

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF JACKSON

ORDER REGARDING APPOINTMENT
OF CONSERVATOR
 ADULT MINOR

FILE NO.

Estate of _____, a protected individual
First, middle, and last name

1. Date of hearing: _____ Judge: _____ Bar no.

THE COURT FINDS:

2. Notice of hearing was given to or waived by all interested persons.

3. The individual is not in need of a conservator.

4. Upon presentation of clear and convincing evidence, the **adult** individual is in need of a conservator because s/he is unable to manage his/her property and business affairs effectively because of

mental illness.

mental deficiency.

physical illness or disability.

chronic use of drugs.

chronic intoxication.

confinement.

detention by a foreign power.

disappearance.

other: _____

and a. the individual has property that will be wasted or dissipated unless proper management is provided, or

b. money is needed for the support, care, and welfare of the individual or those entitled to be supported by the individual and that protection is necessary to obtain or provide the money.

5. The individual is mentally competent but because of age or physical infirmity is unable to manage his or her property and affairs effectively and, recognizing this disability, has requested a conservator's appointment.

6. Upon presentation of clear and convincing evidence, the **minor** individual is in need of a conservator because the minor

a. owns money or property that requires management or protection that cannot otherwise be provided.

b. has or may have business affairs that may be jeopardized or prevented by the person's minority.

c. needs money for support and education, and protection is necessary or desirable to obtain or provide money.

7. It is in the ward's best interests for the guardian to sell or otherwise dispose of the ward's real property or interest in real property. The guardian should be appointed as special conservator to petition for sale of the real estate.

8. There is no qualified, suitable individual willing to act as conservator and the appointment of a professional conservator is in the best interests of the adult or minor. A bond must be filed.

9. The value of cash and property that is readily convertible into cash in the estate exceeds the limit for administering the estate under MCL 700.3982.

a. Bond must be filed.

b. Bond is not required under MCL 700.5410(1) because

the estate contains no property readily convertible to cash, and the cash is already in a restricted account with a financial institution or will be deposited in a restricted account.

the conservator has trust powers pursuant to MCL 487.14401.

requiring a bond would impose a financial hardship on the estate.

other:

(SEE SECOND PAGE FOR ORDER)

Do not write below this line - For court use only

IT IS ORDERED:

10. The petition for the conservator is granted. denied on the merits. dismissed/withdrawn.
The conservator is not permitted to act until letters of conservatorship are issued.

11. _____, whose address and telephone number are
Name (type or print) _____, is appointed
Address City State Zip Telephone no.

a. conservator of all assets of the individual's estate.

b. limited conservator of the following assets: _____
_____ The individual retains title to all other assets in the estate.

c. special conservator with authority to proceed under MCL 700.5423(3) in order to dispose of real property.

Acceptance of appointment must be filed.

Bond at \$ _____ must be filed.

\$ _____ shall be deposited in a restricted account. (Verification must be filed using form PC 669 pursuant to MCR 5.409[C][4].)

The conservator is not permitted to act until letters of conservatorship are issued. After qualification, the conservator shall comply with all relevant requirements under the law.

12. The conservator is not required to file an annual account.

13. The attorney guardian ad litem for the individual is discharged.

14. IT IS FURTHER ORDERED:

Guardian Ad Litem (GAL) fees shall be paid out of the minor's restricted account. The GAL is ordered to withdraw _____ from the restricted account to pay the GAL fees incurred.

Instructions to Financial Institution: Do not accept any document other than a certified copy of this order with the court seal. Please retain this certified copy.

VERIFICATION OF FUNDS ON DEPOSIT WILL BE FILED WITH THE COURT WITHIN 14 DAYS FROM THE RECEIPT OF THE FUNDS. ANY FINANCIAL INSTITUTION WHICH NEGOTIATES FUNDS IS ASSUMING LIABILITY FOR COMPLIANCE WITH THIS ORDER. SEE REVERSE SIDE OF THIS ORDER FOR ADDITIONAL ORDERS

Date

Judge D

Attorney name (type or print) Bar no.

Address

City, state, zip Telephone no.

IT IS FURTHER ORDERED that all funds are to be deposited by the fiduciary in interest-bearing savings account(s) (not checking account) **or** money market account with a licensed banking institution or savings and loan association upon condition of no withdrawals, transfers or redemption, except upon certified written order of the Jackson County Probate Court; which restrictions shall include all interest or dividends accrued, payable or accumulated, and wherein all passbooks, or other documents evidencing the existence of this account shall be clearly imprinted thereon: 'No withdrawals, transfers or redemption without certified written order of the Jackson County Probate Court.'

IT IS FURTHER ORDERED that the GAL/fiduciary shall file with this court a **VERIFICATION OF FUNDS ON DEPOSIT**, and acknowledgement of this restriction on the account within **FOURTEEN (14)** days from this date or within **FOURTEEN (14)** days after funds are received.

IT IS FURTHER ORDERED that the conservator shall file with this court a **VERIFICATION OF FUNDS ON DEPOSIT**, each and every year, on or before the anniversary date of this appointment.

