



A FREE GUIDE FOR GEORGIA FAMILIES

THE PROBATE PLAYBOOK

A clear, compassionate walk through what happens after a loved one passes, and how to take the next step with confidence.

INSIDE THIS GUIDE

Do I need probate? · The 5 steps in plain language · Which path fits your family · 7 common mistakes · Words worth knowing · Your asset tracker

BEFORE WE BEGIN

FIRST, TAKE A BREATH.

YOU DON'T HAVE TO HAVE THIS FIGURED OUT.

If you're reading this, you may have recently lost someone you love. We're so sorry. Grief is heavy enough on its own, and being handed a stack of legal questions at the same time can feel like too much.

Here's what we want you to know: probate is a process, not a punishment. Thousands of Georgia families walk through it every year, and with the right guide beside you, it becomes a series of manageable steps. This playbook is here to replace confusion with clarity. It won't make you a lawyer (that's our job), but it will help you understand what's ahead, avoid the most common missteps, and feel more prepared for whatever comes next.

For more than a decade, our team has helped families across coastal Georgia protect what their loved ones built and honor the legacy they meant to leave. We'd be honored to help yours.

With care, the DeVetter Law team

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SAFETY

Reaching out should never feel risky or intimidating.

CLARITY

You should always leave less confused than you came.

DIGNITY

No one should be made to feel small for needing help.

QUESTION ONE

DO I NEED TO GO THROUGH PROBATE?

It depends on what your loved one owned and *how* it was owned. Some things pass straight to the next person automatically. Others need the court's permission before anyone can sell, transfer, or close them.

USUALLY SKIPS PROBATE

Already has a "next owner" named

- Life insurance with a named beneficiary
- Retirement and bank accounts with a named beneficiary (often called "payable on death")
- Joint bank accounts
- Real estate owned jointly "with right of survivorship"
- Anything held in a trust

These typically transfer directly to the named person with a death certificate and some paperwork.

USUALLY NEEDS PROBATE

Owned in your loved one's name alone

- A house or land titled only in their name
- Bank or investment accounts with no beneficiary listed
- Vehicles titled only to them
- Business interests
- Valuable personal property, like jewelry, art, or collections

If any of these are in the picture, the estate will likely need to go through probate court.



Not sure which side something falls on?

That's completely normal. Deeds, account paperwork, and beneficiary forms aren't always easy to find or read. Bring what you have to your first call and we'll help you sort it out together.

PROBATE IN 5 STEPS

Every family's situation is a little different, but most Georgia probate matters follow this same path.

1

Ask the court to name someone in charge

A petition is filed with the probate court in the county where your loved one lived, asking the judge to appoint a **personal representative** (called an executor if named in a will, or an administrator if there's no will). The family members who stand to inherit, known as heirs, must be notified.

Your role: share what you know about the family and the will. We draft and file.

2

Get the "letters" that give you authority

Once notice periods pass, the personal representative takes a short oath (it's more like a swearing-in than a hearing). The court then issues official **letters**, the document banks and agencies will ask to see before working with you.

Your role: attend the brief oath, in person or sometimes virtually.

3

Gather and list everything they owned

The personal representative identifies and secures the estate's property: accounts, real estate, vehicles, investments, and personal belongings. The asset tracker at the back of this guide is built for exactly this step.

Your role: collect statements and paperwork. We help you organize it.

4

Settle valid debts and taxes

A notice to creditors runs in the local newspaper, and creditors then have about three months to come forward. Georgia law sets the order in which debts get paid, so this step deserves care.

Your role: hold off on distributing anything until we confirm it's safe.

5

Distribute and close the estate

What remains passes to the people named in the will or, if there was no will, to the heirs Georgia law identifies. The estate is then closed, and the personal representative's responsibilities come to an end.

Your role: sign off on the final steps. Then, finally, rest.



How long does it take? Simple estates where the family is in agreement can move fairly quickly. Estates with real property, missing heirs, or disagreements usually take longer. In your first call, we'll give you a realistic picture for *your* family, not a generic estimate.

WHICH PATH FITS YOUR FAMILY?

Georgia offers several ways to handle an estate. The right one depends on a few simple questions: Was there a will? Is there a surviving spouse or young children? Does everyone get along? Here are the most common paths, in everyday language.

IF THERE WAS A WILL

Proving the will

The court confirms the will is valid and officially appoints the executor named in it, who then carries out your loved one's wishes.

Formal name: Petition to Probate Will in Solemn Form

IF THERE WAS A WILL, BUT NO EXECUTOR CAN SERVE

Will, with a new administrator

If the named executor has passed away, can't serve, or wasn't named at all, the court can appoint someone else to carry out the will.

Formal name: Petition to Probate Will in Solemn Form and for Letters of Administration with Will Annexed

IF THERE WAS NO WILL

Appointing an administrator

The court appoints someone to manage the estate, and property passes to heirs according to Georgia's inheritance rules.

Formal name: Petition for Letters of Administration

IF THERE'S NO WILL, NO DEBTS, AND EVERYONE AGREES

A simpler shortcut

For uncomplicated estates where all heirs agree on how to divide things, the court may approve the plan without a full administration.

Formal name: Petition for Order Declaring No Administration Necessary

IF THERE'S A SURVIVING SPOUSE OR MINOR CHILDREN

Year's Support: protection for the family left behind

Georgia lets a surviving spouse and/or minor children ask the court to set aside property to support them for the year after the death, and this generally comes ahead of most other debts. It must usually be requested within two years of the death, so timing matters.

