

House Bill 91 (AS PASSED HOUSE AND SENATE)

By: Representatives Wade of the 9th, Scoggins of the 14th, Gunter of the 8th, Smith of the 18th,
Leverett of the 123rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 53 of the Official Code of Georgia Annotated, relating to
2 probate, so as to require personal representatives to send notices to beneficiaries regarding
3 the issuance of letters testamentary or letters of administration; to provide for revocation of
4 such letters as to personal representatives who fail to comply; to provide for trust beneficiary
5 representation; to provide for a definition; to revise a definition regarding Uniform Transfer
6 on Death Security Registration; to provide for related matters; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Chapter 5 of Title 53 of the Official Code of Georgia Annotated, relating to probate, is
11 amended by adding a new Code section to read as follows:

12 "53-5-8.

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

17 give notice; and whose identity and whereabouts are known or may be determined by
18 reasonable diligence.

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 beneficiaries by certified or registered mail or
22 statutory overnight delivery, with return receipt requested, to his or her last known address
23 a notice informing such beneficiaries of the issuance of such letters to the personal
24 representative and providing the name, mailing address, and telephone number of such
25 personal representative. Provided, however, that notice shall not be required to any
26 beneficiary who has waived such right to notification in writing. Within 60 days following
27 the issuance of such letters, such personal representative shall file with the probate court
28 true and correct copies of such waivers and notices, the return receipts for each, and, with
29 respect to any such beneficiary whose identity and whereabouts are unknown, an affidavit
30 of diligent search attesting under oath to the efforts of such personal representative to
31 identify and locate such 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 beneficiary or by
35 the probate court, or otherwise fails to comply with the requirements of subsection (b) of
36 this Code section, may be cited to appear and show cause as to why the personal
37 representative's letters should not be revoked in the same manner as pursuant to Code
38 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 Said chapter is further amended in Code Section 53-5-61, relating to definitions regarding
43 Uniform Transfer on Death Security Registration, by revising paragraph (5) as follows:

44 "(5) 'Security account' means:

45 (A) A reinvestment account associated with a security, a securities account with a
46 broker, a cash balance in a brokerage account, cash, interest, earnings, or dividends
47 earned or declared on a security in an account, a reinvestment account, or a brokerage
48 account, whether or not credited to the account before the owner's death; ~~or~~

49 (B) An investment management account, investment advisory account, investment
50 agency account, custody account, or any other type of security or trust account with a
51 financial institution as such term is defined in Code Section 7-1-911, including the
52 securities in the account, the cash balance in the account, and cash equivalents, and any
53 interest, earnings, or dividends earned or declared on a security in the account, whether
54 or not credited to the account before the owner's death; or

55 (C) A cash balance or other property held for or due to the owner of a security as a
56 replacement for or product of an account security, whether or not credited to the
57 account before the owner's death."

58 **SECTION 3.**

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