

Petition of Conservator for Leave to Sell Property or Rent, Lease, or Otherwise Dispose of Property

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used when a conservator requests leave to sell, rent, lease, or otherwise dispose of real or personal property at public or private sale pursuant to O.C.G.A. §29-3-35(c) or §29-5-35(c).
2. With regard to paragraph 3 of the petition, a recent appraisal should be used if available; otherwise, a copy of the most recent ad valorem tax statement should be provided. If the appraised value or tax value is higher than the selling price, explain the discrepancy on an additional sheet, and add a reference to this in paragraph 3 of the petition.
3. This petition is to be filed by the conservator and not by a guardian. A guardian ad litem must be appointed for the minor/ward.
4. Service of the Petition and Notice on the minor/ward and guardian ad litem must be by personal service. If requested by the Petitioner(s) and approved by the Court, service may be made by registered or certified mail or statutory overnight delivery with return receipt requested and with delivery restricted to addressee only. See O.C.G.A. §29-9-4(e) and/or O.C.G.A. §15-9-17.
5. According to Probate Court Rule 5.6 (A), unless the court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. Pages after 4 which are labeled "Court" are to be completed by the moving party, unless otherwise directed by the court.

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 NO. _____
)	
_____ ,	)	PETITION OF CONSERVATOR
MINOR/WARD	)	FOR LEAVE TO SELL REAL
	)	OR PERSONAL PROPERTY
_____ ,	)	OR RENT, LEASE, OR OTHERWISE
CONSERVATOR(S)	)	DISPOSE OF SAID PROPERTY

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of _____,
 conservator(s) of the above minor/ward, whose address is: _____
 _____ shows that:

1.

Conservator(s) desire(s) to (initial one):

- | | |
|-----------------------------------|---|
| <input type="checkbox"/> a. sell | <input type="checkbox"/> d. exchange |
| <input type="checkbox"/> b. rent | <input type="checkbox"/> e. dispose of |
| <input type="checkbox"/> c. lease | <input type="checkbox"/> f. other: describe _____ |

_____ certain property belonging to the minor/ward's estate. The minor/ward owns a _____ % interest in said property, described as follows (if real property, give metes and bounds description, and street address if known):

2.

The purpose of said disposition of said property is: _____

3.

Said transaction is believed to be in the best interest of the minor/ward, and

- a. The conservator(s) desire(s) to sell the property at public sale for no less than \$ _____ .
 - b. The conservator(s) desire(s) to sell the property at private sale for the sum of \$ _____ because it is the belief of conservator(s) that said property will not bring that amount if sold at public sale. A copy of the contract for sale is attached to this petition as Exhibit "B."
 - c. The conservator(s) desire to rent or lease the property for \$ _____ per month. The property currently has mortgage payments of \$ _____ per month. A copy of the contract to rent or lease the property is attached to this petition as Exhibit "B."
 - d. The conservator(s) desire to dispose of the property otherwise as follows: _____
-

Attached as Exhibit "A" is a copy of (a recent appraisal) (the most recent ad valorem tax statement) showing the current value of the property to be \$ _____.

4.

At present, the conservator(s) has/have a bond on file in this Court in the amount of \$ _____. The net proceeds to the minor's/ward's estate from the sale of the subject property will be approximately \$ _____. An additional bond in the amount of \$ _____ to cover the amount by which the net proceeds from the sale, plus the amount of personal property currently in the estate, will exceed the current bond amount will be posted prior to the deadline for objections set forth in the citation.

5.

Conservator(s) request(s) that the minor/ward and guardian ad litem be personally served with citation and a copy of this petition. The current address of ward/minor is (please provide the full street address, including city, county, state and zip code): _____

6.

There is no relationship or connection between the conservator(s) or members of their immediate family and the purchaser(s) except as follows: _____.

WHEREFORE, conservator(s) pray(s) that a guardian ad litem be appointed for said minor/ward, and prays for an order directing that citation be issued and personally served, together with a copy of this petition, upon the minor/ward and guardian ad litem, and if no cause be shown to the contrary, your conservator(s) be granted leave to sell, rent, lease, or otherwise dispose of said property as set forth above.

Signature of conservator

Signature of co-conservator, if any

Printed Name

Printed Name

Address

Address

Telephone Number

Telephone Number

Signature of Attorney: _____

Typed/printed name of Attorney: _____

Address: _____

Telephone: _____ State Bar # _____

VERIFICATION

GEORGIA, _____ COUNTY

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

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

Signature of conservator

NOTARY/CLERK OF PROBATE COURT

Printed Name of conservator

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

Signature of co-conservator, if any

NOTARY/CLERK OF PROBATE COURT

Printed Name of co-conservator, if any

Petition of Conservator for Leave to Sell Property or Rent, Lease, or Otherwise Dispose of Property

NOTICE:

THE FOLLOWING PAGES ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT. SEE PROBATE COURT RULE 5.6 (A).

