

Petition of Conservator for Final Settlement of Accounts and Discharge from Office and Liability.

INSTRUCTIONS

I. Specific Instructions

1. This form is to be used by a conservator for a final settlement of accounts and discharge from office and liability pursuant to O.C.G.A. §29-3-71 (conservator of minor); and O.C.G.A. §29-5-81 (conservator of adult ward).

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 FINAL SETTLEMENT |
| |) | OF ACCOUNTS AND DISCHARGE FROM |
| _____, |) | OFFICE AND LIABILITY |
| CONSERVATOR(S) |) | |

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of _____, Conservator(s)
of the estate of _____, former (minor)(adult ward), shows:

1.

Conservator(s) has/have fully discharged all duties as such, and is/are entitled to be discharged from office and liability. Conservator(s) further show(s) that all required inventories and returns have been filed with this Court.

2.

Conservator(s) further show(s) (initial a or b):

- _____ a. The former minor is now of age.
- _____ b. There is no longer a necessity to continue the conservatorship because
 - _____ (i) the minor or adult ward is deceased
 - _____ (ii) the ward's powers have been restored
 - _____ (iii) the conservator(s) has/have filed a Petition to Resign
 - _____ (iv) other: _____

3.

Conservator(s) pray(s) that (initial applicable)

- _____ a. Since the ward is/was an adult ward,
- _____ (i) the Court waive the hearing requirements pursuant to O.C.G.A. §29-3-71 or O.C.G.A. §29-5-81 and discharge the conservator/s from office and liability because the former adult ward or the personal representative of his/her estate (being someone other than the conservator) has signed an acknowledgment of receipt of property and release of liability, attached hereto.

 - _____ (ii) as Conservator(s) of an adult ward who is deceased, the Court cite the adult ward's personal representative for a final settlement of the conservator's accounts. The adult ward's personal representative, who is not the petitioner, is _____ and can be found at the following address: _____
_____ telephone: _____

 - _____ (iii) as Conservator(s) of a deceased adult ward and also being personal representative(s) of the ward's estate, a guardian ad litem must be appointed to represent the deceased adult ward.

 - _____ (iv) as Conservator(s) of an adult ward who is living and has been restored to capacity, the Court cite the former adult ward for a final settlement of the conservator's accounts. The former adult ward can be found at the following address: _____
_____ telephone: _____.

 - _____ (v) as Conservator(s) of an adult ward who is living but has *not* been restored to capacity, the Court cite the adult ward for a final settlement of the conservator's accounts and appoint a guardian ad litem for the ward. The adult ward's successor conservator is _____ and can be found at the following address: _____
_____ telephone: _____
_____. The adult ward can be found at the following address: _____
_____ telephone: _____
_____. The ward's guardian, if any, can be found at the following address: _____
_____ telephone: _____.

 - _____ (vi) As Conservator(s) of a deceased adult ward, and there being no assets remaining in the estate, a guardian ad litem must be appointed to represent the deceased adult ward.

_____ b. since the ward is/was a minor,

_____ (i) the Court waive the hearing requirements pursuant to O.C.G.A. §29-3-71 or O.C.G.A. §29-5-81 and discharge the conservator/s from office and liability because the former minor or the personal representative of his/her estate (being someone other than the conservator) has signed an acknowledgment of receipt of property and release of liability, attached hereto.

_____ (ii) as Conservator(s) of a minor who is now 18 years of age, the Court cite the former minor for a final settlement of the conservator's accounts. The former minor can be found at the following address: _____

telephone: _____.

_____ (iii) as Conservator(s) of a minor who is deceased, the Court cite the minor's personal representative for a final settlement of the conservator's accounts. The minor's personal representative is _____
_____ and can be found at the following address: _____

telephone: _____.

_____ (iv) as Conservator(s) of a minor who is deceased and also being the personal representative of the minor's estate, a guardian ad litem must be appointed to represent the minor's interest.

_____ (v) as Conservator(s) of a minor who is living, the Court cite the successor conservator(s) for a final settlement of the conservator's accounts. A guardian ad litem must be appointed to represent the minor. The minor's successor conservator is _____
_____ and can be found at the following address: _____

_____ telephone: _____
_____. The minor can be found at the following address: _____

_____ telephone: _____
_____.

4.

Attached as Exhibit "A" is the final return showing to whom the estate assets have been disbursed.

5.

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

WHEREFORE, conservator(s) seek(s) discharge from office and all liability and, therefore, pray(s)

1. that the Court issue citation as requested above pursuant to O.C.G.A. §29-3-71(b) or O.C.G.A. §29-5-81(b);
2. that the Court examine all returns and accounts of the conservator(s) during the settlement period;
3. that notice be served and published as required by law and
4. that an order issue releasing and discharging the conservator(s) from office and from all liability.

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 ____.

Conservator

NOTARY/CLERK OF PROBATE COURT

Printed Name

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

Co-Conservator, if any

NOTARY/CLERK OF PROBATE COURT

Printed Name

ACKNOWLEDGMENT OF RECEIPT OF PROPERTY AND RELEASE OF LIABILITY

IN RE: ESTATE OF _____ ESTATE NO. _____

The undersigned acknowledges that the conservator(s) has/have turned over all assets held in the conservatorship to the undersigned, being (initial one:)

- _____ a. the personal representative(s) of the former minor/ward's estate
- _____ b. the former minor ward upon reaching the age of eighteen or his or her emancipation
- _____ c. the former adult ward after restoration to competency
- _____ d. the successor conservator(s)

By signing this document, the undersigned acknowledges that he/she has received a copy of the Petition for Discharge from Office and Liability, the Final Return, and the receipt of \$ _____ and all other property from the conservator(s); waives any hearing required under O.C.G.A. §29-3-71 or O.C.G.A. §29-5-81; and further consents that the conservator(s) may be discharged from office and from all liability.

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

Personal Representative(s), Former
Minor/Ward, or Successor Conservator(s)

Notary Public/Clerk of Probate Court

Print Name

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

Second, if any

Notary Public/Clerk of Probate Court

Print Name