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WILLS, TRUSTS, AND ADMINISTRATION OF ESTATES Wills, Probate, and Administration of Estates: Amend 1996 Revision of Georgia Probate Code; Authorize Appointment of Additional County Administrators in All Counties; Clarify and Renumber Provision Relating to Effect of a Decree of Adoption; Change Provision Relating to Inheritance of a Child Born Out of Wedlock Through the Child's Father; Change Provisions for Petition for an Order that No Administration is Necessary; Provide Discretion for Probate Judge to Order Separate Awards of Year's Support for Minor Children and Surviving

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WILLS, TRUSTS, AND ADMINISTRATION OF ESTATES

Wills, Probate, and Administration of Estates: Amend 1996 Revision of Georgia Probate Code; Authorize Appointment of Additional County Administrators in All Counties; Clarify and Renumber Provision Relating to Effect of a Decree of Adoption; Change Provision Relating to Inheritance of a Child Born Out of Wedlock Through the Child's Father; Change Provisions for Petition for an Order that No Administration is Necessary; Provide Discretion for Probate Judge to Order Separate Awards of Year's Support for Minor Children and Surviving Spouse; Change Provision on Contracts Concerning Succession; Change Provision on Time Limitation for Probate of Wills; Provide that Proof of a Codicil is Proof of a Will in Certain Circumstances; Change Provisions Relating to Selection, Appointment, and Compensation of Administrators and Personal Representatives; Change Provisions Relating to Notice and Time to Respond or File Objections; Change Other Probate Procedures for Clarity and Efficiency

CODE SECTIONS: O.C.G.A. §§ 53-1-1 (amended), -8 (new), 53-2-2 to -3, -40, 53-3-8, 53-4-30, 53-5-3 (amended), -7 (new), -22, 53-6-14 to -15, -21 to -22, -35, -60, -62 (amended), -64 (new), -90, 53-7-30 (amended), -34 (new) -45, -50, -72, 53-8-13, 53-11-1 to -2, -4 to -6, -9 to -10 (amended)

BILL NUMBER: HB 245

ACT NUMBER: 419

GEORGIA LAWS: 1997 Ga. Laws 1352

SUMMARY: The Act changes existing law to allow probate judges in all Georgia counties to appoint assistant county administrators, regardless of the county's population. The Act makes changes to the new Georgia Probate Code, which was enacted by the 1996 General Assembly. Because the 1996 Code Revision was so extensive and important, it provided for a delayed effective date of January 1, 1998. The purpose behind the delay in implementation was to allow time for the legal community and other interested parties to analyze, make comments, and suggest changes to the new Probate Code. The Act makes various changes to improve and refine the implementation of the 1996 Georgia Probate Code before the Code takes effect.

EFFECTIVE DATE: O.C.G.A. § 53-6-90, July 1, 1997; §§ 53-1-1, -8, 53-2-2 to -3, -40, 53-3-8, 53-4-30, 53-5-3, -7, -22, 53-6-14 to -15, -21 to -22, -35, -60, -62, -64, 53-7-30, -34, -45, -50, -72, 53-8-13, 53-11-1 to -2, -4 to -6, -9 to -10, Jan. 1, 1998¹

History

In 1996, the Georgia General Assembly enacted a complete revision of Georgia probate law,² the first major change in probate law in this state in over 100 years.³ Because the changes were so extensive, the 1996 General Assembly delayed the implementation date of the 1996 Act until January 1, 1998.⁴ One of the reasons for the delayed effective date was to allow the legal community and other interested parties the opportunity to “fine-tune” the legislation.⁵ As part of this process, eight seminars were held throughout the state in the fall of 1996.⁶ Bill Linkous, the Chairman of the Probate Code Revision Committee of the Fiduciary Law Section of the State Bar of Georgia, and Professor Mary Radford, the Committee’s reporter, conducted these seminars.⁷ The purpose of the seminars was to introduce the new Probate Code and solicit the comments and suggestions of the seminar participants, which included members of the Probate Committee, the Fiduciary Section, and the Council of Probate Court Judges of Georgia.⁸ HB 245 was the product of this refinement process, as the 1997 Georgia General

1. Scattered sections of the Georgia Code were approved by the Governor April 2, 1996 to become effective January 1, 1998.

