

House Bill 738

By: Representatives Oliver of the 82nd and Willard of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 5 of Title 53 of the Official Code of Georgia Annotated,
2 relating to general provisions for probate, so as to define a term for the purpose of the right
3 to offer a will for probate; to provide for related matters; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 5 of Title 53 of the Official Code of Georgia Annotated, relating to
8 general provisions for probate, is amended by revising Code Section 53-5-2, relating to the
9 right to offer a will for probate, as follows:

10 "53-5-2.

11 The right to offer a will for probate shall belong to the executor, if one is named. If for any
12 reason the executor fails to offer the will for probate with reasonable promptness, or if no
13 executor is named, any interested person may offer the will for probate. As used in this
14 Code section, the term 'interested person' shall include, but shall not be limited to, any
15 legatee, devisee, creditor of the decedent, purchaser from an heir of the decedent, an
16 administrator appointed for the decedent prior to the discovery of the will, and any
17 individual making a claim under an earlier will."

18 **SECTION 2.**

19 All laws and parts of laws in conflict with this Act are repealed.