Formal name: Petition for Year's Support

You don't need to choose your path before you call us. Figuring out the right one is part of what we do in our first conversation.

7 COMMON PROBATE MISTAKES (AND HOW TO AVOID THEM)

Most probate problems aren't caused by bad intentions. They happen because loving, well-meaning people simply didn't know. Now you will.

1

Waiting too long to start

Delays can add complexity, miss important deadlines, and put property at risk, especially a home that sits empty.

→ **Start the conversation early, even while you're still gathering paperwork.**

2

Overlooking an heir

Georgia requires every heir to be notified, including relatives the family hasn't spoken to in years.

→ **Map out the full family tree at the very beginning.**

3

Missing a required notice

Heirs and creditors must receive proper notice. One missed step can bring everything to a stop.

→ **Let a checklist (and your attorney) track every notice.**

4

Going quiet with the family

Grief stirs strong emotions. Silence tends to fill with assumptions, and assumptions can turn into disputes.

→ **Share regular, simple updates with heirs and beneficiaries.**

5

Loose record-keeping

Even when the court doesn't require formal reports, clear records prevent confusion and protect you if questions come up later.

→ **Use the asset tracker in this guide from day one.**

6

Handing things out too soon

Georgia law puts certain debts first. Distributing property before those are settled can make the personal representative personally responsible.

→ **Wait until all valid claims are resolved before distributing.**

7

Trying to carry it all alone

Probate is detailed and deadline-driven, and it often arrives at the hardest moment of your life. A knowledgeable guide helps you avoid costly mistakes so you can focus on your family and on healing.

→ **You don't have to do this by yourself. That's what we're here for.**

YOUR NEXT STEP

YOUR FIRST CALL: WHAT TO EXPECT

Picking up the phone is often the hardest part. Here's exactly what happens when you do, so there are no surprises.

1

We listen first

You'll tell us about your loved one and what's going on, in your own words. It's a conversation, not an interrogation.

2

We explain your options

In plain language, we'll walk through which path likely fits your family and what it will involve.

3

You leave with a clear next step

You'll know what happens next, what it will cost, and what we'll take off your plate. No pressure, and no legalese.

4

We take it from there

If you choose to work with us, we handle the filings, the court, and the deadlines, and we keep you updated along the way.

Helpful to have handy

Don't worry if you're missing some of this. Many families are.

- ☐ Your loved one's full name and date of passing
- ☐ The county where they lived
- ☐ A copy of the will, if there is one (the original matters, so keep it safe)
- ☐ Names of their spouse, children, and other close family
- ☐ Whether anything has already been filed with the court
- ☐ A rough list of what they owned: home, accounts, vehicles
- ☐ Whether anyone else's name is on the deed to the house
- ☐ Any known debts or bills
- ☐ A general sense of how the family is getting along

"I don't know" is always an acceptable answer.

WORDS WORTH KNOWING

You'll hear these words often. Here's what they actually mean.

Decedent

The person who passed away.

Probate

The court process for settling an estate: naming someone in charge, paying debts, and passing property to the right people.

Intestate

Dying without a will. Georgia law then decides who inherits.

Beneficiary

Someone named to receive property, whether in a will, a trust, or on an account or insurance policy.

Executor

The person named in the will to carry out its instructions.

Letters

The court document proving the personal representative has authority to act for the estate.

Right of Survivorship

When jointly owned property automatically passes to the surviving co-owner, skipping probate.

Caveat

A formal objection filed by someone who disagrees with a petition or a will.

Estate

Everything a person owned when they died: home, money, vehicles, belongings, and more.

Will

A written document stating how a person wants their property handled after death. In Georgia it must be signed and witnessed by two people.

Heir

A family member who has a legal right to inherit under Georgia law, usually a spouse, children, or other close relatives.

Personal Representative

The person appointed to manage the estate. The umbrella term for an executor or administrator.

Administrator

The person the court appoints when there's no will, or no executor able to serve.

Fiduciary

Someone legally required to act in another's best interest, like an executor managing an estate for the family.

Trust

An arrangement that holds property for the benefit of others. Property in a trust usually doesn't go through probate.

Year's Support

Property set aside by the court to support a surviving spouse and/or minor children.

YOUR WORKSHEET

ESTATE ASSET TRACKER

Keeping a running list saves time, prevents oversights, and makes your first meeting with us faster. Fill in what you know now; leave the rest for later. **Tip:** list only the last four digits of any account number.

DESCRIPTION / INSTITUTION	ACCT. (LAST 4)	APPROX. VALUE	BENEFICIARY / CO-OWNER	NOTES
REAL ESTATE address, who's on the deed				
BANK ACCOUNTS checking, savings, CDs				
INVESTMENTS brokerage, stocks, bonds				
LIFE INSURANCE				
RETIREMENT ACCOUNTS 401(k), IRA, pension				
VEHICLES				
BUSINESS INTERESTS				
OTHER jewelry, art, collections, digital assets				
KNOWN DEBTS mortgage, loans, credit cards, medical bills				

LET'S TALK

YOU DON'T HAVE TO WALK THIS ROAD ALONE.

Probate doesn't have to be overwhelming. Our team pairs deep probate experience with a personal approach that puts families first, so your loved one's legacy is handled with the respect and care it deserves, and you can focus on what matters most.

START HERE

Call us to schedule
your first conversation

CALL

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