2. See 1996 Ga. Laws 504 (codified at O.C.G.A. §§ 53-1-1 to 53-11-11 (1997) (effective Jan. 1, 1998)).

3. See Interview with Mary F. Radford, Professor of Law, Georgia State University College of Law, and Reporter for the Probate Code Revision Committee of the Fiduciary Section of the State Bar of Georgia (Apr. 23, 1997) [hereinafter Radford Interview]. Professor Radford was a key player in both the 1996 Probate Code Revision and the 1997 amendments to that revision. See Record of Proceedings in the House Judiciary Committee (Jan. 27, 1997) [hereinafter House Judiciary Proceedings] (remarks by Rep. Jim Martin, House District No. 47 and Chairman of the Committee) (available in Georgia State University College of Law Library). Professor Radford and Mr. Bill Linkous, Chairman of the Probate Code Revision Committee, both testified on many of these changes before the House Judiciary Committee. See *id.* (remarks by Rep. Thurbert Baker, House District No. 70 and author of HB 245).

4. See Radford Interview, *supra* note 3; O.C.G.A. tit. 53 (1997) (noting delayed effective date at the beginning of chapters 1 to 11).

5. See Radford Interview, *supra* note 3.

6. See *id.*; House Judiciary Committee Proceedings, *supra* note 3 (remarks by Bill Linkous).

7. See *id.*

8. See *id.*; Interview with Judge Floyd E. Propst, Fulton County Probate Court Judge and Chairman of the Council of Probate Court Judges of Georgia (July 15, 1997) [hereinafter Propst Interview].

Assembly passed HB 245 to improve the implementation of the 1996 Act.⁹

The new Georgia Probate Code, effective January 1, 1998, was the subject of an extensive article in a previous issue of the *Georgia State University Law Review*.¹⁰ This legislative history updates that article with the 1997 changes made to the new Probate Code by this Act. Practitioners should read both the article and this history together for a complete picture of the status of Georgia probate law as of the new Code's effective date.

Because the 1997 Act (with one exception) does not amend currently existing Georgia Code sections, this legislative history refers to the enacted version of HB 245 as "the Act" or "the 1997 Act." The changes in probate law effective January 1, 1998 are referred to as "the 1996 Act" or "1996 legislation." The Georgia Code sections listed are those in the new Probate Code (the 1996 Act), unless otherwise specified.

HB 245

Introduction

The Georgia General Assembly referred HB 245 to the House Judiciary Committee.¹¹ The Committee recommended that the House pass the bill as written.¹² An amendment was introduced on the House floor, which proposed a minor change in the introductory language to each section of the bill to clarify that the legislation would amend the 1996 Act, not the current Georgia Code.¹³ The House passed the bill with this amendment and transferred it to the Senate.¹⁴ The Senate, in turn, referred the bill to the Senate Special Judiciary Committee.¹⁵ The Committee made extensive additions to the bill, mostly at the behest of the Council of Probate Court Judges of Georgia.¹⁶ The American Association of Retired Persons (AARP) lobbied extensively for further changes to the bill, but these changes were not recommended by the Committee during the 1997 session.¹⁷ The Senate eventually

9. See *id.*; Final Composite Status Sheet, Mar. 28, 1997.

10. See Mary F. Radford & F. Skip Sugarman, *Georgia's New Probate Code*, 13 GA. ST. U. L. REV. 605 (1997).

11. See Final Composite Status Sheet, Mar. 28, 1997.

12. See *id.*; Georgia Bill Tracking, 1997 Ga. HB 245; House Judiciary Committee Proceedings, *supra* note 3.

13. HB 245 (HFA), 1997 Ga. Gen. Assem.

14. See Final Composite Status Sheet, Mar. 28, 1997.

15. See *id.*; Georgia Bill Tracking, 1997 Ga. HB 245; 1997 Georgia Senate Committee List.

16. See Radford Interview, *supra* note 3; Propst Interview, *supra* note 8.

17. See Radford Interview, *supra* note 3; Telephone Interview with Mary Riddle, Asst. Legislative Counsel, Georgia General Assembly (Apr. 22, 1997).

