

ESTATES

IF THE DECEASED HAS A WILL

The Executor will need to file a Petition to Probate the Will, along with the original Will. The deceased person must be a resident of Lumpkin County to file the Petition here. If they lived in another county/state, then they must file the petition in the county/state in which they resided. The Petition to Probate Will in Solemn Form is the most commonly used, and it can be found online at www.gaprobate.gov, form number 5.

To complete the Petition:

- The Executor is listed as the Petitioner
- The list of heirs are:
 - The surviving spouse and all children.
 - If the surviving spouse is deceased, then the children are listed.
 - If any children are deceased, then their children are listed.
 - If the deceased has no children or living spouse, then their parents are listed.
 - If the deceased has no children, living spouse, or living parents, then their brothers and sisters are listed.
 - If any of the brothers and sisters are deceased, then their children are listed.
- All of the heirs are entitled to notice that the Will is being probated.
 - If they are in agreement, then they will sign the acknowledgment page, in the presence of a notary or probate court clerk.
 - If they refuse to sign the acknowledgment page, then they will need to be served.
 - If they have a known address in the State of Georgia, they will be served by Sheriff's Service. We will need their physical address. Once they are served, they will have ten days to file an objection.
 - If they have a known address in another State, they will be served by Certified Mail/Return Receipt. We will need their mailing address. They will have 13 days from the date the notice is mailed to file an objection.
 - If their address is unknown, they will be served by publication. We will need to know only their name. The Notice will be published four weeks in The Dahlonega Nugget.
 - If any of the children are minors, under age 18, then a Guardian ad Litem will need to be appointed for them.

Costs:

Filing fee \$180.00

Please make payable to Lumpkin County Probate Court, accepted as cash, check, money order or credit/debit card (processing fee will be added if credit/debit card is used)

Notice to Debtors and Creditors \$40.00

Please make payable to The Dahlonega Nugget, accepted as check or money order only

If service is required:

Personal Service

\$50.00 per person

Please make payable to the county sheriff's office of the appropriate county, accepted as check or money order only

Service by Certified Mail

\$7.00 per person (approximate)

Please make payable to Lumpkin County Probate Court, accepted as cash, check, money order or credit/debit card (processing fee will be added if credit/debit card is used)

Service by Publication

\$80.00

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IF THE DECEASED DOES NOT HAVE A WILL

- Someone will need to apply to be the Administrator of the Estate. The deceased person must be a resident of Lumpkin County to file the Petition here. If they lived in another county/state, then they must file the petition in the county/state in which they resided. The person seeking to be named as the administrator should file a Petition for Letters of Administration, which can be found online at www.gaprobate.gov, form number 3.

- To complete the Petition:
 - The person seeking to be the Administrator will be the Petitioner.
 - The list of heirs are:
 - The surviving spouse and all children.
 - If the surviving spouse is deceased, then the children are listed.
 - If any children are deceased, then their children are listed.
 - If the deceased has no children or living spouse, then their parents are listed.
 - If the deceased has no children, living spouse, or living parents, then their brothers and sisters are listed.
 - If any of the brothers and sisters are deceased, then their children are listed.
 - Regarding paragraph 5:
 - If the first option is selected, they are requesting that they not be required to post a bond and be relieved of filing inventories and returns with the Court, and be granted those powers, which include the power to sell property without filing a petition for permission to sell property. If this option is selected, they must run an ad in the newspaper for 4 weeks before they can be named as administrator.
 - If the third option is selected, they will have to post a bond, file inventories and returns, and file petitions to sell any property.

- All of the heirs are entitled to notice that this person is seeking to be named as the administrator of the estate.
 - If they are in agreement, then they will sign the Selection by Heirs page, in the presence of a notary or probate court clerk. It is very important that they select which paragraphs apply. If the first option was selected under paragraph 5 of the petition, then all heirs must consent to “a” and “b” paragraphs on the Selection page.
 - If they refuse to sign the Selection page, then they will need to be served.
 - If they have a known address in the State of Georgia, they will be served by Sheriff’s Service. We will need their physical address. Once they are served, they will have ten days to file an objection.
 - If they have a known address in another State, they will be served by Certified Mail/Return Receipt. We will need their mailing address. They will have 13 days from the date the notice is mailed to file an objection.
 - If their address is unknown, they will be served by publication. We will need to know only their name. The Notice will be published four weeks in The Dahlonega Nugget.
 - If any of the children are minors, under age 18, then a Guardian ad Litem will need to be appointed for them.

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Service by Publication \$80.00

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