

Main Content

What to Do When a Loved One Dies

If the deceased had a will, file it with the Probate Court in the county of domicile at death. If not domiciled in Georgia, file in any county where property is owned.

Legal requirement to file the will, but probate is optional. No fee for filing without probate; estates with no assets may not need probate. Wills are scanned and stamped for the official record.

If no will exists, file for administration in the domicile county or any county with owned property.

Probate clerks assist within legal limits, encouraging legal counsel due to restrictions on advice.

Do I Need an Attorney?

Self-representation is allowed for filing completed documents in any U.S. court, including this one.

Clerks cannot provide legal advice, select documents, or complete forms, as this violates law. Hiring an attorney is an option if uncomfortable representing oneself.

How to File

Schedule an Appointment: Available at the main downtown office.

Walk-In Wednesdays: File estate matters in-person without appointment, 8:30 AM to 3:30 PM. All petitions require filing fees at submission (non-refundable).

Obituary Requirement: Submit a copy with new estate petitions; due within 10 days of filing.

EFileGA: Electronic filing available at tylertech.cloud. Submit original documents within 10 days via mail or in-person.

North and South Service Centers:

South: Walk-in petitions, Monday-Friday, 8:30 AM-4:00 PM.

North: Petitions by appointment only.

All filings must be completed by 4:00 PM; arrive by 3:30 PM.

Attorney Liaison: Contact Jennifer Gresham at Jennifer.Gresham@fultoncountyga.gov for appointments.

Mail-in Petitions: Send signed, verified pleadings with fees to:

Fulton County Probate Court, Attn: Estates Division, 136 Pryor Street, SW, Ste C230, Atlanta, GA 30303.

Use FedEx with tracking; accept attorney checks or money orders only. Check the Fees page for current rates.

Bond Requirement: \$25,000 minimum for Administrations/Temporary Administrations, adjustable to asset value. Avoidable with publication powers.

Estate Update: Allow 45 days post-filing; email Probate.Estates@fultoncountyga.gov.

Deferred Probate Fee Initiative: File a Petition to Proceed in Forma Pauperis with proof of income (e.g., pay stub, bank statement) if fees are unaffordable; fees may apply later if estate funds are available.

Safekeeping Your Will: File with a \$15 fee, completed information sheet; stored in a sealed, fire-proof cabinet, confidential until death. Executor or attorney needs an obituary, funeral program, or death certificate for probate. Probate Court does not draft wills.

Will Probate (Common & Solemn Form):

Probate proves a will's validity; Executor appointed after oath. Solemn Form allows caveats and hearings; Common Form binding for four years; Solemn Form discharge after six months. Will filing required even if not probated, in the deceased's residency county.

Administrations (Permanent & Temporary):

For no will or invalid will, an administrator is appointed. Temporary Letters allow property collection/holding; Permanent Letters enable distribution per Georgia law, requiring inventories and returns if not granted full powers.

No Administration Necessary: Possible with all heirs' agreement for property distribution if no will or invalid will.

Will Probate & Letters of Administration with Will Annexed: Filed when no Executor is named, unwilling, or predeceased; Administrator follows will directions.

Executor/Administrator Requirements:

Inventory due within 6 months, annually thereafter (no charge, one-page report).

Annual Returns due 60 days post-anniversary, with itemized records and receipts; late filing may forfeit commission; initial fees apply.

Creditors' Claims: \$15.00, payable by money order or business check. Mail with a copy and self-addressed stamped envelope to:

Fulton County Probate Court, Attn: Records Division, 136 Pryor Street, SW, 2nd Floor C230, Atlanta, GA 30303. Use FedEx with tracking.

Contacts

Decedents Estates:

Email: Probate.Estates@fultoncountyga.gov

Phone: 404-612-4694

Address: 136 Pryor Street SW, Suite C-230, Atlanta, GA 30303

Attorney Liaison: Jennifer Gresham, Jennifer.Gresham@fultoncountyga.gov