

IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
_____,)
DECEASED (*name as it appears in will*)) ESTATE NO. _____

PETITION TO ESTABLISH LOST LAST WILL AND TESTAMENT AND TO
PROBATE WILL IN SOLEMN FORM

The Petition of _____
(*name as it appears in will*)

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.

_____,
(*Decedent name as it appears in will*)

whose place of domicile was _____,
Street City County State Zip Code

departed this life on _____, 20____.

2.

While alive, Decedent duly made and published a Last Will and Testament dated _____, (along with Codicil(s) dated _____), which is herewith offered for probate in Solemn Form as the Decedent's "Will". _____ is/are named as the Executor(s). After a diligent search, the original Last Will and Testament cannot be located, the same having been lost or misplaced; therefore, the petitioner offers a true and correct, conformed or photographic copy to be established for probate in solemn form.

3.

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

Name	Age (or over 18)	Address	Relationship

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 party and that may determine whether or not a guardian ad litem should be appointed for any party. 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. If any executor nominated in the Will has a priority equal to or higher than the Propounder but will not qualify, indicate the name and reasons.]*

5.

[Initial one]

_____ (a) To the knowledge of the Petitioner(s), no other proceedings with respect to this estate are pending, or have been completed, in any other Probate Court in this State or any other state.

_____ (b) The probate of another purported Will of the Decedent is pending in the State of _____, in the _____ County _____ Court. The name(s) and address(es) of the Propounder(s) and the names, addresses and ages or majority status of the beneficiaries under the other purported Will to whom notice is required under O.C.G.A. § 53-5-22 (b) are listed on the attachment hereto, as Exhibit “_____,” which is expressly made a part hereof, as if fully set forth herein.

_____ (c) An Administration is pending in the State of _____, in the _____ County _____ Court. The name(s) and address(es) of each Petitioner and the name(s) and address(es) of any appointed Administrator(s), if any, are listed on the attachment hereto, as Exhibit “_____,” which is expressly made a part hereof, as if fully set forth herein.

6.

[Initial if applicable; however, please note that this form may not be appropriate if the Petitioner(s) is/are seeking the appointment of a Testamentary Guardian, which requires notice to the relatives of the Decedent’s minor child(ren) pursuant to O.C.G.A. § 29-2-4.]

At the time of the Decedent’s death, and at this time, the Decedent left (a) minor child(ren) and the Will names a Testamentary Conservator.

_____ (a) The Will names a Testamentary Conservator of (a) minor child(ren) of the Decedent. At the time of the Decedent’s death, he/she had (a) minor child(ren)

and there is/are no court-appointed Conservator(s); the following individual(s) is/are named as Testamentary Conservator(s) in the Decedent's Will:

Name

Address

_____ (b) The Will names a Testamentary Conservator of (a) minor child(ren) of the Decedent. At the time of the Decedent's death, he/she had (a) minor child(ren) and there is/are a court-appointed Conservator(s), who is/are identified as follows: *[NOTE, if named Testamentary Conservator(s) and court-appointed Conservator(s) are different.]*

Name

Address

7.

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

WHEREFORE, Petitioner(s) pray(s):

1. Leave to prove said Will (and Codicil(s)) in Solemn Form;
2. That due and legal notice be given as the law requires;
3. That said Will be admitted to record on proper proof;
4. That Letters of Testamentary Conservatorship issue, if applicable;
5. That Letters Testamentary issue; and
6. That this Court order such other relief as may be proper under the circumstances.

Signature of First Petitioner

Signature of Second Petitioner, if any

Printed Name

Printed Name

Mailing Address

Mailing Address

Telephone Number

Telephone Number

Signature of Attorney _____
Printed Name of Attorney _____
Address _____
Telephone Number _____ State Bar # _____

VERIFICATION

GEORGIA, BIBB 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 to Probate Will in Solemn Form (and the attached Exhibit(s)) are true and correct.

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

Signature of First Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of First Petitioner

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

Signature of Second Petitioner

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Second Petitioner

IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF _____)
)
_____,) ESTATE NO. _____
DECEASED)

TESTAMENTARY CONSERVATOR'S
CONSENT TO SERVE

[To be completed only in the event a Testamentary Conservator is named in the Will]

The undersigned, being 18 years of age or older, laboring under no legal disability, and being named as Testamentary Conservator, hereby consents to serve. I understand that once appointed, I will have the same rights, powers, and duties as set forth in O.C.G.A. § 29-3-5.

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

Signature of Testamentary Conservator

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Testamentary Conservator

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

Signature of Testamentary Conservator

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Testamentary Conservator

**IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
 _____,) **ESTATE NO.** _____
DECEASED)

OATH OF EXECUTOR

I do solemnly swear (or affirm) that this writing contains the true last will of the Deceased, so far as I know or believe and that I will well and truly execute the same in accordance with the laws of Georgia. So help me God.

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

Signature of Executor

JUDGE/CLERK OF PROBATE COURT

Printed Name of Executor

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

Signature of Co-Executor

JUDGE/CLERK OF PROBATE COURT

Printed Name of Co-Executor

**IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
)
 _____,)
 DECEASED)

**ORDER ESTABLISHING LOST LAST WILL AND TESTAMENT AND ADMITTING WILL
(AND CODICIL(S)) TO PROBATE IN SOLEMN FORM**

An alleged Last Will and Testament dated _____ (and
Codicil(s) dated _____) was/were propounded.