passed the Committee's version of the bill, which was considerably longer than the version passed by the House.¹⁸ The House later approved the Senate version, and the bill was sent to the Governor.¹⁹

Applicability of the New Probate Law

The Act changes the applicability of the 1996 legislation.²⁰ In its original form, the new probate law would have been effective only for decedents who die on or after January 1, 1998.²¹ The Act amends Code section 53-1-1, and the revised language states that the legislation becomes effective on January 1, 1998, regardless of the decedent's date of death.²² The amended Code section further explains that the provision will not impair any vested rights of title, year's support, succession, or inheritance.²³ The language of amended Code section 53-1-1 allows the probate courts to make a "clean break" from the existing Probate Code because they will be able to use the administrative and procedural aspects of the new Probate Code for all estates as of January 1, 1998, regardless of the decedent's date of death.²⁴ However, the courts must honor any vested rights existing under the previous Code.²⁵

To illustrate how Code section 53-1-1 operates to preserve vested rights, consider the example of a decedent who dies intestate on December 20, 1997, survived only by a parent and a sibling. The probate court would ordinarily use the new Probate Code procedures for administration of the estate if formal administration commences after January 1, 1998.²⁶ Under the intestacy provisions of the new Code, parents stand alone ahead of siblings, and the parent in this situation would take all of the estate.²⁷ However, under previous law, parents and siblings stood in the same degree from the decedent, and each took equal shares of the estate.²⁸ Thus, in order to preserve the sibling's vested rights, the probate court would use the previous method of

18. See Final Composite Status Sheet, Mar. 28, 1997. Compare HB 245, as introduced, 1997 Ga. Gen. Assem., with 1997 Ga. Laws 1352.

19. See Final Composite Status Sheet, Mar. 28, 1997.

20. 1997 Ga. Laws 1352.

21. See 1996 Ga. Laws 504, § 10, at 523 (formerly found at O.C.G.A. § 53-1-1 (Supp. 1996)).

22. O.C.G.A. § 53-1-1 (1997).

23. *Id.*

24. See Radford Interview, *supra* note 3.

25. See *id.*

26. See *id.*

27. See *id.*

28. See *id.*

determining intestate heirs, meaning that the parent and sibling would take equal shares.²⁹

Effect of a Decree of Adoption

The 1997 Act clarifies that adoptive parents and their relatives are entitled either to inherit from the adopted individual under intestacy or to take under the provisions of a testamentary instrument.³⁰ In other words, the Act clarifies that a decree of adoption establishes the parent-child relationship whether the child dies intestate or with a will.³¹ The 1996 Act only covered adoptive parental inheritance rights under an intestacy situation.³² To accomplish this change, the revised language was incorporated into a new general Code section, 53-1-8, and the old intestacy Code section 53-2-2 was stricken.³³

Descent and Distribution

The Act makes two changes with regard to descent and distribution in a case of intestacy.³⁴ First, the Act amends Code section 53-2-3 to make it somewhat easier, under certain circumstances, for a child born out of wedlock to inherit from or through the father or paternal kin.³⁵ The 1996 version required that, if the basis for establishing the paternal relationship is: "other clear and convincing evidence that the child is the child of the father," a "de facto parent-child relationship" must also be established.³⁶ This section of the Code has always proven to be problematic because proof of such a relationship is often very difficult to establish, and a child cannot "force" a parent-child relationship.³⁷ The 1996 provision also treats fathers and mothers differently, because the proof of a parent-child relationship is not required in the case of a mother if the child is hers.³⁸ Thus, the 1997 Act puts children born out of wedlock on a more equal footing with regard to fathers and mothers, because it allows the paternal

29. *See id.*; O.C.G.A. § 53-1-1 (1997).

30. *See* O.C.G.A. § 53-1-8 (1997); House Judiciary Committee Proceedings, *supra* note 3 (remarks by Professor Radford).

