

House Bill 346

By: Representatives Lumsden of the 12th, Silcox of the 53rd, Gunter of the 8th, Burchett of the 176th, and Jones of the 25th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated,
2 relating to the jurisdiction, power, and duties of probate courts, and Article 1 of Chapter 5
3 of Title 53 of the Official Code of Georgia Annotated, relating to general provisions
4 concerning wills, trusts, and administration of estates, respectively, so as to provide that
5 certain cases concerning the probate of wills may be removed from a probate court to a
6 superior court; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to the
11 jurisdiction, power, and duties of probate courts, is amended in Code Section 15-9-30,
12 relating to the subject matter jurisdiction, powers, and duties of probate courts, by revising
13 paragraph (1) of subsection (a) as follows:

14 "(1) The probate of wills, except as provided in Code Section 15-9-30.10;"

15 **SECTION 2.**

16 Said article is further amended by adding a new Code section to read as follows:

17 "15-9-30.10.

18 (a) Notwithstanding Code Sections 15-9-30 and 53-5-1 or any other provision of law to
19 the contrary, parties to any case concerning the probate of a will that is before a probate
20 court, that the probate court otherwise has exclusive jurisdiction over, and that is subject
21 to the appellate jurisdiction of the superior court may, upon the consent of all parties and
22 upon leave of both the probate court and the superior court, remove such case to the
23 superior court, which such case shall then be presented to, heard, and determined by the
24 superior court in the same manner as cases over which the superior court has original
25 jurisdiction.

26 (b) Removal of any case from a probate court to a superior court under subsection (a) of
27 this Code section shall not waive, hinder, or impair any party's right to trial by jury as
28 provided by law."

29 **SECTION 3.**

30 Article 1 of Chapter 5 of Title 53 of the Official Code of Georgia Annotated, relating to
31 general provisions concerning wills, trusts, and administration of estates, is amended in Code
32 Section 53-5-1, relating to the jurisdiction over the probate of wills, by revising subsection
33 (a) as follows:

34 "(a) Except as provided in Code Section 15-9-30.10, The the probate court shall have
35 exclusive jurisdiction over the probate of wills."

36 **SECTION 4.**

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