



WHEREFORE, Petitioner prays that an Order be granted allowing said financial institution in which said box is located to allow \_\_\_\_\_ to open and examine in the presence of an officer of said institution the contents of said safety deposit box and to deliver certain documents to the proper person or Court as provide by law.

\_\_\_\_\_  
Signature of Attorney/Petitioner

\_\_\_\_\_  
Signature of Attorney/Petitioner

Address: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

State Bar Number: \_\_\_\_\_

State Bar Number: \_\_\_\_\_

### VERIFICATION

#### GEORGIA, ROCKDALE COUNTY

Personally, appeared before me the undersigned petitioner(s) who on oath states that the facts set forth n the foregoing petition are true.

\_\_\_\_\_  
Signature of Attorney/Petitioner

\_\_\_\_\_  
Signature of Attorney/Petitioner

Address: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

State Bar Number: \_\_\_\_\_

State Bar Number: \_\_\_\_\_

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

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

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

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

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

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

**O.C.G.A. § 7-1-356.**

7-1-356. Procedures on death or incompetence of safe depositor. Statute text

(a) Any financial institution contracting with a person for the use of a safe-deposit box or receiving property from a person for safekeeping, upon presentation of satisfactory proof of the death or legal incompetence of such person, shall permit any person named in an order granted by the probate court having jurisdiction of such person's estate to open and examine the contents of any safe-deposit box leased by the decedent or legally incompetent person or to examine the property left by such person for safekeeping, in the presence of an officer of the financial institution. The financial institution, if so requested by such person, shall deliver:

- (1) Any writing purporting to be a will of the decedent to the probate court having jurisdiction of the decedent's estate;
- (2) Any writing purporting to be a deed to a burial plot or to give burial instructions to the person named in such order;
- (3) Any document purporting to be an insurance policy on the life of the decedent to the beneficiary named therein; but no other contents shall be removed pursuant to this Code section.

(b) Within five banking days after the order of the court is presented to the financial institution, the financial institution shall permit the person named in such order to inventory the contents of any safe-deposit box leased or rented to the decedent or legally incompetent person or the property left by such person for safekeeping. The inventory shall be conducted in the presence of an officer or employee of the financial institution by the person named in such order. The inventory shall be signed by such persons, and a copy thereof shall be retained by the financial institution and may be filed with the probate court.

(c) The financial institution shall be free from all liability with respect to any action, claim, or demand of whatever nature asserted by any heir, legatee, distributee, creditor, administrator, executor, guardian, trustee, or other fiduciary or by any person whomsoever when acting pursuant to such letters of authority.

(d) Upon presentation of a certified copy of his letters of authority, the financial institution shall grant the personal representative access to any safe-deposit box or property in safekeeping in the sole name of a decedent or legally incompetent person to permit him to remove from such box or place of safekeeping any part or all of the property therein without liability.

**History**

(Ga. L. 1972, p. 437, §§ 1-4; Code 1933, § 41A-1609, enacted by Ga. L. 1974, p. 705, § 1.) Annotations Cross references. - Opening of safe-deposit box on authorization of fiduciary, § 53-6-2.