

Catoosa County Probate Court

Duties of A Personal Representative

ACKNOWLEDGEMENTS

This booklet was prepared by the Fiduciary Law Section of the State Bar of Georgia and the Council of Probate Court Judges of Georgia. It was printed by the Council of Probate Court Judges of Georgia.

Preface

This pamphlet is to acquaint persons who may be called upon to serve as personal representatives of a decedent's estate with the duties and responsibilities of such position in Georgia.

This pamphlet presents only a basic outline; no attempt has been made to address the many legal issues which arise during the administration of an estate. Due to the substantial liability exposure in this area, persons entrusted with the responsibility of administering an estate should work closely with the estate's legal counsel. A number of probate court proceedings, such as temporary administration, year's support and no administration necessary, are beyond the scope of this booklet.

I. DECEDENT'S ESTATE

If a person dies leaving a will, he or she is said to have died "testate." If a person dies without a will, he or she is said to have died "intestate."

Generally speaking, all of the property of a deceased person (referred to as a "decedent"), that is, real and personal property of every type and description, whether tangible or intangible, is considered to be the decedent's "estate." It is necessary for the estate to be administered so that debts can be paid and valid title to assets can be transferred to those persons who are entitled to share in the estate. However, some property (such as life insurance proceeds that are not made payable to the decedent's estate, and certain jointly owned property which automatically passes to the surviving joint owner by right of survivorship) passes outside of the decedent's probate estate and therefore is not subject to administration.

Under the law, a legal proceeding usually is required to settle and dispose of a decedent's estate. In the case of a person who dies testate, this legal proceeding is known as "probate," which in the formal sense means the court proceeding whereby the due execution of the decedent's will is proved and an appropriate person (who usually is named in the will) is placed in office to administer the estate. This person historically has been referred to as an "executor." When a person dies intestate (without a will), a petition for administration of the estate is filed, and the probate court appoints a qualified person to administer the estate. This person historically has been called an "administrator." (The terms "executor" and "administrator" are still used sometimes, but the generic term "personal representative" has now come into favor, and is used in a general sense to refer to both

administrators and executors.)

The court proceedings are carried out in the probate court of the county of the decedent's domicile at the time of death.

Upon a person's death, family members or others interested in the estate usually locate the will if there is one and contact the attorney selected to represent the estate. The estate's attorney will arrange for the probate of the will or for qualifying an appropriate person to assume responsibility for administering the estate if there is no will. The attorney will prepare the necessary court papers for filing with the probate court and will represent the personal representative throughout the court proceeding and thereafter in the administration of the estate. If an estate is small and does not involve real estate, and if it does not appear that there will be any contest, it may not be necessary to have an attorney represent the estate. In case of doubt, the family or other interested party should contact an attorney or the probate court.

Standard forms have been adopted for statewide use for many probate court procedures. These standard forms are available from each probate court.

II. QUALIFICATION OF PERSONAL REPRESENTATIVE

Upon a person's death, the personal representative is responsible for assuming control over all of the property owned by the decedent for the purpose of administering the estate. Any individual who is over age 18 and of sound mind may serve as a personal representative in Georgia regardless of citizenship or residency. In certain instances, personal representatives may be required to post bond as discussed later in this booklet. Institutions, such as banks, trust companies, etc. that have trust powers are also eligible to serve. Corporations without trust powers cannot serve.

Once a personal representative is appointed by the probate court, takes the oath of office, and posts bond (if required), the personal representative is authorized to administer the decedent's estate. The probate court will issue documents called "letters testamentary" (in a testate estate) or "letters of administration" (in an intestate estate) which are the evidence that the person named therein has the authority to deal with and manage the decedent's property. If the decedent owned property located outside of Georgia, then an ancillary probate proceeding may have to be instituted in the foreign jurisdiction in order to properly administer the assets located there.