31. *See* Radford Interview, *supra* note 3.

32. *See* 1996 Ga. Laws 504, § 10, at 530 (formerly found at O.C.G.A. § 53-2-2 (Supp. 1996)).

33. *See* Radford Interview, *supra* note 3.

34. O.C.G.A. §§ 53-2-3, -40 (1997).

35. *Id.* § 53-2-3; Radford Interview, *supra* note 3; House Judiciary Committee Proceedings, *supra* note 3 (remarks by Professor Radford).

36. *See* 1996 Ga. Laws 504, § 10, at 530 (formerly found at O.C.G.A. § 53-2-3 (Supp. 1996)).

37. *See* Radford Interview, *supra* note 3.

38. *See id.*

relationship to be established for inheritance purposes with only "clear and convincing evidence that the child is the child of the father."³⁹ The additional requirement for a de facto parent-child relationship is eliminated.⁴⁰

Second, the Act amends Code section 53-2-40 by adding a requirement to the procedure for filing a petition by an heir stating that no administration is necessary.⁴¹ The 1996 Act requires that a copy of the agreement between heirs on division of property be attached to the petition.⁴² This could be an unsigned copy, in which case there would be no original signatures on the petition of the heirs except for the petitioner.⁴³ The probate court judges wanted to strengthen this Code section,⁴⁴ and the 1997 Act requires that the original agreement between heirs be attached to the petition.⁴⁵ The agreement must contain original signatures of all heirs and must be attested to by a probate court clerk or notary.⁴⁶

Year's Support and Contracts Concerning Succession

The 1996 Act requires the probate court to specify separate portions of Year's Support for the surviving spouse and minor children, if the minor children of the decedent were by a different spouse.⁴⁷ The 1997 Act retains this requirement and further allows the probate court the latitude to exercise its discretion to specify separate portions even when the surviving spouse is the parent of the minor children, if the court deems such an award to be in the best interests of the parties.⁴⁸

The Act makes a minor change to correct an error in Code section 53-4-30.⁴⁹ The 1996 language specified that contracts made after January 1, 1998, which obligated an individual to make a will, to not revoke a will, or to die intestate, were subject to the requirements that they be express and in a writing signed by the obligor.⁵⁰ The Act

39. *Id.*; O.C.G.A. § 53-2-3 (1977).

40. See Radford Interview, *supra* note 3; House Judiciary Committee Proceedings, *supra* note 3 (remarks by Professor Radford).

41. O.C.G.A. § 53-2-40 (1997); Propst Interview, *supra* note 8.

42. 1996 Ga. Laws 504, § 10, at 535 (formerly found at O.C.G.A. § 53-2-40 (Supp. 1996)); see Propst Interview, *supra* note 8.

43. See Propst Interview, *supra* note 8.

44. See *id.*; Radford Interview, *supra* note 3.

45. O.C.G.A. § 53-2-40 (1997); see Propst Interview, *supra* note 8.

46. See O.C.G.A. § 53-2-40 (1997); Propst Interview, *supra* note 8.

47. 1996 Ga. Laws 504, § 10, at 540 (codified at O.C.G.A. § 53-3-8(a) (Supp. 1996)).

48. O.C.G.A. § 53-3-8(b) (1997); see Radford Interview, *supra* note 3.

49. See Radford Interview, *supra* note 3.

50. 1996 Ga. Laws 504, § 10, at 548 (formerly found at O.C.G.A. § 53-4-30 (Supp. 1996)).

specifies that these requirements apply to such contracts made on January 1, 1998, as well as those made after that date.⁵¹

Probate

The Act makes three changes regarding general probate provisions.⁵² First, the Act adds a “grandfather” provision to Code section 53-5-3, which provides that the will of a testator who died prior to January 1, 1998 may be offered for probate at least until December 31, 2002.⁵³ This amounts to a compromise between previous law and the new Probate Code, because previous law contained no time limitation for offering a will for probate, and the 1996 Act imposed a five-year limit.⁵⁴

