

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN RE: AMENDMENT TO COURT OF CHANCERY RULES, SECTION XIII, RULE 131

This 15th day of December 2014, IT IS HEREBY ORDERED that Court of Chancery Rules, Section XIII, Rule 131 shall be amended effective January 1st, 2015.

Rule 131 shall be amended as follows:

Rule 131. Fee-for-service guardians.

(a) A final guardianship order may ~~designate~~provide that a guardian of the person or property shall ~~provide~~act as a fiduciary ~~services~~ to the disabled person on a fee-for-service basis, and that compensation shall be made to the guardian from the funds of the disabled person on that basis, and not based on a commission as provided in Rule 132. The order shall set forth or incorporate by reference the fee schedule to be used by the fee-for-service guardian in setting its fee.

(b) The fee-for-service guardian shall keep a record of the time spent on the disabled person's behalf for which the guardian will seek payment. Payment shall be authorized by the Court in its discretion upon application of the guardian, with notice to all interested parties. Fee-for-service guardians shall file a yearly accounting of the estate of the disabled person, which shall include the accrued fees claimed by the guardian.

(c) The fee-for-service guardian may request that the guardianship order provide that a fee reserve be set aside if the guardian believes that the creation of such a reserve is in the best interest of the disabled person. The fee reserve shall be placed in an interest-bearing account unless otherwise provided by order of the Court, and interest on the reserve shall be the property of the disabled person. The principal shall be deemed the property of the guardian only when earned ~~and~~and approved by order of the Court.

(d) A fee-for-service guardian of the property of a disabled person shall maintain a separate bank ~~account~~account for that disabled person, unless otherwise provided by order of the Court. All funds of the disabled person shall be kept in this account or in other investments as approved by the Court, with the exception that an amount sufficient to pay the monthly expenses of the disabled person may be placed each month into an escrow account maintained by the guardian, from which the guardian may pay the monthly expenses.

(e) If the Court appoints an entity as a fee-for-service guardian, that entity may, with the Court's permission, appear and file papers with the Court through an officer designated by it.

(f) Any individual or entity serving as a fee-for-service guardian appointed by this Court shall ~~maintain a secured bond equal in value to the aggregate liquid assets of the wards of that guardian, and no individual or entity shall be appointed unless proof of adequate~~

~~bonding is provided to the Register in Chancery.~~ provide a bond in an amount fixed by the Court.