

Your Information Resources

This series of brochures is available in the court office and capsules information which will be available in greater depth on the web site of Judge Jordan which is linked/listed below. Other sources may be linked on the web site when it is published in final form.

The "judgejordan" web site will be completed in early 2013, at which time these brochures will be updated to reflect that fact. In the meantime, as each brochure is produced, the expanded information will be reflected on a temporary blog to which you will be re-directed.

The information is available in:

- These brochures, and at
- <http://www.judgejordan.com>

Nothing in these information sources is to be considered legal advice, nor can any content be construed as an indication on how Judge Jordan may rule in any particular case.

The materials in this brochure, and in the entire series of brochures, is intended to be a starting point from which the reader may be able to make informed choices for further action only after consulting with appropriate professional advisors such as an attorney of a certified public accountant.

Your Court



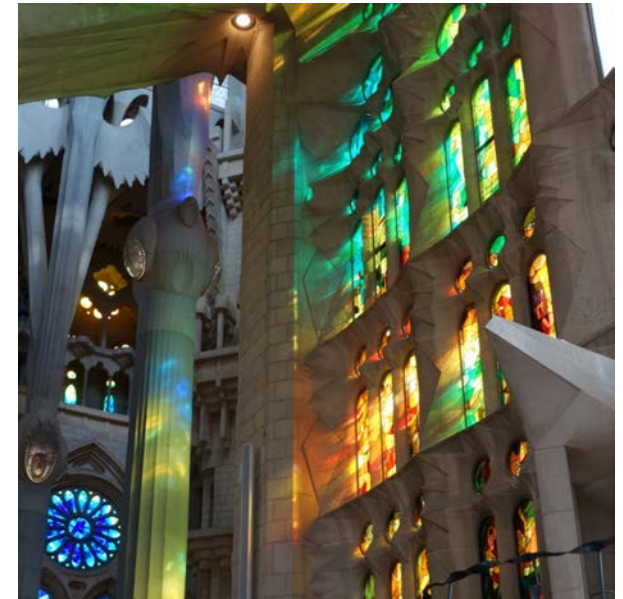
The Forsyth County Probate Court is blessed with a staff which serves the citizens of Forsyth County keeping always in mind the ideal of service.

Office hours are 8:30am until 5:00 pm; however, the public counter closes at 4:30pm for security reasons. Passport applications cannot be initiated after 4:00pm each day.

Court hearings are scheduled so as to lessen the time necessary for attorneys and clients to be present. Calendars are posted at the office and courtroom doors. The court contact information is:

112 West Maple Street
Suite 101
Cumming, GA 30040
Telephone: (770) 781-2140
Fax: communication by FAX is not accepted
Email: communication by email is not accepted.

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Avoid Probate???????

Standing in the checkout line, you might pick up a tabloid with a full page advertisement headlined by the above words. Are you tempted? Whenever you see those words, be cautious for someone is surely trying to sell you something – often an expensive something. We look at the subject in this brochure.

The words “Avoid Probate” are often repeated as if “Probate” is a creature to be avoided. Is it? What would be some of the reasons to avoid this supposedly horrible experience.

The truth is that the probate procedure in Georgia is inexpensive, private, quick, and efficient IF one plans ahead and seeks the proper advice.



In some states, there may be a reason to avoid the probate process. Some of those reasons:

- (1) An inventory of everything might have to be filed;
- (2) A tax might be levied according to the value of the estate;
- (3) Court permission might have to be obtained for all transfers;
- (4) Reports of all actions may have to be filed; and,
- (5) Everything is public record.

Here in Georgia, none of that is necessary with a properly done will. When I was practicing law, I often met with my client, we signed the Petition to Probate the will, walked across to

the Probate Court, filed everything, took the oath, and the will was probated in, literally, five minutes. Six months later, all property was transferred and the estate was closed. The cost was miniscule when compared to the “living trust” fee that the “avoid probate” folks would have charged.

Be cautious of trying to do it yourself. The DIY will and other documents may be just fine, but more often than not there are problems. I will have a separate brochure on DIY situations.

Why prepare a well drafted will?

- (1) The obvious reason is to leave property to whom you wish. If there is real estate in the estate, the probate of a will aids in the orderly transfer of title.
- (2) Parents with younger children should certainly prepare wills so as to provide for those children in the event something happens to both parents. This is so important that it will be the subject of separate brochure.
- (3) The estate planning process in which the will is drafted may reveal some areas in which remedial action is necessary. This can be a discovery that title to property is unclear, that action is necessary to reduce taxes, etc.
- (4) Contingencies can be considered. What about grandchildren? A divorced child? A deceased child?
- (5) The words “well drafted” in the introductory line to this basic list are

important because the use of certain words and clauses can result in the “five minute” probate I referenced earlier and the smooth administration of the estate thereafter.

When meeting with your attorney in the estate planning process, he or she may determine that some tax advice or planning is necessary where larger estates are involved. On many occasions my clients would be sent to meet with their CPA or other advisors before preparing the estate planning documents. That process was needed only in the larger estates.

In the planning process – and this does not depend on estate size – other documents such as powers of attorney and health care directives are prepared and signed. This is such an important aspect of the planning process that it will be treated elsewhere.

The important concept to take away from the reading of these few words is that the phrase “avoid probate” can often be read the same as the pitch “order within the next five minutes and we will include a second can of Miracle Goo absolutely free!”

Choose the right attorney, and those remaining after you pass on will be grateful.

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