



## **IMPORTANT NOTICE:**

Please note, these terms are defined as they relate to probate court processes and procedures. Please be aware these terms can have very different meanings when used in other courts.

### **Administrator**

the person appointed by the Probate Court to handle the estate of a decedent who died without a will

### **Administrator with the Will Annexed (Administrator CTA)**

the person appointed by the Probate Court to handle the estate of a decedent who died with a will if the executor(s) named in the will is/are unable or unwilling to serve

### **Adult**

anyone who is age 18 or over

### **Affidavit**

a sworn written statement signed by the person making it and that is properly notarized

### **Amendment**

a sworn document filed with the court that makes changes to a previously filed pleading

### **Beneficiary**

someone who is named in the will to receive some benefit under the will

### **Bond**

a written agreement that is designed to protect the assets of the estate; a bond is issued by a licensed bonding company, and the cost is typically payable from the estate

### **Child (as a relationship to decedent) \*also see definition of Minor**

a biological or adopted child

*Note:* a stepchild does not meet the legal definition of a child unless adopted; a child born out of wedlock is legally considered the child of the mother and is also usually considered the child of the father for inheritance and other purposes

### **Codicil**

a formal, written amendment or addition to a will that has been executed and witnessed in the same manner as a will

### **Conservator**

a person appointed to handle the real and personal property of another

### **Decedent**

the individual who has died and whose estate is being administered

### **Descendant**

the child, grandchild, great-grandchild, etc., of an individual (also called Lineal Descendant)

### **Domicile**

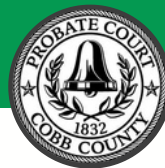
the place where a person lives and intends to remain

### **Estate**

the real and personal property that an individual owns at death

### **Executor**

the person named in a will and appointed by the Probate Court to handle the decedent's estate



## **Father**

typically the biological or adoptive father of a child; typically not a stepfather

*Note: a stepchild does not meet the legal definition of a child unless adopted; a child born out of wedlock is legally considered the child of the mother and is also usually considered the child of the father for inheritance and other purposes*

## **Fiduciary**

a personal representative, administrator, executor, guardian, conservator, or other similar fiduciary relationship

## **Filing a Will**

anyone who is in possession of a document believed to be a decedent's will, has an obligation to file that document with the Probate Court within a reasonable period of time, even if the will is not going to be probated

## **Forms**

Probate Courts in Georgia have standard forms for some matters that must be used for filing petitions, such as a Petition to Probate a Will in Solemn Form (the forms are available [here](#)). Cobb Probate Court also has some forms that may be helpful, which can be found [here](#)

## **Guardian**

the person who represents the interests of someone who is legally incapable of representing himself or herself (such as a minor or incapacitated adult); this may be someone who is already the natural guardian (such as a parent) or someone appointed by the court (such as a guardian of the person ) or other potential relationships

## **Guardian Ad Litem**

a person appointed by the Probate Court, in a particular legal proceeding, who investigates the best interests of someone who is legally incapable of representing himself or herself (such as a minor or an incapacitated adult)

## **Guardian of the Person**

a person appointed to handle another person's health, safety and welfare, and other things

## **Heir**

any relative(s) of a decedent, as determined at the date of death, who is entitled to inherit a share of the decedent's property if there is no will. This is commonly referred to as the next of kin. This may also include heirs who have died after the decedent's date of death ([Link to heir determination worksheet](#))

## **Incapacitated Adult**

an adult who has been determined by a court of law to be incapable of handling his or her own affairs

## **Intestate**

to die "intestate" is to die without a valid will

## **Leave to Sell**

a personal representative or conservator may need to petition the Probate Court for permission to sell property of the decedent's or ward's estate

**Letters of Administration**

an official document issued to an administrator that shows the administrator has been formally appointed by the court to handle the decedent's property

**Letters Testamentary**

an official document issued to an executor (someone named in the will) that shows the executor has been formally appointed by the court to handle the decedent's property under the terms of the will

**Majority Status**

age 18 or over

**Minor**

an individual who is under the age 18

**Mother**

the biological or adoptive mother of a child, including a child born out of wedlock; not a stepmother

**Natural Guardians**

the parents of a child; if the parents are separated or divorced, the parent who has custody of the child

**Notarized**

to have a document signed under oath in the presence of a notary public, who then signs and affixes the official notary seal

**Notice**

An official notification of a filing with the court

**Oath of Office**

a sworn statement by a fiduciary that the fiduciary will faithfully fulfill his or her legal responsibilities

**Perishable Property**

property of an estate that may deteriorate quickly or is expensive to keep

**Personal Property**

any property other than land (e.g., car, furniture, money)

**Personal Service**

notice given through personal delivery by a deputy sheriff or process server (See [O.C.G.A. § 53-11-4](#))

**Personal Representative**

an executor or administrator of a deceased person's estate

**Petitioner**

the person who files a petition in the court

**Probate**

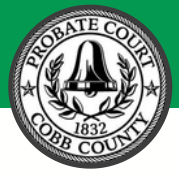
the process of proving a will so that property may be distributed in accordance with its terms

**Pro Se**

a self-represented litigant. To act on your own, without a lawyer

**Publication**

notice of an event (such as the filing of a petition) that is given by publication in the official newspaper

**Real Property**

land and fixtures thereon

**Self-Proven Will**

a valid will that also includes a self-proving affidavit that substantially complies with [O.C.G.A. § 53-4-24](#)

**Service**

notice of an action in the legally required manner either by publication, first-class mail, certified mail, or personal service (see also Personal Service)

**Sui Juris**

an individual is sui juris if over age 18 and legally competent

**Temporary Administrator**

a person who is appointed by the court on behalf of an unrepresented estate for limited purposes who has limited authority

**Testator**

an individual who writes a will

**Waive**

to give up a right or entitlement

**Ward**

an individual for whom a guardian or conservator has been appointed

**Will**

a legal document that has been probated by a court in which an individual tells how his or her property is to be distributed at death

**Witness to a Will**

an individual who watched the testator sign the will and then signed the will as a witness