

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

Return of Sale (from Sale of Real Estate)

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.

- Within thirty days of the final settlement, the guardian(s) must file a Return of Sale to show the real estate was sold pursuant to the approved Court Order. The return of sale requires the following:
 - The completed return of sale. The court clerk cannot complete the return of sale for you.
 - A copy of the Settlement Statement (HUD-1), Closing Disclosure, or Alta Settlement Statement must be attached.
 - A copy of the guardianship bank account statement must be filed to show the proceeds of the sale were deposited into the guardianship account.
 - The filing fee for the return of sale 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 return of sale to the interested parties by regular U.S. mail. Please see the instruction sheet within this packet for additional information.

otherwise complied with the provisions of the Court Order to sell the property. A copy of the bank statement is attached hereto as Exhibit "B".

WHEREFORE, the guardian(s) respectfully request(s) that the Court approve the Return of Sale.

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 return of sale is filed with the Court.

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”. You may send the notice by regular U.S. Mail.

Any interested party who has not signed a consent must receive notice of your return of sale at least thirteen (13) days before the Court will consider the return of sale. 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 return of sale.

To be filed with the Court

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

- a. Any consent forms and
- b. The attached “Certificate of Mailing” (if any notices were sent).

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 return of sale 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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302-856-5777

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

Notice of Return of Sale

Dear Interested Parties:

This is a notice that I am/we are filing a return of sale for the property located at _____ . The net proceeds of \$ _____ was deposited into the guardianship account. Notice is being sent to you as an interested party.

If you object to the return of sale, 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: _____

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

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

CERTIFICATE OF MAILING

On _____, 20_____, I/we did send, via U.S. Mail, a copy of the Notice of Return of Sale to the following interested parties:

Name	Address

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)