

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

Register in Chancery
Kent County
38 The Green, Ste. 208
Dover, DE 19901
302-735-1930

Register in Chancery
New Castle County
500 N. King Street, Ste. 11600
Wilmington, DE 19801
302-255-0544

Register in Chancery
Sussex County
34 The Circle
Georgetown, DE 19947
302-856-5777

Motion to Appoint Appraiser

Pursuant to 12 Del. C. § 3951 and Chancery Rule 113, Court approval is required for a guardian to sell real estate that is titled in the name of a person with a disability or minor. The guardian must file a motion to appoint an appraiser, then a petition to sell the real estate and finally a return of sale.

- The motion to appoint an appraiser requires the following:
 - A completed motion. The court clerk cannot complete the motion for you.
 - The filing fee for the motion is \$2.00 per page. We accept cash, check or money order (made payable to “Register in Chancery”). If the Register in Chancery’s office makes photocopies for you, we will charge a \$1.50 per page fee.
- The guardian(s) is/are responsible for obtaining consents from the interested parties or sending notice of the motion to the interested parties by regular U.S. mail. Please see the instruction sheet within this packet for additional information.
- You may mail the completed motion to the Register in Chancery in the county where your guardianship case was established, and the completed order will be mailed back to you. The Court will appoint an independent appraiser who is typically given thirty (30) days to file the appraisal.
 - Once the appraiser is appointed, he/she will contact the guardian(s) to schedule a convenient time for the property to be appraised.
 - Once the appraisal is completed, the Court expects the property to be sold for the appraised value (or higher).
 - The guardian is to pay the appraiser’s fee within fifteen (15) days of receiving the completed appraisal and file proof of payment with the Court.

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN THE MATTER OF: _____ :
 :
 : C.M. # _____
A person with a disability/minor :

MOTION TO APPOINT AN APPRAISER

1. Name of guardian(s): _____
2. Date guardian(s) was/were appointed: _____
3. The person with a disability/minor owns the real property located at

_____ [Complete address of property],
Tax Parcel number _____.
4. It is necessary to sell the property for the following reason(s): _____

_____.
5. The guardian(s) respectfully request(s) that the Court appoint a
qualified appraiser to appraise the property so that the guardian(s) may list it for
sale.

6. The guardian(s) understand(s) the appraiser's fee must be paid within fifteen (15) days of receiving the completed appraisal.

7. WHEREFORE, guardian(s) respectfully request(s) that the Court appoint an appraiser pursuant to 12 Del. C. § 3951(c).

Guardian

Co-Guardian (if applicable)

I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.

I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.

Executed on the _____ day of _____ (month) _____ (year).

Executed on the _____ day of _____ (month) _____ (year).

(Guardian's Printed Name)

(Co-Guardian's Printed Name)

(Guardian's Signature)

(Co-Guardian's Signature)

(Guardian's Address)

(Co-Guardian's Address)

(Guardian's Address)

(Co-Guardian's Address)

(Guardian's Phone Number)

(Co-Guardian's Phone Number)

Instructions for Notifying Interested Party(ies)

It is the guardian's(s') responsibility to notify the interested party(ies) when a motion is filed with the Court.

If you do not know the address for an interested party, you must make every attempt to locate the address and file the enclosed affidavit of efforts to locate address of interested party with your motion (a separate affidavit is required for each individual).

Option 1 – Consent

Any interested party may sign a copy of the attached “Consent” form.

Option 2 – Send Notice

If any interested party does not sign the consent form, you must send them a copy of the attached “Notice of Motion”. You may send the notice by regular U.S. Mail.

Any interested party who has not signed a consent must receive notice of your motion at least thirteen (13) days before the Court will consider the motion. This ensures that all interested parties have adequate time to contact the Court with any questions they may have or file any objection to the motion.

To be filed with the Court

You must file the following documents with the Court before the motion will be reviewed by a Judicial Officer:

- a. Any consent forms,
- b. The attached “Certificate of Mailing” (if any notices were sent), and
- c. Any affidavit(s) of efforts to locate address of interested party.

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

In the matter of: _____ :
: _____ :
_____ : C.M. #: _____
A person with a disability/minor :

CONSENT

I, _____, whose relationship to the person with a disability/minor is that of _____ (e.g. mother, brother), hereby consent to the motion to appoint an appraiser for the property located at _____.

I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.

Executed on the _____ day of _____ (month) _____ (year).

_____ (Printed Name)

_____ (Signature)

Address: _____

Phone Number: _____

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IN THE MATTER OF: _____ :
 : C.M. # _____
 :
A person with a disability/minor _____ :

Notice of Motion to Appoint an Appraiser

Dear Interested Parties:

This is a notice that I am/we are filing a motion to appoint an appraiser for the property located at _____ which is owned by the person with a disability/minor. Notice is being sent to you as an interested party.

If you object to the motion, you must immediately file a written objection with the Register in Chancery’s Office that has been marked above. If you do not file a written objection within **thirteen (13) days** of the date of this notice, any objections will be deemed waived.

Petitioner’s Signature

Co-Petitioner’s Signature

Dated: _____

If I/We subsequently locate the missing interested party, I/We will notify the Court of his/her address.

Petitioner

Co-Petitioner

STATE OF _____ :

COUNTY OF _____:

This instrument was acknowledged before me on this _____ day of _____, 20____ by _____ [Name of affiant].

Notary Public/Chancery Court Clerk

Pursuant to Court of Chancery Rule 178B, the use of an Unsworn Declaration (see below) is permitted rather than the notary requirement.

Petitioner

Co-Petitioner (if applicable)

I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.

I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.

Executed on the _____ day of _____ (month) _____ (year).

Executed on the _____ day of _____ (month) _____ (year).

(Petitioner's Printed Name)

(Co- Petitioner's Printed Name)

(Petitioner's Signature)

(Co- Petitioner's Signature)