



Serving as an Executor or Trustee in Georgia

A plain-language primer for families

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A plain-language primer for family members asked to settle an estate or manage a trust: what the roles require, the main steps, the duties you owe, and when to bring in a professional.

Before anything else. Being named in a will or trust does not by itself give you authority over a person's estate. In Georgia, a personal representative gets authority from the probate court; a trustee gets authority from the trust document. Keep the deceased person's property safe, but do not sell, distribute or pay debts until you have that authority.

1. Two roles, two sources of authority

	Executor / administrator (personal representative)	Trustee
Where authority comes from	Letters issued by the county probate court (letters testamentary with a will; letters of administration without one)	The written trust document and Georgia trust law (O.C.G.A. Title 53, Chapter 12)
What it covers	Property in the deceased person's name alone that passes through probate	Only property titled to the trust
Court involvement	Yes — probate court oversees the estate, though some duties can be waived by the will or heirs	Usually none unless there is a dispute or the document requires it
Who you answer to	Heirs or beneficiaries, creditors and the court	The beneficiaries

2. What passes outside probate

Many assets go directly to someone without probate: accounts with payable-on-death or transfer-on-death designations, life insurance and retirement accounts with named beneficiaries, property owned jointly with survivorship, and property already held in a trust. Identify these early — they are not controlled by the will.

3. Settling an estate — the main steps

1. **Secure the home, vehicles, mail and valuables.** Order several certified copies of the death certificate.
2. **Locate the original will** and file it with the probate court in the county where the person lived. Georgia law requires a person holding an original will to deliver it to the probate court after the death.
3. **Petition for appointment.** The probate court reviews the will (or the request to administer an estate without one), notifies heirs as required, and issues letters.
4. **Get an estate tax ID number (EIN)** from the IRS and open an estate bank account. Never mix estate money with your own.
5. **Notify creditors.** In Georgia the personal representative generally publishes a notice to creditors once a week for four weeks; creditors then have three months from the last publication to present claims (O.C.G.A. § 53-7-41).
6. **Inventory and value the property** and keep it insured and maintained.
7. **Pay valid debts, expenses and taxes** in the order the law requires, including the final income tax return and any estate income tax returns.
8. **Account and distribute** to the heirs or beneficiaries, get signed receipts, and ask the court to discharge you when finished.

Year's support. Georgia gives a surviving spouse and minor children a right to apply for "year's support" from the estate, which can take priority over most other claims. If this may apply, get legal advice early.

4. Administering a trust — the main steps

1. **Read the trust document closely** — it is your rulebook.
2. **Accept the role in writing** and confirm what property is actually titled to the trust.
3. **Get the right tax ID** and open trust accounts in the trustee's name for the trust.
4. **Inform the beneficiaries** about the trust and their rights as the document and Georgia law require.
5. **Invest prudently, keep records and report** regularly; follow the distribution terms exactly.

5. The duties you owe (fiduciary duties)

Duty	What it means in practice
Loyalty	Act only for the beneficiaries. Do not buy estate or trust property for yourself, borrow from it, or use it personally unless the document and law clearly allow it.
Prudence	Manage and invest with the care of a careful person managing someone else's money; diversify unless there is a good reason not to.
Impartiality	Treat beneficiaries fairly according to the document, not personal preference.
Records and reporting	Keep every statement, receipt and decision. Provide accountings when required or requested.
Follow the document and the law	Do what the will or trust says, within the limits of Georgia law and court orders.

Can you be paid?

Personal representatives and trustees may be entitled to reasonable compensation set by the document, by agreement, or by Georgia statute. Record your time and expenses, and disclose any payment to the beneficiaries.

6. Common mistakes to avoid

- Distributing property before debts, taxes and claims are resolved — you can become personally responsible.
- Mixing estate or trust money with your own accounts.
- Promising family members property before the process is complete.
- Ignoring beneficiary questions; silence breeds disputes.
- Using templates or "private" notices in place of the probate court process.
- Missing tax filing deadlines for the deceased person, the estate or the trust.

7. When to bring in a professional

- The will is contested, unclear, or cannot be found.
- There is real estate, a business, or property in another state.
- The estate may not have enough to pay all debts.
- A surviving spouse or minor children may claim year's support.
- There are tax questions or a large estate.
- Beneficiaries disagree or ask for a formal accounting.

A Georgia probate or estate-planning attorney can guide the court process; a CPA can handle the returns. Many probate courts publish forms and instructions online, and court staff can explain procedures (they cannot give legal advice).

Free official resources

Need	Where to go
Probate court forms and information	Your county probate court; Georgia Courts — georgiacourts.gov
Georgia statutes (wills, estates, trusts)	Georgia General Assembly — legis.ga.gov (O.C.G.A. Title 53)
Estate tax ID number and filing duties	irs.gov — "Deceased taxpayers" and Form 1041 (estate and trust income tax)
Free civil legal help (metro Atlanta)	Atlanta Legal Aid — atlantalegalaid.org
Find a licensed Georgia attorney	State Bar of Georgia — gabar.org

Executor's first-week checklist

1. Secure the property and the original will.
2. Order certified death certificates.
3. List known accounts, debts, insurance and beneficiaries.
4. Contact the county probate court about filing the will and petition.
5. Start an expense and decision log.

General education only — not legal or tax advice, and no attorney-client relationship is created. Probate procedures and deadlines vary by county and change over time; confirm current requirements with the probate court and a licensed Georgia attorney. Reviewed October 12, 2026.