

## How else can I get my claim paid?

The estate is like any other person, business, or entity that you might try to collect against. If you obtain a judgment against the estate and file it on the GED (General Execution Docket), you can proceed with the same types of remedies, like post judgment discovery, garnishment, etc. The Probate Court does not handle discovery or collection proceedings. Check with your attorney about filing in Magistrate Court, State Court or Superior Court.



This information brochure is not intended to be used as legal advice. Please consult with your attorney.

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# *FILING YOUR CLAIM AGAINST AN ESTATE*

*Common questions by creditors with claims  
against a person now deceased.*

*Presented as a public service by:*

## **Debbie Wade, Judge**

**Troup County Probate Court  
100 Ridley Avenue  
LaGrange, Georgia 30240**

**Main office number: 706-883-1690  
Fax: 706-812-7933**

See information about this Court and standard  
Court forms at:

[www.gaprobate.gov](http://www.gaprobate.gov)

# FILING YOUR CLAIM AGAINST AN ESTATE

Common questions by creditors with claims against a person who is now deceased:

## Who is authorized to file?

Any person who is owed money by the deceased person whose estate is being probated in Troup County.

## Where is the claim filed?

Troup County Probate Court  
100 Ridley Avenue  
LaGrange, Georgia 30240

## Is there a filing fee to record my judgment or claim in Probate Court?

Yes, there is a charge of \$10.00 to file a claim and \$2.00 per page recording costs.

## When is the claim due?

A legal notice to creditors will be published in the newspaper. Claims must be filed within ninety (90) days of the last publication.

## What is the claim is a “secured claim, like a mortgage?

You should consult with your legal counsel if there is any question about this.

Generally speaking, a secured claim continues against the property whether or not filed with the Court.

## Do I have to obtain a judgment first?

No, but it helps. Where there are limited funds, creditors are paid in order of their “priority”, meaning the date they got their judgment(s) recorded. If you do not have a judgment recorded on the General Execution Docket of the Superior Court Clerk’s office, it will be one of the last to be paid.

## Can I get a judgment in Probate Court?

No. Suits are filed in Magistrate Court, State Court and Superior Court. If you do not already have a judgment, you may file in one of those courts against the representative of the estate, who is appointed by the Court.

## How do I find out who the representative of the estate is?

You need to come by this office to review the estate files in person. Estate records are open records. You may also write and request the Court provide you the

information but there will be a research charge of \$10.00

## Will the Probate Court make the executor/administrator pay my claim?

No. the Court has limited power to help you enforce payment of your claim. For example:

- (1) While the estate is still open, if the creditor has not been paid but should have been, the creditor can file a petition to have the executor or administrator removed and ask to be appointed in their place in order to take over the handling of the estate.
- (2) Before allowing “discharge” or the act of closing an estate, the Judge will review whether there were claims filed in the case and, if so, might hold up discharge until there is proof of payment. If there were insufficient funds, there is no reason for the court to withhold discharge. Also, some estate executors or administrators never bother to file for discharge, in which case this review would not be made.