

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IMO:

C.M. No.

, a disabled person.

ORDER TRANSFERRING FOREIGN GUARDIANSHIP

AND NOW, TO WIT, this _____ day of _____, _____, the Court having reviewed the Petition to Transfer Foreign Guardianship and the certified Orders attached thereto, it is hereby **ORDERED** that the foreign guardianship shall be transferred to the State of Delaware and that:

1. _____ be, and hereby is, appointed guardian of the **PROPERTY** of the disabled person, first executing bond to be taken in the name of the State of Delaware, with a condition for the faithful performance of its duties as guardian, in the penal sum of \$ _____, without surety.
2. The guardian shall transfer all assets of the disabled person to itself as guardian of the property. The guardian of the property shall open an interest bearing account at _____ Delaware. The account shall be titled: "COURT OF CHANCERY, GUARDIANSHIP ACCOUNT OF _____, DISABLED, _____, GUARDIAN. **WITHDRAWS ONLY BY ORDER OF THE COURT.**"

There shall be no withdrawals from the account except by order of the Court except that the guardian of the property may, pursuant to 12 Del. C. §3923, pay the necessary living

expenses of the disabled person and may roll over or reinvest the sums in similar interest bearing accounts or certificates in the same bank, and under the same limitations on withdrawals. The guardian may withdraw up to \$_____ each month without further order of the Court.

3. As permitted by 12 Del. C. §3923, the guardian may act without Court authorization or confirmation reasonably to accomplish the purpose for which it is appointed.
4. The guardian of the property, as required by the Rules of this Court, and at such other times as the Court shall direct, shall make a just and true account of this estate before this Court.
5. The guardian shall, within thirty (30) days, submit an inventory and description of all property and estate which shall come to its knowledge, with an affidavit that it has made diligent inquiry concerning the property and estate and that the inventory contains all that has come to its knowledge.
6. Upon qualification of the guardian of the property and receipt of necessary funds, it shall pay \$_____ to _____, Esquire for their services in preparing, filing and presenting the petition.
7. _____ be, and hereby is, appointed guardian of the **PERSON** of the disabled person.
8. Without additional Court authorization, the guardian may exercise the powers granted to a guardian of the person by 12 Del. C. §3922.
9. The Register in Chancery of this Court is appointed agent of the guardian to accept service of process on behalf of the guardian as to any claim arising out of the guardianship if, by reason of the guardian's absence from this state, it cannot be served.

10. The guardian shall file a status report with the register in Chancery every year on the anniversary date of the appointment of Guardian (the date of this Order) as required by the Rules of this Court and at any other time the Court shall direct. The status report shall include the current mailing address of both the disabled person and the guardian, and the current medical statement from the attending physician setting forth the current medical status of the ward and addressing the need for a continued guardianship.
11. In the event of the disabled person's death, the guardian shall **notify** the Office of Register in Chancery **within ten (10)** days.
12. The guardian is authorized to pay the costs in the amount of \$_____ to the Register in Chancery.

Note: ¶ 13 & 14 should be added to Order **only** when there is no property or withdraws requiring an Accounting with the Court of Chancery and if they are added to the Order then ¶ 4 & 5 are to be eliminated.

13. The guardian is relieved from filing financial accountings with the Court. If, in the future, the guardian comes into possession of additional funds or property belonging to the disabled person or the disabled person becomes gainfully employed, the guardian shall notify the Court immediately and account for such funds or property as the Court may then direct.
14. If the disabled person receives property in the future, the Guardian is required to notify the Court and file an Inventory with thirty (30) days of receipt of said property.

MASTER