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How to Complete Your Georgia Executor's Deed

Personal Representative's Deed • State of Georgia • Formatted for recording

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR DEED.

About this form. An executor's deed is used by the **personal representative of an estate** (executor or administrator) to transfer real estate that belonged to a person who died, either to a buyer or to the heirs or beneficiaries. The personal representative signs only in that capacity and gives a limited warranty.

1. **Recording information (top of first page)**
   Enter who prepared the deed and where the Clerk should mail it after recording. Leave the box on the right blank for the Clerk.
2. **Estate information**
   Enter the decedent's name, date of death, Probate Court county, case number and the date of your Letters Testamentary or Letters of Administration.
3. **Check your authority**
   Check whether you are acting under a power of sale in the will, a court order, your Letters, or a distribution to an heir. If you are unsure, ask the estate's attorney before signing.
4. **Describe the property**
   Copy the legal description from the decedent's deed.
5. **Sign before a witness AND a notary**
   Every Georgia deed is signed in front of one unofficial witness and a notary public at the same time. Do **not** sign ahead of time and bring a current government-issued photo ID. **Need a witness? Our notary can bring one for an additional fee.**

Signing requirements: Signed by each grantor in the presence of one unofficial witness and a notary public (O.C.G.A. §§ 44-2-15, 44-5-30), then recorded.

After It's Signed

- Before recording, file the PT-61 Real Estate Transfer Tax Declaration online with the Georgia Superior Court Clerks' Cooperative Authority (GSCCCA) for any deed that transfers property, and bring the printout or number. The Clerk will tell you whether transfer tax or an exemption applies.
- Record the original with the Clerk of Superior Court in the county where the property is located and pay the recording fee. Keep a copy.

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Have questions about your Executor's Deed? To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**.

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After recording, return to:

This instrument prepared by:

Space above 3" reserved for Clerk's recording use

Tax parcel ID number

PT-61 number (if applicable)

STATE OF GEORGIA
COUNTY OF

EXECUTOR'S DEED

Personal Representative's Deed • State of Georgia

THIS INDENTURE is made this _____ day of _____, 20____, between

Full legal name(s) of executor / administrator(s)

as Executor / Administrator, hereinafter called "Grantor," and

Full legal name(s) of grantee(s)

Grantee's mailing address for tax notices

hereinafter called "Grantee."

AUTHORITY. Grantor is the duly appointed and qualified personal representative of the estate named below and makes this deed in that capacity only:

Name of decedent

Date of death

Probate Court of (county), Georgia

Estate case number

Date of Letters issued

Grantor is authorized to make this conveyance by (check all that apply):

- A power of sale in the decedent's will admitted to probate
- An order of the Probate Court dated _____
- The will or the Probate Court granted the powers in O.C.G.A. § 53-12-261, permitting sale without further court order
- Distribution to the heir or beneficiary entitled under the will or by law (assent to devise)

W I T N E S S E T H:

That Grantor, in Grantor's fiduciary capacity, for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee the following described real property:

Street address of the property (if any)

Legal description (copy exactly from the prior deed; attach as Exhibit A if more space is needed)

The legal description is attached as **Exhibit A** and made a part of this deed.

TO HAVE AND TO HOLD the said described property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE.

This conveyance is made subject to all easements, restrictions and rights of way of record, and ad valorem taxes for the current year. Grantor, in Grantor's fiduciary capacity only and not individually, will warrant and forever defend the right and title to the property unto Grantee against the claims of all persons claiming by, through or under Grantor as personal representative, but not otherwise.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed in Grantor's fiduciary capacity, the day and year first above written.

Executor / Administrator

Signed, sealed and delivered
in the presence of:

Unofficial witness (signature)

X _____ (SEAL)

Signature of executor / administrator

Unofficial witness (printed name)

Printed name of executor / administrator

Notary Public (official witness)

My commission expires: _____

Notary seal

Co-executor (if any)

Signed, sealed and delivered in the presence of:

_____	**X** _____ (SEAL)
Unofficial witness (signature)	Signature of co-executor
Unofficial witness (printed name)	Printed name of co-executor
_____	Notary seal
Notary Public (official witness)	
My commission expires: _____	

Each signature above must be signed in the presence of an unofficial witness and a notary public (official witness), who sign at the same time (O.C.G.A. §§ 44-2-15, 44-5-30). The unofficial witness cannot be a party to this instrument.