It is important for the personal representative to realize that, upon issuance of letters of administration or letters testamentary, he or she is a fiduciary standing in a position of trust to the estate and its beneficiaries, and is personally responsible to the creditors (including the taxing authorities) and beneficiaries of the decedent's estate for a proper administration. If the estate is administered properly, the personal representative is not, however, personally responsible for the payment of the debts of the estate. The personal representative must not commingle any of his or her own funds with the assets of the estate and must act in a prudent manner in every aspect of the administration of the estate. Thus, the duties of the personal representative must be discharged in strict accordance with the law, and the personal representative must be able to fully account for all of the decedent's property and the management of it during the period of administration.

III. DUTIES AND RESPONSIBILITIES OF PERSONAL REPRESENTATIVE

A. General. The personal representative must take action to gain custody and control of all of the decedent's assets since he or she will be personally accountable for the management and disposition of all of the property of the estate. The basic duties of the personal representative will be

to collect and preserve the assets of the estate; to pay all debts of the decedent and expenses of administration including taxes; and finally to distribute the remainder of the estate to those persons entitled to it.

In order to raise cash to pay debts and expenses, the personal representative may be required to sell some of the assets of the estate. In selling assets, the personal representative will act under the authority set forth in the will, or generally will act under the supervision of the court.

Securing custody and control of a decedent's property and determining the decedent's liabilities will involve, in most estates, some of the following actions (not necessarily in this order):

- (1) Taking possession of and protecting the real and personal property of the decedent including making immediate and adequate provision for insurance against loss where appropriate.
- (2) Contacting the Social Security Administration and the Veteran's Administration to apply for any death benefits or survivor benefits for which the decedent's estate may be eligible.
- (3) Locating insurance policies and applying for benefits if the proceeds are payable to the estate. If payable to an individual, the personal representative should deliver the policy to the beneficiary. Generally, when applying for insurance or other benefits, the personal representative must present the insurance policy or other benefit certificate, a certified copy of the death certificate, and letters of authority to act on behalf of the estate.
- (4) Contacting the decedent's employer and any club or fraternal organization to which the decedent may have belonged to determine if the estate or surviving family members are entitled to any benefits.
- (5) Examining the circumstances surrounding the decedent's death to determine if there are any claims against third parties which need to be asserted or preserved, such as claims for wrongful death or worker's compensation.
- (6) Giving notice to creditors of the estate to file their claims against the estate, by publishing a notice in the county legal newspaper. Actual notice (for example, by regular or certified mail) should be given to known creditors.
- (7) Collecting rents, accounts receivable, interest, dividends and other income due to the decedent prior to death and that becomes due to the estate thereafter.
- (8) Assuming responsibility for any litigation or settlement of any pending lawsuit in which the decedent had an interest.
- (9) Keeping the property of the estate in good repair.
- (10) Keeping the estate property invested properly until the administration is complete.
- (11) Reviewing the decedent's personal records.
- (12) Having the estate's attorney conduct an estate search of appropriate county court records.
- (13) Opening appropriate estate bank accounts for payment of debts and expenses.
- (14) Locating and accessing any safe deposit boxes in the decedent's name.

B. Bond. The personal representative of an intestate estate generally will be required to post a bond to secure creditors and beneficiaries against loss caused by the improper administration of the

estate. The amount of the bond will be based on the estimated value of the personal property in the estate. The requirement of posting a bond may be waived by the unanimous consent of the heirs or beneficiaries in certain circumstances. Generally, the personal representative of a testate estate will not be required to post bond.

C. Accounting - Records. Since the personal representative is personally accountable for all of the assets of the estate, one of the most important functions of administration is to maintain accurate and detailed books of account. The size and complexity of the estate will dictate the degree of sophistication needed, and the personal representative may find it necessary to employ an accountant to assist in preparing and maintaining the estate's financial records. Of course, any bank or trust company serving as a personal representative will have the expertise and facilities necessary to prepare and maintain detailed financial records for an estate. In most estates the accounting records will consist at a minimum of a checkbook, a journal, and appropriate ledgers to complement entries made in the journal. The accounts set forth all assets received and disposed of by the personal representative during the course of administration, all disbursements to pay debts and expenses, and the balance available for distribution to the beneficiaries. In many estates it is imperative for the personal representative to distinguish between income and principal assets so that proper distributions of income and principal can be made.

