

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

IN RE: _____)
) **ESTATE NO.:** _____
)
INCAPACITATED ADULT/WARD)
)

**PETITION TO RESIGN AS GUARDIAN AND/OR CONSERVATOR AND FOR THE
APPOINTMENT OF A SUCCESSOR GUARDIAN AND/OR CONSERVATOR**

Comes now _____ and respectfully shows to the Court
the following:

1.

Petitioner is the duly qualified and acting (Guardian)(and)(Conservator) of the above
named ward, having been duly so appointed by this Court on _____.

2.

Petitioner's current address is _____

The ward's current domicile is _____ County, Georgia and the ward is
presently residing at _____.

3.

Petitioner desires to resign as (guardian)(and)(conservator) of the said ward for the
following reason(s): _____

4.

Petitioner nominates the person(s) named below, who has/have agreed to serve, to be
appointed as successor (guardian)(and)(conservator), believing that such appointment would be
in the best interests of the ward:

	As Guardian:	As Conservator:
Name	_____	_____
Address	_____	_____
City, State, Zip	_____	_____
Telephone	_____	_____

5.

The law requires notice to be given to the following persons whose whereabouts are known and who must be persons other than the petitioner or the nominated successor: the spouse, if any, and all adult children, if any, or, if there is no adult child, at least two adults in the following order of priority: lineal descendants of the ward; parents and siblings of the ward; and friends of the ward. Therefore, the names, addresses, telephone numbers and relationships of the persons to be notified are as follows:

Name	Address	Telephone	Relationship

6.

_____ [If applicable] Petitioner shows that the following person continues to serve as (guardian)(and)(conservator) of the Ward and is not seeking to resign in these proceedings:

Name _____
 Address _____
 City, State, Zip _____
 Telephone _____

WHEREFORE, petitioner prays:

- (a) That the Court appoint an attorney for the ward;
- (b) That copies of the petition be personally served upon the ward and the ward's attorney;
- (c) That copies of the petition be served by first class mail upon any guardian or conservator who has not acknowledged service upon those persons listed in paragraph 5 of the petition who have not acknowledged service;
- (d) That all interested persons be cited to show cause why the petition should not be granted and that, after such hearing as the Court deems appropriate, petitioner be allowed to resign and said successor (guardian)(and)(conservator) be appointed and allowed to qualify according to law; and
- (e) That this Court grant such other and further relief that it deems just and proper.

Address:

 Telephone _____

 Petitioner/Attorney for Petitioner
 State Bar No. _____

VERIFICATION

GEORGIA, _____ COUNTY

Personally appeared before me the undersigned petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing petition for temporary letters of administration (and the attached exhibit(s)) are true and correct.

Sworn to and subscribed before me this
_____ day of _____, 20_____

Signature of Petitioner

NOTARY/CLERK OF PROBATE COURT

Printed Name of Petitioner

My Commission Expires: _____

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

IN RE:

_____,
INCAPACITATED ADULT/WARD

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)
)

ESTATE NO.: _____

**ACKNOWLEDGMENT OF SERVICE AND CONSENT TO SERVE AS GUARDIAN
AND/OR CONSERVATOR**

Due and legal service of the within and foregoing Petition is hereby acknowledged, copy received; and all further notice, citation, summons, and process are hereby expressly waived.

Further, the undersigned agrees to accept said trust and if appointed, to act in such capacity.

Signature of Proposed Successor Guardian

Printed Name of Proposed Successor Guardian

Signature of Proposed Successor Conservator

Printed Name of Proposed Successor Conservator

NOTICE

THE FOLLOWING PAGES ARE TO BE COMPLETED BY THE PETITIONER (MOVING PARTY) UNLESS OTHERWISE DIRECTED BY THE COURT.

SEE UNIFORM PROBATE COURT RULE 5.6 (A).

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

IN RE:

_____,
INCAPACITATED ADULT/WARD

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)

ESTATE NO.: _____

ORDER FOR CITATION

The Petitioner herein having filed a petition to resign as (guardian)(and)(conservator) of the ward, as aforesaid, and said petition having been read and considered,

IT IS ORDERED that _____ is hereby appointed as Attorney for the ward, and

IT IS ORDERED that Citation issue and be personally served, together with copies of the petition, upon the ward and the ward's attorney, and be served by first-class mail upon any guardian or conservator who is not a petitioner in these proceedings who has not acknowledged service and upon those persons listed in paragraph 5 of the petition who have not service; that such service be perfected not less than ten (10) days prior to the date of the hearing upon the petition.

SO ORDERED this ____ day of _____, 20__.

ENTER JUDGE NAME HERE
Rockdale County Probate Court
Rockdale Judicial Circuit

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

IN RE:

_____,
INCAPACITATED ADULT/WARD

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ESTATE NO.: _____

CITATION

TO: _____, Ward
_____, Ward's Attorney
and _____

_____ has filed a petition to resign as
(guardian)(and)(conservator) of _____, ward, nominating
_____, as proposed and suitable successor (guardian)(and)(conservator);
this is, therefore, to cite each of you and all concerned to appear before this Court at _____
(time) on _____ (date) to show cause, if any you have, why the prayers of the
petitioner should not be granted as prayed.

