

Probate Court Glossary of Terms



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

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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](#)).

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

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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