The basic purpose of maintaining the books and records of the estate is to set forth the financial history of the estate which serves to protect the personal representative from liability. Also, properly maintained books of account are an invaluable aid to the personal representative in making investment decisions, tax planning, and planning for the payment of debts and distributions to beneficiaries.

The starting point in establishing books of account is the preparation of an accurate beginning inventory of the assets owned and debts owed by the decedent at the date of death. Unless relieved of that duty by the will or the unanimous written consent of the heirs or beneficiaries, the personal representative is required to prepare a general inventory of the estate's assets, file the inventory with the probate court and mail a copy of the inventory to the heirs or beneficiaries who are sui juris. Thereafter, the personal representative may be required to prepare and file annual returns and a final return with the probate court. The annual returns must also be mailed to the heirs or beneficiaries who are sui juris. Even if relieved from preparing and filing an inventory and other returns, the personal representative should maintain accurate and complete books for tax and the other purposes mentioned above.

The personal representative may receive assistance from an attorney, accountant or trust officer in the preparation of the inventory, but it is the personal representative's responsibility to make sure that the inventory is accurate and complete. Normally, the person preparing the inventory must be informed by the decedent's family, business associates and accountants as to precisely what property the decedent owned at the time of death. Also, the personal representative needs to examine the decedent's checkbooks, tax returns, and other business records, and to explore thoroughly all leads, in order to ascertain all of the decedent's property and liabilities.

Generally, the following categories of property will be in a typical estate and included in the inventory:

(1) Real Property. All real estate in which the decedent had any interest (other than that which passes to another by right of survivorship), in fee simple or as a life estate or remainder interest. The following specific information should be included in regard to each parcel of real property:

- a. The street address or box number, city and state;
- b. The legal description;

- c. The amount of land and the decedent's interest;
- d. Improvements, if any;
- e. If rental property, the amount of rent, names of tenants, and description of leases, if any;
- f. If mortgaged, the mortgagee, the amount of the mortgage, rate of interest and the date payments are due;
- g. Taxes on such property and when such taxes were last paid or when such taxes are presently due;
- h. If available, the abstract of title insurance and whether the abstract is up-to-date;
- i. The insurance on the property including each kind, such as fire or liability insurance, and the amount, company, policy number, local agent and date of expiration;
- j. A history of the use of the property to assess whether there is any exposure to liability under laws protecting the environment; and
- k. Any crops or timber on the property and contracts held by third parties for the removal of crops or timber.

(2) Personal Property. The personal property inventory will include all property, other than real estate, owned by the decedent at the time of his death. Since this covers such a wide variety of items, the following list may be used as a guide in making the inventory. In each case, the value, location and nature of ownership of the property should be indicated.

- a. Automobiles and trucks. Include make, model, year, serial or motor number, license number, insurance information, liens, cost and date of purchase.
- b. Household furniture. Major pieces are usually described room by room with pieces of greater value, such as a refrigerator, a stove, laundry equipment and antiques listed separately. Mortgages or other liens against the property must be listed.
- c. Personal effects. This includes personal jewelry, clothing, furs, and other valuable items of personal adornment. Generally, paintings, objects of art, silver, etc., are not considered personal effects but fall under the general category of tangible personal property and are listed under the heading of household furniture, or if of substantial value, a separate category is established.
- d. Farm machinery. List each major item separately with make, year and model number, mortgages and other liens, cost and date of purchase.
- e. Farm livestock. List each animal or group of animals or fowl separately, giving the kind, age and any other identifying characteristics and mortgages or other liens, cost, date of purchase, and if the property was born on the premises, the date of birth, if at all possible. Also, it is important to note whether the property is raised property or purchased property.
- f. Business inventory. If the decedent owned an interest in a business operated as a proprietorship, a separate list should be made for any stock in trade, fixtures, tools and equipment of the business, stating the cost and date of purchase for each item in each list. In making these lists, assistance from an experienced employee may prove invaluable. It is also necessary to list the inventory value of the property at the time of the decedent's death.
- g. Personal insurance. List each insurance policy, such as life, accident and health, and

hospitalization, regardless of whether they are made payable to a named beneficiary or are on the life of another person, listing separately for each the company, serial number, amount, beneficiary, and when the most recent premium was paid and for what period, and any annuities or retirement benefits. Life insurance that is not payable to the estate is not includable in the value of the estate.