Second, the Act adds Code section 53-5-7, which fills a gap in the law regarding proof of wills.⁵⁵ There was never a provision in Georgia law for proof of a codicil to prove a will if the codicil republishes the will, although nearly all participants in the seminars thought this was in fact already the law in this state.⁵⁶ The new Code section allows proof of a codicil to prove a will if the codicil republishes the will and clearly identifies the republished will.⁵⁷

Finally, the Act amends Code section 53-5-22, regarding service of notice of petition for probate in solemn form.⁵⁸ The 1996 legislation required that a copy of the purported will be served along with the petition in all cases.⁵⁹ The 1997 Act makes it clear that this requirement is only for petitions that are served personally or by mail.⁶⁰ In cases in which notice is effected by publication, the notice need only set forth the court and other relevant information, rather than a caption, as the 1996 version required.⁶¹ The Act also requires parties to file objections, if any, to the petition, and deletes the requirement for an explanation from the parties of why the probate in solemn form should not be granted.⁶²

51. O.C.G.A. § 53-4-30 (1997).

52. *See id.* §§ 53-5-3, -7, -22.

53. *Id.* § 53-5-3.

54. *See Radford Interview, supra* note 3.

55. *See id.*; O.C.G.A. § 53-5-7 (1997).

56. *See Radford Interview, supra* note 3.

57. *See id.*; O.C.G.A. § 53-5-7 (1997).

58. O.C.G.A. § 53-5-22 (1997).

59. *See* 1996 Ga. Laws 504, § 10, at 559-60 (formerly found at O.C.G.A. § 53-5-22 (Supp. 1996)); Propst Interview, *supra* note 8.

60. *See* Propst Interview, *supra* note 8.

61. *Compare* 1996 Ga. Laws 504, § 10, at 560 (formerly found at O.C.G.A. § 53-5-22 (Supp. 1996)), *with* O.C.G.A. § 53-5-22 (1997); *see* Propst Interview, *supra* note 8.

62. *Compare* 1996 Ga. Laws 504, § 10, at 560 (formerly found at O.C.G.A. § 53-5-22 (Supp. 1996)), *with* O.C.G.A. § 53-5-22 (1997).

Personal Representatives

The Act makes several changes to the procedures for selecting, appointing, and compensating personal representatives.⁶³ The Act amends Code section 53-6-14, which allows beneficiaries of a will to select an administrator with the will annexed.⁶⁴ The new Code section deletes redundant and inapplicable language concerning surviving spouses and heirs of an intestate.⁶⁵

The Act adds a requirement to a petition for letters of administration with the will annexed, specifically requiring that the petition be served on the executor, if any, of the deceased executor whose death created the vacancy.⁶⁶ In addition, the 1996 legislation did not provide for a separate contingency in the event that an estate is partially administered and unrepresented because of the death of a previous executor.⁶⁷ The probate judges wanted to allow the court the latitude to permit the executor appointed under the deceased executor's will to become the executor of both estates.⁶⁸ The 1997 Act provides this option, and affords the probate court the discretion to determine whether it would be best to appoint an administrator with the will annexed, or to permit the deceased executor's executor, if any, to administer the first estate by operation of law.⁶⁹

The Act clarifies that, when a personal representative has qualified and a copy of the original petition is attached, a subsequent petition need not repeat unchanged information from the original petition.⁷⁰ The 1996 version, in Code section 53-6-21, did not require a copy of the original petition to be submitted.⁷¹ In addition, the Act amends Code section 53-6-22 by providing specific notice requirements for the petition of letters of administration.⁷² The 1996 version required personal service of the petition upon heirs who are residents of Georgia.⁷³ Because property rights are not affected, the 1997 Act provides for

63. See O.C.G.A. §§ 53-6-14, -15, -21, -22, -90 (1997); *id.* § 53-6-90 (Supp. 1996).

64. Compare 1996 Ga. Laws 504, § 10, at 571 (formerly found at O.C.G.A. § 53-6-14 (Supp. 1996)), with O.C.G.A. § 53-6-14 (1997).