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
)	
_____ ,	)	PETITION FOR LEAVE TO
MINOR/WARD	)	SELL PROPERTY OR RENT,
	)	LEASE, OR OTHERWISE DISPOSE
_____ ,	)	OF SAID PROPERTY
CONSERVATOR(S))	

ORDER FOR NOTICE, APPOINTING GUARDIAN AD LITEM, AND REQUIRING AN INCREASE IN BOND

The petition of _____ as conservator(s), requesting an Order from this Court authorizing the sale, rent, lease, or other disposition of certain real and/or personal property of the above-named minor/ward having been read and considered,

IT IS ORDERED that Citation issue and that a copy of the Petition, Citation and this Order be personally served on the minor/ward.

IT IS FURTHER ORDERED that _____ is appointed guardian ad litem for the minor/ward, and that said guardian ad litem be served personally with a copy of the foregoing petition, Citation, and this Order, 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.

(initial if applicable:)

_____ IT IS FURTHER ORDERED that said conservator(s) shall increase his/her/their bond by \$_____ within _____ days of the date of this Order.

SO ORDERED this _____ day of _____, 20_____.

Probate Judge

NOTICE

PROBATE COURT OF _____ COUNTY

RE: PETITION OF CONSERVATOR(S) FOR LEAVE TO SELL PROPERTY OR RENT, LEASE,
OR OTHERWISE DISPOSE OF SAID PROPERTY

TO: _____, Minor/Ward ESTATE NO. _____

Your conservator(s) has/have filed a petition to sell, rent, lease, or otherwise dispose of certain real and/or personal property from your estate. This is to notify you that objections to the petition, if any, must be filed within 30 days following the mailing of notice or service upon your guardian ad litem. All objections to the petition must be in writing, setting forth the grounds of any such objections and all pleadings must be signed before a notary public or probate court clerk. If any objections are filed, a hearing will be (held in the Probate Court of _____ County, courtroom _____, (address) _____, Georgia on _____, 20 _____ at _____ o'clock _____.m.) (scheduled for a later date). If no objection is filed, the petition may be granted without a hearing.

TO: _____, guardian ad litem

The conservator(s) of the above ward has/have filed a petition to sell, rent, lease, or otherwise dispose of certain real and/or personal property from the minor/ward's estate. This is to notify you that you must file your response to the petition with the Court within 30 days following the mailing of notice or service upon you. All objections to the petition must be in writing, setting forth the grounds of any such objections and all pleadings must be signed before a notary public or probate court clerk. If any objections are filed, a hearing will be (held in the Probate Court of _____ County, courtroom _____ (address) _____, Georgia on _____, 20 _____ at _____ o'clock _____.m.) (scheduled for a later date). If no objection is filed, the petition may be granted without a hearing.

PROBATE JUDGE

By: _____
PROBATE CLERK/DEPUTY CLERK

ADDRESS

TELEPHONE

IN THE PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE:	)	ESTATE NO. _____
)	
_____ ,	)	PETITION FOR LEAVE TO
MINOR/WARD	)	SELL PROPERTY OR RENT,
	)	LEASE, OR OTHERWISE DISPOSE
_____ ,	)	OF SAID PROPERTY
CONSERVATOR(S))	

ANSWER OF GUARDIAN AD LITEM

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

GUARDIAN AD LITEM

DATE

ADDRESS: _____

TELEPHONE: _____

CERTIFICATE OF MAILING

This is to certify that I have this date mailed copies of the foregoing, order for notice, appointing guardian ad litem, and requiring an increase in bond, and this certificate to the conservator(s) by first-class mail.

DATE

PROBATE CLERK/DEPUTY CLERK

PROBATE COURT OF _____ COUNTY

STATE OF GEORGIA

IN RE: _____, MINOR/WARD _____, CONSERVATOR(S))))))))	ESTATE NO. _____ PETITION FOR LEAVE TO SELL PROPERTY OR RENT, LEASE, OR OTHERWISE DISPOSE OF SAID PROPERTY
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FINAL ORDER

The petition of _____, as Conservator(s) of the above-named minor/ward, to sell at private sale, rent, lease, or otherwise dispose of certain property owned by said minor/ward described as:

for the purpose stated in the petition, coming on regularly to be heard; and

IT APPEARING that citation was duly issued and that copies of the petition and citation were duly served upon the minor/ward and guardian ad litem, and

IT APPEARING that the purpose of the transaction is lawful and that the proposed transaction is fair and is in the best interest of the minor/ward, and the guardian ad litem having filed an answer raising no objection to said transaction;

IT IS HEREBY ORDERED that the said Petitioner(s), as Conservator(s) of said minor/ward, is/are authorized to sell, rent, lease, or otherwise dispose of the property described above upon the terms set forth in said petition.

_____ (initial if applicable:) Said authorization is conditioned upon the Conservator(s) having on file with this Court a surety bond in the amount of \$_____.

IT IS FURTHER ORDERED that a return specifying the property sold, the purchasers, the amounts received, and the terms of the sale, or other terms of disposition of the property shall be furnished to this Court by the Conservator(s) within 30 days of the sale.

SO ORDERED this _____ day of _____, 20_____.

Probate Judge