IT IS FURTHER ORDERED that, on termination of the protected person's minority, the Conservator shall file, with this Court, a **FINAL ACCOUNT**, which shall be served on the protected person before he/she receipts for the balance on hand.

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF JACKSON

LETTERS OF CONSERVATORSHIP

FILE NO.

Estate of _____

TO:

Name and address

Conservator's telephone no.

limited conservator

You have been appointed conservator of the estate and are granted power to take possession, collect, preserve, manage, and dispose of property of the estate according to law and to perform all acts permitted or required by statute, court rule, and orders of this court unless limited below.

The conservator shall have authority with respect to all assets of the estate.

Real estate or ownership interest in a business entity is excluded from your responsibilities in your acceptance of appointment.

The conservator shall have authority with respect to the following assets only:

Restrictions: **Conservator shall not sell real property without a prior court order of approval.**

All funds are to be deposited by the fiduciary in an interest-bearing savings account(s) (not checking account) or money market account with a licensed banking institution or savings and loan association **upon condition of no withdrawals, transfers or redemption, except upon certified written order of the JACKSON County Probate Court**; which restrictions shall include all interest or dividends accrued, payable or accumulated, and wherein all passbooks, or other documents evidencing the existence of this account shall be clearly imprinted thereon: "No withdrawals, transfer or redemption without certified written order of the JACKSON County Probate Court.

ANY FINANCIAL INSTITUTION WHICH NEGOTIATES ANY FUNDS IS ASSUMING LIABILITY FOR COMPLIANCE WITH THIS ORDER. Funds are not to be deposited with any financial institution unwilling to sign the annual Proof of Restricted Account and Verification of Funds on Deposit for Conservatorship.

Date

Judge Bar no.

Attorney name (type or print) Bar no.

Address

City, state, zip Telephone no.

SEE NOTICE OF DUTIES ON SECOND PAGE

I certify that I have compared this copy with the original on file and that it is a correct copy of the original, and on this date, these letters are in full force and effect.

Date

Deputy probate register

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

NOTICE TO CONSERVATOR OF CERTAIN DUTIES

AS REQUIRED BY LAW AND MICHIGAN COURT RULES, YOU ARE NOTIFIED:

You are required to file with this court the following written reports using the indicated form(s) at the indicated times. Forms are available at the court.

INVENTORY: As the conservator, you are required by law to prepare an Inventory of the assets of the estate that you have been given authority over within 56 days from the date of your appointment. You must also provide a copy of the Inventory to the protected individual if the individual can be located and if the minor is 14 years of age or older and to interested persons as specified in the Michigan Court Rules. (May use form PC 577, "Inventory")

ACCOUNTS: (only if ordered by the court) As the conservator, you must file an annual account unless otherwise ordered by the court to be filed within 56 days after the end of the accounting period. The accounting period ends on the anniversary date of the issuance of the letters of authority, unless the conservator selects another accounting period or unless the court orders otherwise. If you select another accounting period, notice of that selection shall be filed with the court. The accounting period may be a calendar year or a fiscal year ending on the last day of a month. You may use the same accounting period as that used for income tax reporting, and the first accounting period may be less than a year but not longer than a year. On filing, the account may be set for hearing or the hearing may be deferred to a later time. Unless otherwise ordered by the court, no accounting is required in a minor conservatorship where the assets are restricted or in a conservatorship where no assets have been received by the conservator. (Use form PC 583, PC 584, or PC 648, "Account")

In addition, you must provide a copy of the account to the protected individual if the individual can be located and is 14 years of age or older, and to interested persons as specified in the Michigan Court Rules.

CHANGE OF ADDRESS: You are required to inform the court of any change in the ward's address within 14 days of the change. You are also required to keep the court and interested persons informed in writing within 7 days of any change in your address.

DEATH OF PROTECTED INDIVIDUAL: If the protected individual dies during the conservatorship, you must give written notification to the court within 14 days of the individual's date of death. If accounts are required to be filed with the court, a final account must be filed within 56 days of the date of death.

The inventory and all accounts must be served on the required persons at the same time they are filed with the court. After serving the required persons, you must promptly file a proof of service with the court.

ATTENTION: The above provisions are reporting duties only and are not the only duties required of you. See MCL 700.5416 through 700.5433 for other duties of the conservator. Your failure to comply with the above reporting duties may require the court to appoint a special fiduciary in your place and to suspend your powers. This may result in your removal as fiduciary. The court is prohibited by statute from giving you legal advice.

KEEP THIS NOTICE FOR FUTURE REFERENCE

The fiduciary shall file with this court a **VERIFICATION OF FUNDS ON DEPOSIT**, and this restriction on the account within **FOURTEEN (14)** days from this date or within **FOURTEEN (14)** days after the account is received.

The conservator shall file with this court a **VERIFICATION OF FUNDS ON DEPOSIT and ANNUAL ACCOUNT** each an every year on, or within 30 days of the anniversary date of this appointment.

Upon termination of the protected person's minority, the Conservator shall file, with this Court, a **ACCOUNT**, which shall be served on the protected person before he/she receives for the balance on

The assets are not available for food, clothing, shelter, or medical care covered by Medicaid.