

<b>STATE OF MICHIGAN</b> <b>PROBATE COURT</b> <b>COUNTY OF _____</b>	<b>ORDER REGARDING APPOINTMENT                  OF CONSERVATOR</b> <input type="checkbox"/> <b>ADULT</b> <input type="checkbox"/> <b>MINOR</b>	<b>FILE NO.</b>  
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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
 

<input type="checkbox"/> mental illness.	<input type="checkbox"/> mental deficiency.	<input type="checkbox"/> physical illness or disability.
<input type="checkbox"/> chronic use of drugs.	<input type="checkbox"/> chronic intoxication.	<input type="checkbox"/> confinement.
<input type="checkbox"/> detention by a foreign power.	<input type="checkbox"/> disappearance.	<input type="checkbox"/> 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:** SEE ATTACHED PAGE FOR FURTHER INSTRUCTIONS.

P49730

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Curtis J. Bell

\_\_\_\_\_  
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 certificate(s) of deposit with a licensed banking institution or savings and loan association upon condition of no withdrawals, transfers or redemption, except upon written order of the Kalamazoo County Probate Court; which restrictions shall include all interest or dividends accrued, payable or accumulated, and wherein all passbooks, certificates of deposit or other documents evidencing the existence of this account shall be clearly imprinted thereon: "No withdrawals, transfers or redemption without written order of the Kalamazoo County Probate Court."

**IT IS FURTHER ORDERED** that, subject to the same restrictions and obligations of the foregoing, funds may be deposited in a brokerage house account protected by S.I.P.C. if an authorized officer of the firm, in writing, accepts the restrictions and obligations and signs the verification of deposit.

**IT IS FURTHER ORDERED** that the fiduciary shall file with this court a **PROOF OF RESTRICTED ACCOUNT (PC 669)**, and acknowledgement of this restriction on the account within twenty-eight (28) days from the date of this Order (MCR 5.409 (C)(4)). A copy of the corresponding financial institution statement for all liquid assets, dated within 30 days of the end of the accounting period, must be presented to the court to verify assets on hand at the end of the accounting period.

**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. A copy of the corresponding financial institution statement for all liquid assets, dated within 30 days of the end of the accounting period, must be presented to the court to verify assets on hand at the end of the accounting period.

**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.

**IT IS FURTHER ORDERED** that the assets are not available for food, clothing, shelter, or medical care covered by Medicaid.