This _____ day of _____, 20__.

Clerk, Probate Court of Rockdale County

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

IN RE:

_____,
INCAPACITATED ADULT/WARD

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)

ESTATE NO.: _____

RETURN OF SERVICE

I hereby certify that I have this day served _____, Ward,
personally with a copy of the foregoing petition, Order for Citation and Citation.

This ____ day of _____, 20__.

Deputy Sheriff

County, Georgia

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

IN RE:

_____,
INCAPACITATED ADULT/WARD

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)

ESTATE NO.: _____

ACKNOWLEDGMENT OF SERVICE

Due and legal service of the within and foregoing Petition, Order for Citation and Citation is hereby acknowledged, copy received; all further notice, citation, summons, and process are hereby expressly waived.

This ____ day of _____, 20__.

Attorney for Ward

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

IN RE:

_____,
INCAPACITATED ADULT/WARD

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)

ESTATE NO.: _____

CERTIFICATE OF SERVICE

This is to certify that I have this date, pursuant to the Order of Citation, served copies of the Petition, the Order for Citation and the Citation upon any guardian or conservator who is not a petitioner in these proceedings who has not acknowledged service and upon those persons listed in paragraph 5 of the petition who have not acknowledged service.

This ____ day of _____, 20__.

Clerk, Probate Court of Rockdale County

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

IN RE:

_____,
INCAPACITATED ADULT/WARD

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)

ESTATE NO.: _____

ACKNOWLEDGMENT OF SERVICE

Due and legal service of the within and foregoing Petition of _____,
to resign as guardian of _____, ward, and nominating
_____, as successor guardian is hereby acknowledged, copy received; all
further notice, citation, summons, and process are hereby expressly waived.

Sworn to and subscribed before me this
_____ day of _____, 20_____

NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Signature of Petitioner

Printed Name of Petitioner

Sworn to and subscribed before me this
_____ day of _____, 20_____

NOTARY/CLERK OF PROBATE COURT
My Commission Expires: _____

Signature of Petitioner

Printed Name of Petitioner

Sworn to and subscribed before me this
_____ day of _____, 20_____

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_____ day of _____, 20_____

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My Commission Expires: _____

Signature of Petitioner

Printed Name of Petitioner

**IN THE PROBATE COURT OF ROCKDALE COUNTY
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FINAL ORDER

The above referenced petition having been filed in this Court, and it appearing that Citation was issued as required by law, that the nominated Successor (Guardian)(and)(Conservator) has/have acknowledged service and consent(s) to serve as such; that service has been perfected as required by law; that no good cause has been shown why the prayers of the petitioner should not be granted; and that it would not be detrimental to the interests of the ward to allow such resignation and to appoint such Successor (Guardian)(and)(Conservator),

WHEREUPON, IT IS ORDERED that _____ be, and is hereby, allowed to resign as (Guardian)(and)(Conservator) of the above-named ward, and

IT IS ORDERED THAT _____ be, and is hereby, appointed Success (Guardian)(and)(Conservator) of said ward. Letters of Guardianship shall issue to such Successor upon taking the oath (and posting bond in the amount of _____ Dollars) as required by law.

IT IS FURTHER ORDERED that the petitioner, upon the qualification of such Successor (Guardian)(and)(Conservator), shall forthwith deliver all property of the ward in the possession of the petitioner to such Successor (Guardian)(and)(Conservator).

IT IS FURTHER ORDERED that, if the resignation is by the Conservator and a Successor Conservator has been appointed hereby, upon fair settlement of Petitioner's accounts with such Successor Conservator and the filing of evidence of such settlement in the form of a Final Return, including a receipt in full from such Successor Conservator, said Petitioner shall be allowed to apply for dismissal and discharge.

SO ORDERED this _____ day of _____, 20__.

ENTER JUDGE NAME HERE
Rockdale County Probate Court
Rockdale Judicial Circuit

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

IN RE:

_____,
INCAPACITATED ADULT/WARD

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ESTATE NO.: _____

OATH OF GUARDIAN/CONSERVATOR

I do solemnly swear (or affirm) that I will well and truly perform the duties required of me as (guardian)(and)(conservator) of the ward named above (and faithfully account to my ward for my ward's estate).

Sworn to and subscribed before me this
_____ day of _____, 20_____

Signature of Guardian/Conservator

NOTARY/CLERK OF PROBATE COURT

Printed Name of Guardian/Conservator

My Commission Expires: _____

Sworn to and subscribed before me this
_____ day of _____, 20_____

Signature of Guardian/Conservator

NOTARY/CLERK OF PROBATE COURT

Printed Name of Guardian/Conservator

My Commission Expires: _____