h. Cash assets. List all bank accounts, including checking or savings accounts, naming the bank, its address and the amount of funds on deposit. List the exact amount of cash in possession of the decedent or in his or her safe deposit box or billfold. Joint accounts should include the name and address of each joint owner and his or her relationship to the decedent.

i. Promissory notes. Include the exact name of the payee on the note, the name and address of the maker and endorser, the principal amount, the interest rate, the present balance due, and dates payments are due. Also list whether the note is secured by a mortgage or other property and describe the mortgage, if any.

j. Other amounts due the decedent. List all other accounts, debts and obligations owing to the decedent such as employment related death benefits and retirement plan benefits.

k. Stocks and bonds, mutual funds, partnership interests, or limited liability company interests. Include the name of the issuing company or association, serial or account number, type of issue, registered owner, interest rate, date on a bond, date last dividend was declared, principal amount or par value of each bond or share of stock or unit in any other business entity. If any of the decedent's stock was in a closely-held corporation, the following information should be recorded:

(i) the number of shares outstanding of all classes of stock on the date of the decedent's death;

(ii) the number and classes of the decedent's shares;

(iii) a balance sheet as near to the date of death as possible, plus balance sheets for the five-year period prior to the date of death;

(iv) a profit and loss statement as near to the date of death as possible, plus profit and loss statements for the five-year period prior to the date of death; and

(v) any other information concerning the company or industry in general that may have some bearing on the value of the stock, such as the value of stock in similar enterprises, prospective net earnings, nature of the business and history of the enterprise, economic outlook for the industry, goodwill, majority or minority holdings and the value of stock as used in previous gifts or sales.

l. Income due the decedent. A listing should be made of all salary or other income accrued and owing, but not paid to the decedent at the time of his death, including any tax refunds, accrued interest, rents and dividends. The employer should be reminded to record separately the accrued compensation items so that they will not be included in the decedent's final W-2 Form.

m. Collections. All valuable collections such as stamps, coins, books, etc. should be listed separately.

n. Inherited property. A listing should be made of any other property to be received by the decedent from an estate or trust. Moreover, it should be ascertained whether the decedent had any powers of appointment, and (for estate tax purposes) whether any of the property of the decedent's estate was received from the estate of another person within ten years prior to the decedent's death.

o. Miscellaneous property. Any other valuable items including, but not limited to, boats, boating equipment, camping equipment, snowmobiles, hunting and fishing equipment.

It should be remembered that the above listing is not intended to be exhaustive, and should be used only as a guide.

If the decedent is survived by a spouse, some of the items in the inventory actually may belong to the surviving spouse. Such items would not be subject to the administration proceedings, except to be set aside and delivered to the spouse and to be recorded properly for tax purposes. This is a matter that should be given full consideration prior to the preparation of the inventory.

For the most part, items are entered in the inventory at date of death values, and written appraisals need to be secured with respect to those assets that do not have a readily ascertainable market value.

D. Taxes. A personal representative faces four separate sets of taxes: (1) the decedent's final income taxes (for income paid or accrued prior to death), (2) the estate's income tax return (for income accrued during the term of the estate), (3) potentially, an estate tax which is imposed on the transfer of wealth, and (4) potentially, gift tax returns. The personal representative is responsible for preparing and filing all applicable state and federal tax returns on behalf of the decedent for the period of time the decedent was alive and on behalf of the estate. It is important for the personal representative to understand that death terminates the decedent's tax year and thereafter the decedent's estate is a separate taxpayer. Therefore, the personal representative is responsible for reporting and paying taxes incurred by the decedent prior to death and taxes incurred by the estate as a separate taxpayer.

