Number: _____

State Bar #: _____

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.

Petitioner
Residence Address _____

Petitioner
Residence Address: _____

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

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

NOTARY/CLERK OF PROBATE COURT

NOTARY/CLERK OF PROBATE COURT

**ORDER FOR NOTICE
(NOT NEEDED IF ALL CREDITORS HAVE CONSENTED)**

Upon reading and considering the foregoing petition, IT IS ORDERED that notice issue thereon as required by law, requiring all creditors who have not consented to the petition to show cause in writing filed in this Court on or before a day certain, if published, or within ten days of personal service, whichever is later, why the prayers of the petitioner should not be granted as prayed, and an Order granted that no administration is necessary in this estate. Further Ordered that any security deed holder or other creditor who has not consented in writing to the petition and whose current address is known be served with a copy of the Petition, this Order, and the following Notice, personally if a resident of this state, or by registered or certified mail, return receipt requested, if a nonresident with a known current address. Any creditor whose current address is not known must be served by publishing the notice once a week for four weeks.

DATE

JUDGE OF THE PROBATE COURT

NOTICE

Georgia, _____ County Probate Court

TO WHOM IT MAY CONCERN:

_____ has petitioned for an order finding that no administration is necessary on the estate of _____, deceased. All creditors who have not consented to the petition are, therefore, required to show cause on or before _____, or within ten days after personal service, whichever is later, why such order should not be granted.

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 for a later date). If no objections are filed, the petition may be granted without a hearing.

DATE

JUDGE OF THE PROBATE COURT

By: _____
CLERK OF THE PROBATE COURT

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 supplied by the petitioner(s), a copy of the foregoing petition and the notice, to each of the following creditors who reside out of state at known current addresses:

DATE

CLERK, PROBATE COURT

RETURN OF SHERIFF

I do hereby certify that I have this day serve _____
_____, creditor in this matter, with a copy of the foregoing Petition for Order
Declaring No Administration Necessary, Order for Notice and Notice.

Date

Deputy Sheriff, _____ County

ACKNOWLEDGMENT OF SERVICE AND CONSENT

Each of the undersigned heirs or creditors (including any security deed holder) hereby acknowledges due and legal service of the foregoing Petition, waives copies of same and all further service and notice in this matter, and consents to the following Final Order declaring that no administration is necessary in the estate of _____, deceased.

SIGNATURE(S) OF HEIRS OR CREDITORS
(INCLUDING ANY SECURITY DEED
HOLDERS)

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

NOTARY/CLERK OF PROBATE COURT

Printed Name and Relationship to Estate

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

NOTARY/CLERK OF PROBATE COURT

Printed Name and Relationship to Estate

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

NOTARY/CLERK OF PROBATE COURT

Printed Name and Relationship to Estate

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

NOTARY/CLERK OF PROBATE COURT

Printed Name and Relationship to Estate

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

NOTARY/CLERK OF PROBATE COURT

Printed Name and Relationship to Estate

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

NOTARY/CLERK OF PROBATE COURT

Printed Name and Relationship to Estate

Georgia, _____ County Probate Court

Estate Name _____ Estate Case Number _____

AGREEMENT

We, being all of the heirs of _____, deceased, hereby agree to the division of the decedent's estate among ourselves in the amounts and portions determined in accordance with the rules of inheritance when a decedent dies without a will, or if different, as follows:

We hereby agree that the following interest vest as set forth below. (For each person to receive an interest in any property according to the agreement and hereby Ordered by this Court)

Full Name of individual to receive interest

Complete address including zip code of individual to receive interest

Date of Birth or Majority Status Interest or percentage received pursuant to this Order

Full Name of individual to receive interest

Complete address including zip code of individual to receive interest

Date of Birth or Majority Status Interest or percentage received pursuant to this Order

Full Name of individual to receive interest

Complete address including zip code of individual to receive interest

Date of Birth or Majority Status Interest or percentage received pursuant to this Order

Legal Description and location of Real Property:

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

NOTARY/CLERK OF PROBATE COURT

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

NOTARY/CLERK OF PROBATE COURT

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

NOTARY/CLERK OF PROBATE COURT

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

NOTARY/CLERK OF PROBATE COURT

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

NOTARY/CLERK OF PROBATE COURT

HEIR

Printed Name

HEIR

Printed Name

HEIR

Printed Name

HEIR

Printed Name

HEIR

Printed Name

(Above space to be used for filing in Superior Court Clerk's Office Deeds and Records)

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN THE MATTER OF:)	ESTATE NO. _____
)	
ESTATE OF)	RE: PETITION FOR ORDER
)	DECLARING NO
_____ ,)	ADMINISTRATION NECESSARY
DECEASED)	

FINAL ORDER

A Petition stating that no administration is necessary on the above estate has been duly filed. It appearing that the decedent died intestate domiciled in this county or died intestate owning real property in this county if the decedent was not domiciled in this state; that all of the heirs of said decedent have agreed upon a division of the estate as evidenced by the Agreement attached to the petition and incorporated herein by reference; that the estate of said decedent owes no debts, except to creditors, if any, including any security deed holders, who have consented or been served in this matter; (that notice was issued and published once a week for four weeks in the newspaper in this county in which sheriff's advertisements appear); and that no written objections to the granting of an Order Declaring No Administration Necessary in said estate have been filed within the time required by law; now, therefore,

IT IS ORDERED AND DECREED that No Administration is Necessary on the above estate and by agreement of the parties the following interest is hereby vests as follows:

GRANTOR: (NAME OF DECEDENT) _____

ADDRESS OF THE DECEDENT _____

GRANTEES: (For each person to receive an interest in any property according to the agreement and hereby Ordered by this Court)

Full Name of individual to receive interest

Complete address including zip code of individual to receive interest

Date of Birth or Majority Status Interest or percentage received pursuant to this Order

Full Name of individual to receive interest

Complete address including zip code of individual to receive interest

Date of Birth or Majority Status Interest or percentage received pursuant to this Order

Full Name of individual to receive interest

Complete address including zip code of individual to receive interest

Date of Birth or Majority Status Interest or percentage received pursuant to this Order

Legal Description and location of any Real Property:

IT IS FURTHER ORDERED that the Clerk shall send a certified copy of this Order to the Clerk(s) of the Superior Court(s) for recording on the deed records of the following Count(y)(ies) in which real property is located _____, Count(y)(ies).

SO ORDERED this _____ day of _____, 20____.

Probate Judge

Probate Court Return Mailing Address:

CERTIFICATION OF ORDER OF NO ADMINISTRATION NECESSARY

I do hereby certify that I have this day mailed by first-class mail a copy of this Certification along with a certified copy of the Order of No Administration Necessary and the Agreement of the Parties in the No Administration Necessary to each of the above named count(y)(ies) properly addressed and with adequate postage thereon, and deposited in the United States Mail, with the return address of this Court thereon.

DATE

PROBATE CLERK/DEPUTY CLERK