65. Compare 1996 Ga. Laws 504, § 10, at 571 (formerly found at O.C.G.A. § 53-6-14 (Supp. 1996)), with O.C.G.A. § 53-6-14 (1997); Propst Interview, *supra* note 8.

66. O.C.G.A. § 53-6-15 (1997).

67. See 1996 Ga. Laws 504, § 10, at 572 (formerly found at O.C.G.A. § 53-6-15 (Supp. 1996)); Radford Interview, *supra* note 3.

68. See Propst Interview, *supra* note 8; Radford Interview, *supra* note 3.

69. O.C.G.A. § 53-6-15 (1997).

70. *Id.* § 53-6-21; Propst Interview, *supra* note 8.

71. 1996 Ga. Laws 504, § 10, at 573 (formerly found at O.C.G.A. § 53-6-21 (Supp. 1996)); see Propst Interview, *supra* note 8.

72. O.C.G.A. § 53-6-22 (1997).

73. See 1996 Ga. Laws 504, § 10, at 573 (formerly found at O.C.G.A. § 53-6-22 (Supp. 1996)); Propst Interview, *supra* note 8.

notice by first class mail.⁷⁴ In the case of an heir with a known address, notice must be sent at least thirteen days prior to the date an objection is required to be filed.⁷⁵ If any heir or heir's address is unknown, notice must be published once a week for four weeks prior to the week that includes the date an objection must be filed.⁷⁶

Georgia law previously did not allow probate court judges in counties with a population of less than 400,000 to appoint assistant county administrators.⁷⁷ The Act removes this restriction and allows probate judges in all Georgia counties to appoint assistant county administrators.⁷⁸ The Act amends both current Code section 53-6-90 effective on July 1, 1997, and the 1996 legislation in Code section 53-6-35, effective January 1, 1998.⁷⁹

Finally, the Act makes a number of minor changes relating to compensation of personal representatives.⁸⁰ The Act amends Code section 53-6-60 to read that, if the entire estate passes through the hands of several personal representatives, the only personal representative who will be compensated will be the first one who receives property for the benefit of the estate.⁸¹ The Act adds a rule that prohibits a personal representative from receiving commissions for amounts paid to any personal representative as commissions or other compensation.⁸² In addition, under new Code section 53-6-64, the Act provides for compensation of temporary administrators.⁸³

Administration of Estates

The Act deletes the requirement in Code section 53-7-30 for a supplemental inventory in the event other property of the decedent comes into the hands of the personal representative after the inventory is filed.⁸⁴ The probate judges decided that this provision was unnecessary because the 1996 revision allows six months for the personal representative to file the original inventory, and requires that an updated inventory be filed with each annual return.⁸⁵ In addition, the Act adds Code section 53-7-34, which states that the failure of a

74. O.C.G.A. § 53-6-22 (1997); see Propst Interview, *supra* note 8.

75. See Propst Interview, *supra* note 8.

76. See *id.*

77. See O.C.G.A. § 53-6-90 (1995).

78. *Id.* § 53-6-90 (1997); see Propst Interview, *supra* note 8.

79. O.C.G.A. § 53-6-35 (1997); Propst Interview, *supra* note 8.

80. See O.C.G.A. §§ 53-6-60, -62, -64 (1997).

81. *Id.* § 53-6-60.

82. *Id.* § 53-6-60(e).

83. *Id.* § 53-6-64.

84. Compare 1996 Ga. Laws 504, § 10, at 589 (formerly found at O.C.G.A. § 53-7-30 (Supp. 1996)), with O.C.G.A. § 53-7-30 (1997).