(1) Decedent's Final Income Tax Returns. Federal and state final income tax returns must be prepared and filed covering that portion of the taxable year during which the decedent lived. This return is due for most decedents on April 15th following the year of death, and may be a joint return if the decedent has a surviving spouse and otherwise qualifies to file a joint return for that year. (Also, if the decedent died prior to filing an income tax return for the year prior to death, the personal representative attends to the filing of this return in addition to the final return.)

Since certain income tax attributes of the decedent terminate at death, it is important that the decedent's past income tax returns be reviewed immediately to determine if any tax planning is needed for the final return.

(2) Income Tax Returns for the Estate. Items of income received during the administration of an estate must be reported on a special fiduciary income tax return to be filed with both the federal and state tax authorities annually.

(3) Federal and State Estate Tax Returns. The estate tax is a transfer tax assessed against a decedent's estate. Under current law, estate tax returns are required to be filed if the gross estate plus lifetime taxable gifts exceeds \$625,000 at the date of death. (This amount increases to \$650,000 in 1999 and \$675,000 in 2000. Additional increases are scheduled thereafter; please check with your attorney.) The filing date is nine months after the date of death. There is no separate Georgia estate tax return; if a federal return is required, a copy of the federal return must be filed with the Georgia Department of Revenue.

In preparing the estate tax return, the personal representative generally values the estate's assets on the date of the death but may use the alternate valuation date, which is six months after the date of death, if such election will result in lower taxes. If the estate elects to use the alternate valuation date, all assets must be valued as of that date, except any property sold, distributed, exchanged or otherwise disposed of prior to that date, which will be valued as of the date of such disposition.

The personal representative is responsible for filing the estate tax return and for paying both the federal and state estate taxes out of the assets of the estate. Generally, the estate tax must be paid within nine months of the date of death. There are some circumstances, e.g., if the estate owns a

sufficient interest in a farm or family business, or where the payment of the tax by the due date constitutes a hardship to the estate, in which the time for payment of estate taxes may be extended. The personal representative must keep the filing date in mind and ensure that the estate has sufficient cash to pay taxes when due, or be prepared to make a timely application for extension. Generally, an extension, if granted, only applies to the time for filing the return, and the taxes still must be paid within nine months of the date of death. The personal representative can be personally liable for taxes if assets are distributed before the taxes are paid.

(4) Gift Tax Returns. The personal representative must determine whether the decedent made gifts during his lifetime, especially within three years prior to his death, the size of such gifts, and whether the decedent filed all required gift tax returns during his lifetime. The personal representative has the responsibility for filing any gift tax returns that may be due.

Although the responsibility placed upon a personal representative in the area of taxation may seem burdensome, his or her advisors can be of considerable assistance in this area. There are a number of issues and options that can result in substantial tax savings to the estate and beneficiaries, including maximizing use of the decedent's income tax deductions, deducting the expenses of estate administration, elections regarding the estate tax marital deduction, request for prompt assessment and discharge from personal liability for taxes, valuation issues, and others. Also of particular significance is selecting a fiscal year for the estate and planning for distributions of the estate's assets to the beneficiaries.

E. Disclaimers. Once the approximate size of the estate and estimated liabilities have been determined, the personal representative should give consideration to the possible use of disclaimers by beneficiaries. In some situations a disclaimer allows a beneficiary to disclaim an interest in an estate and shift income or principal assets to other beneficiaries. The primary purpose of using disclaimers is to save taxes by diverting assets to other persons who are often in a younger generation than the disclaiming beneficiary. Immediate consideration must be given to the use of disclaimers because they must be made in writing within nine months after the decedent's death and before distribution of the property being disclaimed. Because this is a highly complex area, the personal representative should seek legal advice.

IV. SETTLEMENT AND DISTRIBUTION

A. Claims. As a general rule, the personal representative should not pay any debts or claims until his or her attorney approves payment. The personal representative has six months from the date of qualification to determine the condition of the estate. All personal representatives must publish a notice to debtors and creditors in the official newspaper once a week for four weeks within sixty days from the date of qualification. Georgia law specifies the payment of debts in certain priority, and in some instances the probate court is required to approve the compromise or payment of certain claims. Personal liability on the part of the personal representative can result if distributions are made and claims of a higher priority go unpaid.

