

House Bill 450

By: Representative Stephens of the 164th

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 regarding probate, so as to provide for the definition of
3 "qualified beneficiary"; 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 regarding probate, is amended by revising Code Section 53-5-8, relating
9 to notice to beneficiary provided by personal representative and representation for
10 beneficiaries, as follows:

11 "53-5-8.

12 (a) As used in this Code section, the term 'qualified beneficiary' ~~means a person, including~~
13 ~~a trust, that is designated in a will to take an interest in real or personal property; that has~~
14 ~~a present interest, including, but not limited to, a vested remainder interest, but not~~
15 ~~including a trust beneficiary where there is a trustee who is not also the personal~~
16 ~~representative required to give notice; and whose identity and whereabouts are known or~~

17 ~~may be determined by reasonable diligence~~ shall have the same meaning as set forth in
18 Code Section 53-12-2.

19 (b) Within 30 days following the issuance of letters testamentary or letters of
20 administration with the will annexed to the personal representative of a testate estate, such
21 personal representative shall send to all qualified beneficiaries by certified or registered
22 mail or statutory overnight delivery, ~~with~~ return receipt requested, to his or her last known
23 address a notice informing such qualified beneficiaries of the issuance of such letters to the
24 personal representative and providing the name, mailing address, and telephone number
25 of such personal representative. ~~Provided ; provided,~~ however, that notice shall not be
26 required to any qualified beneficiary who has waived such right to notification in writing.
27 Within 60 days following the issuance of such letters, such personal representative shall
28 file with the probate court true and correct copies of such waivers and notices, the return
29 receipts for each, and, with respect to any such qualified beneficiary whose identity and
30 whereabouts are unknown, an affidavit of diligent search attesting under oath to the efforts
31 of such personal representative to identify and locate such qualified beneficiary.

32 (c) A personal representative who, without sufficient cause, either fails to provide accurate
33 information regarding such personal representative's name, mailing address, and telephone
34 number within five business days of a request for such information by a qualified
35 beneficiary or by the probate court or otherwise fails to comply with the requirements of
36 subsection (b) of this Code section, may be cited to appear and show cause as to why the
37 personal representative's letters should not be revoked in the same manner as pursuant to
38 Code Section 53-6-53.

39 (d) For purposes of this Code section, a trust beneficiary may be represented as provided
40 in paragraph (3) of subsection (b) of Code Section 53-7-50."

41 **SECTION 2.**

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