

The Process

The Probate Court is moved to action through a petition filed with the court. For example: Probating an estate; there are many ways to probate an estate, some of them are Probate in Common Form, Probate in Solemn Form, Years Support, an Administration, no Administration Necessary, or a settled agreement. In some instances probate of an estate is not even necessary! Each of these legal proceedings has different elements that must be met and each achieves different results. All have attached to them legal procedures that must be followed, and one or more may not be appropriate for your particular situation. Any one of these proceedings can become contested by a third party resulting in further litigation and future hearings. Now, this is not the best situation to be in, especially if you have just lost a loved one and are experiencing all the grief and troubles it can demand.

Should I Get a Lawyer?

If you decide to proceed without qualified legal representation, you may be proceeding without fully knowing what you are doing and the consequences of your choices. As an impartial court, we cannot advise you. *If you chose to represent yourself in a court of law, any court of law, you proceed at your own peril!* Many times seeking legal counsel can afford you great dividends in the end. You can have peace of mind that a knowledgeable attorney is representing your interests and is responsible for all the "leg work". As a result the case typically progresses smoothly through the court system without being delayed due to mistakes you may make. Furthermore, you are not burdened with the various tasks such as serving notice upon heirs and creditors, publishing legal notices in the county news, obtaining notarized signatures, submitting legal petitions/motions, and fulfilling other legal elements. Please do not misunderstand the intent of this brochure, we are not an advertisement for attorneys, we will not prevent you from representing yourself in our court, however we want you to realize, if you do, that by law we cannot give you legal advice, only a lawyer can.

What We Can Not Do

We cannot tell you whether or not you should file a particular petition. We cannot tell you what you should do. We cannot instruct you on how to complete your petition. We cannot recommend an attorney, but we can provide a listing of local practicing attorneys. The staff cannot talk to the Judge for you about your case or what will happen. The staff cannot let you talk to the Judge outside of court about your case. We cannot change an order by the Judge.

What We Can Do

We hope this has given you some answers about how the court works and what the requirements are to have your case filed. If you have additional questions regarding how the court works or need information from your case files, we will be glad to assist. Additionally, we can provide for you any of the Georgia Probate Court Standard Forms you may request. We can usually answer questions about court deadlines and due dates and we can tell you the definitions of common legal terms used in court.

Finally, please remember, the court **must** maintain a neutral position, it is not that we do not want to help you; it is that we **can't** due to the legal confines of Georgia Law. We hope this introduction will prove helpful for the decisions you need to make in Probate Court.