B. Debts and Expenses. All debts and expenses, such as funeral expenses, taxes, fees, commissions, debts of the decedent, bond premiums, and court costs, must be paid before the assets of the estate are distributed to the beneficiaries.

C. Distribution. Following the settlement and payment of all claims, expenses and taxes, the estate's attorney should advise the personal representative concerning the appropriate manner in which to distribute the remainder of the estate to the beneficiaries. Normally, a final accounting is prepared and presented to the beneficiaries for approval prior to distribution. As stated above in the section on taxes, in most estates important tax considerations are involved in making distributions from an estate.

D. Discharge. When all debts and taxes have been paid, all assets distributed, and all tax returns have been filed and audited, the personal representative (through the estate's attorney, if any) should apply to the probate court for discharge from liability and from office. The probate court will examine the condition of the estate and give all persons concerned an opportunity to be heard with regard to the administration. If the personal representative was not relieved in the will of the duty to file accountings with the court, these accountings will be reviewed at the time the application for discharge is made. Once the court is satisfied that the administration has been proper and that the personal representative has faithfully performed his or her duties the court will issue an order discharging the personal representative from liability except liability to minor heirs and for any fraud against the beneficiaries or judge of the probate court. The discharge will terminate liability on any bond that was posted.

V. TIMETABLE

Because of the uniqueness of each estate, it is difficult to predict with certainty the amount of time it will take to settle an estate. While it is understandable for a personal representative to be anxious to distribute the property and to close the estate as quickly as possible, sound estate administration requires that the personal representative proceed with caution when making distributions to beneficiaries. The personal representative should remember that creditors can present claims well after the commencement of the administration, that the alternate valuation date for the estate tax return is six months after the date of death, and that until the estate tax return is approved, the Internal Revenue Service can assess additional taxes. A timetable checklist is attached for reference purposes only.

VI. FEES AND COMMISSIONS

The law recognizes that a personal representative is entitled to compensation for carrying out the responsibilities of administering an estate. In Georgia, these fees are determined by statute unless the decedent during his or her lifetime or the heirs or beneficiaries contracted with the personal representative for a different fee arrangement. Very generally, the personal representative receives two and one-half percent (2.5%) of funds received, two and one-half percent (2.5%) of funds paid out, up to three percent (3%) of the value of real or personal property delivered in kind, and ten percent (10%) of interest earned during the period of administration on money loaned by the personal representative. These fees plus most out-of-pocket expenses are legitimate expenses of administration.

VII. ADVISORS

Although the personal representative is primarily responsible for the administration of the estate, the law recognizes that the personal representative may be required to retain the services of an attorney and others such as accountants, trust officers, appraisers, and in some instances, investment advisors. In order for these advisors to represent the personal representative properly, the personal representative must establish a close working relationship with them, keeping them fully advised on all developments. The attorney, accountant, trust officer and others assisting in the administration of an estate must be thoroughly familiar with the makeup of the assets and liabilities of the estate, and the personal, business and family background of the decedent and beneficiaries. The personal representative should be prompt in obtaining all information or reports that are needed, and should work closely with the advisors in the preparation of all reports and returns. Keeping the estate's

advisors fully advised of the affairs of the estate will save a great deal of time and expense, avoid misunderstandings, and enable them to plan properly for and advise the personal representative regarding the administration of the estate.

Many factors determine the attorney's fee in the representation of an estate. Normally, in setting a fee the attorney will consider the size of the estate; the time involved in the representation; the novelty or difficulty of the legal issues involved; results achieved in contested matters; and any unusual situations involving the estate.

VIII. CONCLUSION

The administration of a decedent's estate can be a complex and time consuming undertaking. No one should be named as or assume the responsibility of a personal representative unless that person has the capability and commitment to fully discharge the many tasks involved in carrying out the responsibilities of his or her appointment.

