

## NOTICE OF FILING PURSUANT TO O.C.G.A. §53-5-8(b)

### **Instructions for Executors and Administrators with Will Annexed:**

1. List each beneficiary in the will and check the box for their method of service for Notice. Attach additional pages if necessary.
2. If Notice was waived by a beneficiary, attach a copy of the signed waiver.
3. If Notice was mailed to a beneficiary, attach a copy of the Notice AND Return Receipt showing certified mailing.
4. If you do not know the address of a beneficiary, you must attach an Affidavit of Diligent Search explaining your efforts to locate that beneficiary. A sample Affidavit of Diligent Search can be found on the Cobb County Probate Court Website under “Additional Forms.”
5. If Notice was not waived by a beneficiary, a Notice must be mailed to the beneficiary within 30 days of the date of issuance of Letters Testamentary or Letters of Administration with Will Annexed.
6. Proof of compliance with O.C.G.A. §53-5-8(b) using the attached form or any other filing that complies with the requirements of the statute must be filed with the court within 60 days of the date of issuance of Letters Testamentary or Letters of Administration with Will Annexed. Include filing fees of \$2.00 per page with your filing. Failure to follow the requirements of O.C.G.A. § 53-5-8(b) could result in your removal as personal representative.

For purposes of complying with O.C.G.A. §53-5-8(b), the term "beneficiary" means a person, including a trust, that is designated in a will to take an interest in real or personal property; that has a present interest, including, but not limited to, a vested remainder interest, but not including a trust beneficiary where there is a trustee who is not also the personal representative required to give notice; and whose identity and whereabouts are known or may be determined by reasonable diligence.

NOTE: This form is provided for convenience only and is not the only acceptable form for compliance with this O.C.G.A. §53-5-8(b). **Should you have any questions about your responsibilities as personal representative, please contact an attorney of your choosing.**

**IN THE PROBATE COURT OF COBB COUNTY  
STATE OF GEORGIA**

**IN RE:**

\_\_\_\_\_  
**DECEASED**

)  
)  
)  
)

**ESTATE NO. \_\_-P-\_\_**

**NOTICE OF FILING PURSUANT TO O.C.G.A. §53-5-8(b)**

I/We, \_\_\_\_\_, Personal Representative(s) of the above-named estate, have served the beneficiaries named in the will as follows:

<b>Beneficiary Name</b>	<b>Method of Service</b>		
	<b>Waiver</b>	<b>Mail</b>	<b>Search</b>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(continued on next page if necessary)

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Personal Representative

\_\_\_\_\_  
Signature of Co-Personal Representative

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name





**IN THE PROBATE COURT OF COBB COUNTY  
STATE OF GEORGIA**

**IN RE:**

\_\_\_\_\_  
**DECEASED**

)  
)  
)  
)

**ESTATE NO. \_\_-P-\_\_**

**WAIVER OF RIGHT TO NOTIFICATION PURSUANT TO O.C.G.A. §53-5-8(b)**

The undersigned, being 18 years of age or older, laboring under no legal disability, and being a beneficiary of the above-referenced estate, does hereby waive the right to notification of issuance of Letters Testamentary or Letters of Administration with the Will Annexed by the Personal Representative(s) of the above-named estate pursuant to O.C.G.A. §53-5-8(b).

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Beneficiary

\_\_\_\_\_  
Printed Name of Beneficiary

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

My Commission Expires: \_\_\_\_\_