85. See Radford Interview, *supra* note 3; Propst Interview, *supra* note 8.

personal representative to return a correct inventory will be sufficient grounds for removal under certain circumstances.⁸⁶

The Act also makes minor procedural changes in estate administration procedures in Code sections 53-7-45, -50, and -72.⁸⁷ The most important changes relate to petitions by personal representatives for discharge.⁸⁸ The first change makes the Code section applicable to a personal representative who has been allowed to resign as well as one who has fully administered the estate.⁸⁹ The second change makes it clear that the discharge is not only from the office but also from all liability.⁹⁰ The third change relates to service of the petition for discharge.⁹¹ The 1996 revision made a distinction between petitions for discharge which state that all claims have been paid, and petitions which state that some claims have not been paid.⁹² The 1997 Act eliminates this distinction, and provides for personal service upon all heirs or beneficiaries in Georgia, and publication once at least ten days prior to the deadline for objections.⁹³ Any creditors whose claims are disputed will be personally served if they reside in Georgia.⁹⁴

Investments, Sales, and Conveyances

A personal representative who desires to sell or otherwise dispose of nonperishable items must provide notice to the heirs of an intestate estate or beneficiaries of a testate estate.⁹⁵ The Act requires, in amended Code section 53-8-13, that this notice be given to heirs of an intestate, rather than mailed to them.⁹⁶ Notice to affected beneficiaries is to be given under the procedures in chapter 11.⁹⁷

Probate Court Proceedings

The most notable changes in chapter 11 concern service, waiver of service, and dates by which objections must be filed.⁹⁸ The Act amends

86. O.C.G.A. § 53-7-34 (1997); see Propst Interview, *supra* note 8.

87. Compare 1996 Ga. Laws 504, § 10, at 591-92, 599 (formerly found at O.C.G.A. §§ 53-7-45, -50, -72 (Supp. 1996)), with O.C.G.A. §§ 53-7-45, -50, -72 (1997).

88. See O.C.G.A. § 53-7-50 (1997).

89. See Propst Interview, *supra* note 8.

90. See *id.*

91. See *id.*

92. See 1996 Ga. Laws 504, § 10, at 592 (formerly found at O.C.G.A. § 53-7-50 (Supp. 1996)); Propst Interview, *supra* note 8.

93. O.C.G.A. § 53-7-50 (1997); see Propst Interview, *supra* note 8.

94. See Propst Interview, *supra* note 8.

95. See O.C.G.A. § 53-8-13 (1997).

96. *Id.*; see Propst Interview, *supra* note 8.

97. O.C.G.A. § 53-8-13 (1997).

98. Compare 1996 Ga. Laws 504, § 10, at 614-18 (formerly found at O.C.G.A. §§ 53-11-1, -2, -4 to -6, -9 to -10 (Supp. 1996)), with O.C.G.A. §§ 53-11-1, -2, -4 to -6,

Code section 53-11-4 by changing the criteria for determining the appropriate method of service from a residence-based decision to an address-based decision.⁹⁹ In addition, Code section 53-11-6 is amended to require that waiver or acknowledgement of service shall be sworn to or affirmed before the probate court or a notary.¹⁰⁰

Finally, the Act provides deadlines by which objections must be filed.¹⁰¹ The 1996 language stated that objections were to be filed not less than thirty days after the citation issue date.¹⁰² The 1997 Act amends Code section 53-11-10, requiring objections to be filed not less than ten days after personal service, not less than thirteen days from the date of mailing for mail service by certified or registered mail on a person in the continental United States, not less than thirty days after mailing for service by registered or certified mail on a person outside the United States, and no sooner than the first day of the week following publication once each week for four weeks for a person served by publication.¹⁰³

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-9 to -10 (1997).

99. Compare 1996 Ga. Laws 504, § 10, at 616 (formerly found at O.C.G.A. § 53-11-4 (Supp. 1996)), with O.C.G.A. § 53-11-4 (1997); see Propst Interview, *supra* note 8.

100. Compare 1996 Ga. Laws 504, § 10, at 617 (formerly found at O.C.G.A. § 53-11-6 (Supp. 1996)), with O.C.G.A. § 53-11-6 (1997).

101. Compare 1996 Ga. Laws 504, § 10, at 618 (formerly found at O.C.G.A. § 53-11-10 (Supp. 1996)), with O.C.G.A. § 53-11-10 (1997).

102. 1996 Ga. Laws 504, § 10, at 618 (formerly found at O.C.G.A. § 53-11-10 (Supp. 1996)).

103. Compare *id.*, with O.C.G.A. § 53-11-10 (1997).