

PROBATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)
VIRGINIA JACKSON KIAH,) ESTATE NO.: K-1942
DECEASED)

ORDER GRANTING MOTION FOR LEAVE TO SELL REAL PROPERTY

Pending before the Court is Temporary Administrator's Motion for Leave to Sell Real Estate filed by J. KEITH BERRY, JR., as TEMPORARY ADMINISTRATOR of the estate of the above-named decedent, VIRGINIA JACKSON KIAH ["the Decedent"].

The Decedent died in 2001. A petition for letters of administration was filed thereafter, alleging that the Decedent died intestate. To that petition, a caveat was filed which alleged, *inter alia*, that the Decedent died testate, that is, with a valid will. However, no petition to probate any will has been filed. The Court dismissed the petition for letters of administration on March 25, 2019, on the grounds that the petitioner failed to identify and serve the Decedent's heirs as is required by statute. See, O.C.G.A. §§ 53-6-21 and 53-6-22. No petition to appoint a personal representative is pending.

The Court appointed J. KEITH BERRY, JR., to serve as Temporary Administrator of the Estate, issuing Temporary Letters of Administration to him on April 16, 2018.

The Court finds that all of the heirs acknowledged service or were served, including service on a guardian *ad litem*, to-wit: JOSEPH B. ERVIN, Esq., representing heirs who are not *sui juris*, are unborn, are unknown, or are a deceased heir whose estate has no personal representative, pursuant to O.C.G.A. § 53-11-2. Service upon or notice to a guardian ad litem constitutes service upon or notice to the party represented.

The Court further finds that no objection has been filed and all requirements of law have been fulfilled.

The Court further finds that the purpose of the transaction is lawful and that the proposed transaction is fair and the Movant Temporary Administrator BERRY has shown GOOD CAUSE for the sale upon the terms set forth. The bases for the Court finding good cause for the sale include: the proposed sales price is roughly 22% higher than the Chatham County Tax Assessor's fair market value; the house on the real property is in need of significant repair, having been boarded up and vacant for over 20 years; the property is on the City of Savannah's "Blight List"; the roof is collapsing with many portions of the structure being rotten; it is likely the cost of renovation exceed the fair market value

of the property; and the property is and has been and if held will continue to be a burden on the Estate, not bringing in income while at the same time costing the Estate funds and falling farther into disrepair continually. In addition to the many tangible and financial reasons why good cause has been shown for the Temporary Administrator's proposed transaction, good cause is shown in that the proposed purchaser, the Historic Savannah Foundation, intends to make efforts to preserve the legacy of the decedent, VIRGINIA KIAH, a noted artist and collector of art, particularly African-American works.

The Court further finds that the guardian *ad litem*, JOSEPH B. ERVIN, consents on behalf of the heirs he represents to the proposed transaction.

ACCORDINGLY, IT IS ORDERED that the Movant, J. KEITH BERRY, JR., as TEMPORARY ADMINISTRATOR, of the Estate, is authorized to sell, upon the terms set forth in his Motion, the following described property, to-wit: that certain parcel of land, with improvements thereon, with a street address of **505 West 36th Street, Savannah, Chatham County, Georgia 31401**, and a PIN number of **2-0066-48-011**, and more particularly described as:

All that lot, tract, or parcel of land situate, lying and being located in Chatham County, Georgia, in the City of Savannah, being known and designated as the East three fourths of Lot 24, Duncan Ward.

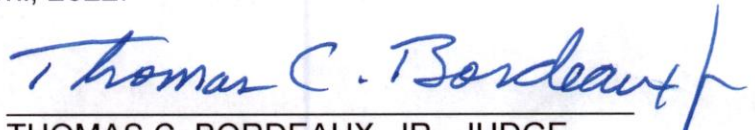
Said authorization is conditioned upon the Temporary Administrator having on file with the Clerk of Court a surety bond in the amount of **\$310,000.00**.

IT IS FURTHER ORDERED that the Movant herein, the Temporary Administrator, **shall file** with the Court in the above-styled case a return specifying:

- a) the property sold;
- b) the identity of the purchaser(s);
- c) the amounts received by the seller(s) and all other terms of the sale; and
- d) any other terms of disposition of the property,

which return shall be filed **no later than 30 days subsequent to the sale**.

SO ORDERED, this 7th day of April, 2022.



THOMAS C. BORDEAUX, JR., JUDGE
PROBATE COURT OF CHATHAM COUNTY

cc: J. Keith Berry, Jr., Esq.
Joseph B. Ervin, Esq.