

Georgia Small Estate Route Finder (2026)

Will? Bank deposit? Check? Heirs in agreement? Find which Georgia route fits, then list who has to sign

Georgia handles small estates through narrower routes instead of one small estate affidavit. A financial institution is authorized to pay a deposit of not more than \$15,000 when there was no will (O.C.G.A. 7-1-239), and the probate court can enter an order that no administration is necessary for a person who died without a will (O.C.G.A. 53-2-40). The statute sets no dollar limit on the petition, but every heir must agree. Full guide and sources: clearlegaltips.com/georgia-small-estate-affidavit/

Step 1: Is there a will?

- ☐ No will. The person died intestate (without a will). Go to Step 2.
- ☐ There is a will. The no-administration petition covers a person who died intestate. Stop here and ask the probate court clerk how to proceed.

Decedent's full name, date of death and county where the person lived: _____

Step 2: Bank deposits and checks (7-1-239, 7-1-239.1)

A financial institution is authorized to pay a deposit of not more than \$15,000 to the surviving spouse; if none, the children pro rata; if none, the father and mother pro rata; if none, the brothers and sisters pro rata. The affidavit states the relationship, no known will and no other known corresponding claimants. Payment is authorized, not required. A check payable to the decedent that does not exceed \$15,000 follows the same list (7-1-239.1).

Institution	Account or check	Balance or amount	Not more than \$15,000?	First in line

- ☐ Each deposit I want to collect this way is a deposit of not more than \$15,000 in one financial institution.
- ☐ I am the first person in line: spouse, then children, then parents, then siblings.
- ☐ I asked the institution how it treats more than one account and any joint account (Article 8, Multiple-Party Accounts).

Person who will sign the bank affidavit: _____

Step 3: Other property (53-2-40)

An heir may petition the probate court for an order that no administration is necessary if the person died without a will, all heirs agree in writing on the division, and the estate owes no debts or its creditors consent or are served. A creditor who objects stops the order (53-2-41).

- ☐ No personal representative has been appointed in Georgia.
- ☐ All heirs are identified (53-2-1), including any who outlived the decedent and later died. That heir's personal representative can agree for that heir.
- ☐ Every heir has agreed to the division in writing.
- ☐ Debts: none, or each creditor has consented, or each creditor will be served.
- ☐ Any holder of a security deed has consented or will be served and makes no objection.
- ☐ A vehicle has its own title rule (40-3-34(d)): will or letters, an affidavit if no administration, or a year's support certificate. I will ask my county tag office.

Step 4: Heirs and agreement signatures

Heir name	Age or over 18	Address	Relationship	Agrees? (Y/N)	Signed and attested

The agreement carries the original signatures of all the heirs, attested to by a clerk of the probate court or a notary public. The GPCSF 9 instructions say the court may appoint a guardian ad litem for a party who is not sui juris (not legally able to act alone). Richmond County says the heirs' signatures must be notarized; ask your county.

Heirs who cannot act alone (name and who will represent them): _____

Creditors and amounts owed, if any: _____

Your route

- ☐ Route A: bank affidavit only (every asset is a deposit of not more than \$15,000).
- ☐ Route B: petition for an order that no administration is necessary (GPCSF 9, recommended form).
- ☐ Route C: a will, a missing or disagreeing heir, or a creditor who objects. Ask the probate court clerk about regular administration.

INSTRUCTIONS FOR USE

Checked in October 2026 against O.C.G.A. 7-1-239, 7-1-239.1, 53-2-1, 53-2-40, 53-2-41 and 40-3-34 and the recommended form GPCSF 9 (effective 7/2021). General information, not legal advice. Procedures vary by county; confirm with the probate court clerk and consult a licensed Georgia attorney. Companion guide: clearlegaltips.com/georgia-small-estate-affidavit/