_____ was/were nominated
Personal Representative(s) by the Testator. The Court finds that the Decedent died domiciled within, or
domiciled outside the State of Georgia but owning property within, the above County. The Court further
finds that all of the heirs at law were served or acknowledged service. The Court further finds that no
objection has been filed, and all requirements of law have been fulfilled. The Court further finds that the
propounded Will (is self-proving) (has been proved by one or more witnesses).

After hearing clear and convincing evidence, the Court finds that the original of said alleged will
and Codicil were in existence but cannot now be located, the same having been lost or misplaced, and the
conformed (or photographic) copies of the alleged will and codicil having been shown to be a true and
correct copies of the executed original thereof, which copies were (self-proving) (proved by
interrogatories) attached thereto to be the Last Will and Testament and Codicil of said deceased as alleged
by the propounder; and no objection having been filed;

ACCORDINGLY, IT IS ORDERED that the conformed or photographic copy of said Will dated
_____ and the codicil(s) dated _____ is
established as the Last Will and Testament of the Decedent (“the Decedent’s Will”); that the Will (and
codicil(s)) be admitted to record as proven in **SOLEMN** form; and, that the nominated Executor(s) named
above has/have leave to qualify as Personal Representative(s) by taking the required oath, after which
Letters Testamentary shall issue. The Clerk shall serve the Personal Representative(s) with copies of the
Letters upon qualification.

IT IS FURTHER ORDERED that the Personal Representative(s) shall disburse all
property according to the terms of the Decedent’s Will (and codicil(s)) and shall maintain all
records of income and disbursements until discharged by Order of this Court.

IT IS FURTHER ORDERED that (initial if applicable)

- _____ (a) An inventory shall be filed.
- _____ (b) Annual returns shall be filed.
- _____ (c) Letters of Testamentary Conservatorship shall issue to

_____.

SO ORDERED this _____ day of _____, 20 ____.

FILED

Date

Dep. Clerk

Probate Judge

**IN THE PROBATE COURT OF _____ COUNTY
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
)
_____,)
DECEASED)

LETTERS TESTAMENTARY
(Relieved of Filing Returns)

At a regular term of Probate Court, the Last Will and Testament dated _____, _____ and Codicil(s) dated _____, _____ of the above-named Decedent, who was domiciled in this County at the time of his or her death or was domiciled in another state but owned property in this County at the time of his or her death, was legally proven in Solemn Form to be the Decedent's Will and was admitted to record by order, and it was further ordered that _____, _____ named as Executor(s) in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor(s).

THEREFORE, the Executor(s), having taken the oath of office and complied with all necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all powers of Executor(s) under the Will of said Decedent, according to the Decedent's Will and the law.

Given under my hand and official seal, the ____ day of _____, 20____.

<p>NOTE: The following must be signed if the Judge does not sign the original of this document:</p> <p>Issued by: _____ (Seal)</p> <p>_____ Clerk of the Probate Court</p>	<p>_____ Probate Judge</p>
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**IN THE PROBATE COURT OF HOUSTON COUNTY
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

AFFIDAVIT TO OFFER COPY OF LOST OR DESTROYED WILL

_____, "Affiant," after being duly sworn, on oath
deposes and states:

1.

Affiant is over eighteen (18) years old and is competent to give testimony;

2.

A petition to probate a copy of the deceased's last will and testament was filed in the
Probate Court of Houston County on _____ (date of filing);

3.

The original last will and testament of the deceased was:

- Destroyed by the deceased during his/her lifetime;
- Destroyed by somebody or something during the deceased's lifetime with his/her knowledge;
- Destroyed after the deceased died by reason of: _____
_____ on
approximately _____ (date of destruction);
- Lost after the deceased died by reason of: _____
_____ ; OR
- Never found despite Affiant's diligent search of deceased's former home,
personal property, and safe deposits boxes.

4.

The copy of the deceased's last will and testament is true and accurate reproduction of
the deceased's original las will and testament.

5.

To Affiant's knowledge, the deceased did not intend to revoke his/her last will and testament. To Affiant's knowledge, the deceased did not cause his/her original last will and testament to be unavailable to probate.

6.

Affiant was associated with the deceased in the following manner: _____

_____;

7.

Affiant provided, by First Class U.S. Mail, a copy of this affidavit and the will to all deceased's heirs being:

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Personally appeared before me the undersigned Affiant(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Affidavit (and any attachments) are true and correct.

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

Signature of Affiant

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Affiant

Address

Email

Telephone Number

**IN THE PROBATE COURT OF HOUSTON COUNTY
STATE OF GEORGIA**

IN RE: ESTATE OF _____)
)
) **ESTATE NO.** _____
DECEASED)

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approximately _____ (date of destruction);
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_____ ; OR
- Never found despite Affiant's diligent search of deceased's former home,
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Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Signature of Affiant

NOTARY/CLERK OF PROBATE COURT
My Commission Expires _____

Printed Name of Affiant

Address

Email

Telephone Number