

Senate Bill 608

By: Senators Goodman of the 8th, Watson of the 11th, Gooch of the 51st, Lucas of the 26th
and Bearden of the 30th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 53 of the Official Code of Georgia Annotated, relating to
2 administration of estates generally, so as to provide for the summary administration of certain
3 estates; to provide for manner of summary administration; to provide for petitions for
4 summary administration and their contents and filing; to provide for the distribution of estate
5 assets under certain circumstances; to provide for the rights of creditors in summary
6 administration; to provide for certain claims; to provide for a short title; to provide an
7 effective date; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 7 of Title 53 of the Official Code of Georgia Annotated, relating to administration
12 of estates generally, is amended by adding a new article to read as follows:

13

"ARTICLE 714 53-7-100.15 This article shall be known and may be cited as the 'Summary Administration Act of 2026.'16 53-7-101.17 (a) An estate may be administered in the same manner as the administration of any other
18 estate as provided in this chapter, or it may be administered as provided in this article if the
19 criteria set forth in subsection (b) of this Code section are satisfied.20 (b) Summary administration shall be available to administer a decedent's estate, regardless
21 of whether the decedent was domiciled in this state, when it appears that:22 (1) In a testate estate, the decedent's will does not direct administration as required by
23 another provision of this chapter; and24 (2) Either the value of the entire estate subject to administration in this state, less the
25 value of property exempt from the claims of creditors, does not exceed \$75,000.00, or
26 more than two years have passed since the decedent's death.27 (c) In the case of a nondomiciled decedent, venue for filing the petition required by Code
28 Section 53-7-102 shall lie in any county where the decedent's real or personal property is
29 situated.30 (d) A petition for summary administration may be filed at any stage of the administration
31 of an estate if it appears that, at the time of filing, the estate would qualify for summary
32 administration as set forth in this Code section.33 (e) Nothing in this article shall be deemed to amend, alter, or otherwise revise the
34 requirements of Code Section 15-9-122.

35 53-7-102.

36 (a) Except as expressly provided in this title, any person with an interest in an estate may
37 seek summary administration of an estate that meets the criteria set forth in Code Section
38 53-7-101 by filing a verified petition for summary administration in a court of competent
39 jurisdiction.

40 (b) In the event that any beneficiary does not join the petition for summary administration,
41 the person filing the petition shall serve such beneficiary with notice in the same manner
42 as provided under Chapter 11 of this title.

43 (c) In the event that a trust is a beneficiary of the estate of the decedent, the petition for
44 summary administration shall be signed either by each trustee of the trust who is then
45 serving or by every beneficiary of the trust. If the petition for summary administration is
46 not signed by all relevant trustees or all living trust beneficiaries who are legally competent
47 to do so, the person filing the petition shall serve each nonjoining trustee or beneficiary of
48 such trust with notice in the same manner as provided under Chapter 11 of this title.

49 53-7-103.

50 (a) Upon the filing of a petition for summary administration, the will, if any, shall be
51 proved in accordance with Chapter 5 of this title.

52 (b) Prior to the entry of an order of summary administration, if the decedent died less than
53 two years prior to the filing of the petition, the petitioner shall file an affidavit with the
54 court describing the diligent search and reasonable inquiry made for any known or
55 reasonably ascertainable creditors, serve a copy of the petition on those creditors as
56 provided in Code Section 53-7-41, and make provision for payment for those creditors to
57 the extent that assets are available. Any known or reasonably ascertainable creditor who
58 did not receive notice and for whom provision of payment was not made may enforce the
59 claim and, if the creditor prevails, shall be awarded reasonable attorney's fees as an element
60 of costs against those who joined in the petition.

61 (c) Not more than four years after entry of an order of summary administration, any known
62 or reasonably ascertainable heir or devisee of the decedent who was lawfully entitled to
63 share in the estate but who was not included in the petition or order of summary
64 administration and distribution may enforce all rights in appropriate proceedings against
65 any person who procured the order of summary administration and, if successful, shall be
66 awarded reasonable attorney's fees as an element of cost.

67 (d) If the conditions provided in this article have been satisfied, the court may enter an
68 order of summary administration allowing immediate distribution of the assets to persons
69 entitled to them.

70 (e) Upon entry of an order of summary administration:

71 (1) Persons entitled to receive specified parts of the decedent's estate, including exempt
72 property, shall have the right to collect and have such property transferred to them,
73 including by right of action, if necessary.

74 (2) Debtors of the decedent, those holding property of the decedent, and those with
75 whom securities or other property of the decedent are registered shall comply with the
76 order of summary administration by paying, delivering, or transferring assets or property
77 specified in the order to the person or persons identified in the order of summary
78 administration as being entitled to the subject property, and such payment, transfer, or
79 delivery shall be a defense to any action for recovery by any other person claiming an
80 interest in the assets or property.

81 (3) Bona fide purchasers of value from those to whom property of the decedent may be
82 assigned by the order shall take the property free of all claims of creditors of the decedent
83 and all rights of the surviving spouse and other beneficiaries.

84 53-7-104.

85 If a petition for summary administration is filed within two years from the date of death of
86 the decedent:

87 (1) Any time before the entry of an order of summary administration, a creditor who is
88 entitled to property or assets of the estate may file a notice of a claim in any proceeding
89 where a petition for summary administration is filed. In addition to any other recognized
90 grounds, a creditor who timely files a notice of claim under this paragraph may move to
91 intervene in the proceeding;

92 (2) Within 20 days of the entry of the order of summary administration, the petitioner or
93 petitioners may publish the fact that an order of summary administration has been
94 entered, the total value of the estate, and the name or names and address or addresses of
95 the petitioner or petitioners in the same manner as provided in subsection (b) of Code
96 Section 53-7-41;

97 (3) If the petitioner or petitioners publish the order of summary administration as
98 provided in paragraph (2) of this Code section, and file a proof of publication with the
99 court, all claims and demands of creditors against the estate of the decedent who did not
100 file a motion to intervene as provided in paragraph (1) of this Code section, and are not
101 known or are not reasonably ascertainable to the petitioner or petitioners, will be barred
102 if notice of a claim against the estate is not filed with the court within three months after
103 the filing of the publication;

104 (4) If the petitioner's or petitioners' notice of publication is not timely filed as provided
105 in this Code section, and property of the decedent is not otherwise exempt from claims
106 of creditors, any person who receives property or assets pursuant to the order of summary
107 administration may be liable for the creditors' claims against the decedent subject to any
108 applicable statute of limitations; and

109 (5) In any claim against the decedent's estate, the beneficiary of the decedent's property
110 identified in the order of summary administration shall be personally liable for a pro rata
111 share of all lawful and timely claims against the estate of the decedent; provided,
112 however, that no beneficiary shall be liable for property or assets that are exempt from
113 claims of creditors under law, and no beneficiary shall be liable to any creditor of the

114 estate in an amount in excess of the value of the property or assets of the estate the
115 beneficiary actually received pursuant to the order of summary administration."

116 **SECTION 2.**

117 This Act shall become effective on July 1, 2026.

118 **SECTION 3.**

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