The Fiduciary Law Section of the State Bar of Georgia and the Council of Probate Court Judges of Georgia are pleased to present this booklet to give insight into what is involved in estate administration. The booklet is a basic outline to personal representatives; however, it is not a "do-it-yourself" guide and cannot be used as a substitute for attorneys, accountants, trust officers and other professional advisors necessary for proper estate administration.

TIMETABLE CHECKLIST*

Statutory
Item or Action Due Date (if any) Authority

1. Determine if necessary to O.C.G.A. Sections probate in common form 53-5-15, 53-5-16, 53-5-17
2. Petition to Probate in O.C.G.A. Sections Solemn Form filed 53-5-20, 53-5-21, 53-5-22, 53-11-3, 53-11-4, 53-11-9
3. Acknowledgment by heirs O.C.G.A. Sections 53-5-20, 53-5-21, 53-3-22, 53-11-9
4. Notice served upon heirs O.C.G.A. Sections who did not acknowledge 53-5-22, 53-11-3, 53-11-4, 53-11-9
5. Testimony of witnesses O.C.G.A. Sections 53-5-23, 53-5-24
6. Solemn form probate order O.C.G.A. Sections 53-5-20, 53-5-21,
7. Executor's Oath O.C.G.A. Section 53-6-16
8. Issuance of Letters O.C.G.A. Sections Testamentary 53-5-20, 53-5-21, 53-5-22

* The first 8 items assume that there was a valid will. If the decedent died intestate, instead there will normally be a petition for letters of administration, notice to heirs or acknowledgments, order granting administration, oath (and sometimes bond), and letters of administration.

9. Determine if Federal (due April 15 of IRC Sections and Georgia personal year of death) 1(a), 6072(a), income tax returns have and 6013(a) been filed for year prior to year of death

10. Federal and Georgia (due April 15 of IRC Sections personal income tax year of death) 1(a), 6013(a), returns for year of 6072(a) death
11. Establish estate bank O.C.G.A. Section accounts and, if needed, 53-7-1 safe deposit box
12. File IRS Form 56, Notice (on or before 30 IRC Section of Fiduciary Capacity days following 6905 personal representative's qualification)
13. Form SS-4 IRC Section 6109
14. Notice to Creditors (4th publication O.C.G.A. Section must occur on or 53-7-41 before 60 days following qualification of personal representative)
15. Last day for creditors (3 months from O.C.G.A. Section to file claims 53-7-41 date of last notice)
16. Alternate valuation date (6 months after IRC Section death) 2032
17. Date for payment of (6 months after O.C.G.A. Section debts of estate appointment of 53-7-42 personal representative)
18. IRS Form 4768, extension (early enough to IRC Sections for filing return or allow IRS to 6081 and paying estate tax reply before 6161(a) (when needed) return is due)
19. IRS Form 706, federal (within 9 months IRC Section estate tax return after death) 6075(a)
20. Federal and Georgia (due the 15th day of IRC Section estate income tax the 4th month 6072(a) returns following the end of the taxable year ultimately elected by the estate)
21. First annual return (60 days after the O.C.G.A. Sections anniversary of 29-2-44, 53-7-67 qualification of personal representative)
22. Federal and Georgia (to be determined) IRC Section estate income tax returns 6072(a) for year following death
23. Second annual return (60 days after 2nd O.C.G.A. Sections anniversary of 29-2-44, 53-7-67 qualification of personal representative)
24. Federal and Georgia estate (to be determined) IRC Section income tax returns for 6072(a) second year after death
25. Intermediate report (discretionary, not O.C.G.A. Section required by statute) 53-7-73
26. Final return to Probate (to be determined) O.C.G.A. Sections Court 29-2-44, 53-7-67
27. Petition for discharge O.C.G.A. Section 53-7-50
28. Citation and notice (to be determined) O.C.G.A. Section 53-7-50
29. Order of Discharge (to be determined) O.C.G.A. Section 53-7-50

50 Hurt Plaza
Atlanta, Georgia 30303-2934

COUNCIL OF PROBATE COURT JUDGES OF GEORGIA
Administrative Office of the Courts
Suite 550, 244 Washington Street
Atlanta, Georgia 30334-5900