

# PETITION FOR LEAVE TO ENCROACH ON CORPUS

## INSTRUCTIONS

### I. Specific Instructions

1. This form is to be used for filing a petition for leave to encroach on corpus pursuant to O.C.G.A. §§29-3-22 (c); 29-5-23 (c).
2. A guardian ad litem must be appointed each time this petition is filed.

### II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each probate court or at [www.gaprobate.gov](http://www.gaprobate.gov), labeled GPCSF 1.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN RE: ) ESTATE NO. \_\_\_\_\_  
          ) \_\_\_\_\_,  
MINOR/WARD )  
          ) \_\_\_\_\_,  
CONSERVATOR(S) )

**PETITION FOR LEAVE TO ENCROACH ON CORPUS**

TO THE HONORABLE JUDGE OF THE PROBATE COURT:

The petition of \_\_\_\_\_, conservator(s) of \_\_\_\_\_, (minor)(ward) shows:

1.

As such conservator(s), petitioner(s) has/have in hand assets valued at \$\_\_\_\_\_. The conservator(s) expect(s) that the minor/ward will have income of \$\_\_\_\_\_ during the next accounting period.

2.

The income from said assets or budget approved by the Court, if any, is insufficient for the maintenance, support, and education of said minor/ward (and/or \_\_\_\_\_, who is/are legally dependent upon said ward).

3.

There are no other assets available to petitioner(s) to maintain, support and educate the person(s) indicated in paragraph 2 above.

4.

By prior Court order(s), the petitioner(s) was/were permitted to disburse \$\_\_\_\_\_ per month for the benefit of the minor/ward.

5.

Since the inception of the conservatorship, petitioner(s) has/have previously encroached on the corpus of this estate in the total amount of approximately \$\_\_\_\_\_.

6.

The encroachment requested in this petition is needed for the following purpose(s) of support, care, education, health, and welfare of the person(s) indicated in paragraph 2 above in order to provide the following specific items (attach separate sheet if necessary):

WHEREFORE petitioner(s) pray(s) that the Court

1. appoint a guardian ad litem; and
2. grant an order allowing petitioner to expend from the corpus of the minor/ward's estate, the sum of \$ \_\_\_\_\_ for the purposes set forth above.

\_\_\_\_\_  
Signature of First Petitioner

\_\_\_\_\_  
Signature of Second Petitioner, if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

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

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

Signature of Attorney: \_\_\_\_\_

Typed/printed Name of Attorney: \_\_\_\_\_

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

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

State Bar # \_\_\_\_\_

**VERIFICATION**

**GEORGIA, \_\_\_\_\_ COUNTY**

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

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
First Petitioner

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

\_\_\_\_\_  
Printed Name

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

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Second Petitioner, if any

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

\_\_\_\_\_  
Printed Name

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

**IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY**  
**STATE OF GEORGIA**

**IN RE:** ) **ESTATE NO.** \_\_\_\_\_  
 )  
\_\_\_\_\_, )  
**MINOR/WARD** )  
 )  
\_\_\_\_\_, )  
**CONSERVATOR(S)** )

**PETITION FOR LEAVE TO ENCROACH ON CORPUS**  
**ORDER APPOINTING GUARDIAN AD LITEM**

A petition to encroach being filed by the conservator(s) of the above-named minor/ward, it is hereby

ORDERED that \_\_\_\_\_ is appointed guardian ad litem for the above minor/ward. The deputy clerk shall serve said guardian ad litem with a copy of this order and the above petition. Upon said guardian ad litem's acceptance of same, said guardian ad litem shall make answer hereto.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge of the Probate Court

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN RE: \_\_\_\_\_ ) ESTATE NO. \_\_\_\_\_  
 )  
 )  
MINOR/WARD \_\_\_\_\_, )  
 )  
 )  
 )  
CONSERVATOR(S) \_\_\_\_\_ )

PETITION FOR LEAVE TO ENCROACH ON CORPUS

ANSWER OF GUARDIAN AD LITEM

I hereby accept the foregoing appointment, acknowledge service and notice of the proceedings as provided by law, and for answer say:

\_\_\_\_\_  
DATE

\_\_\_\_\_  
GUARDIAN AD LITEM

\_\_\_\_\_

\_\_\_\_\_  
Address

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

**IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY**  
**STATE OF GEORGIA**

**IN RE:** ) **ESTATE NO.** \_\_\_\_\_  
 )  
\_\_\_\_\_, )  
**MINOR/WARD** )  
 )  
\_\_\_\_\_, )  
**CONSERVATOR(S)** )

**ORDER**

**PETITION FOR LEAVE TO ENCROACH ON CORPUS**

Upon reading and considering the foregoing petition, and it appearing that the averments therein made are true, and the guardian ad litem for the minor/ward filing an answer to the petition which raised no objection to the grant of the petition; it is ordered that, to the extent indicated below, the same be, and is hereby, granted; said conservator(s) is/are hereby:

*[Initial applicable]*

- \_\_\_\_\_ (a) allowed to expend from the corpus of said minor's/ward's estate up to the sum of \$ \_\_\_\_\_ for the specific items set forth in said petition for the purpose of support, care, education, health, and welfare of the person(s) indicated in paragraph 2 of the petition, and said conservator(s) must show in his/her/their annual returns how such funds are actually spent.
- \_\_\_\_\_ (b) allowed to increase his/her/their monthly budget to \$ \_\_\_\_\_ per month and said conservator(s) must show in his/her/their annual returns how such funds are actually spent.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge of the Probate Court