

**APPENDIX “A”
CROSS REFERENCE TABLE**

The following table provides a roadmap between the old Texas Probate Code sections applicable to guardianships and the new sections effective September 1, 1993.

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EXHIBIT 2

[STYLE]

SELECTION OF GUARDIAN BY MINOR

TO THE HONORABLE PROBATE COURT NO. __:

This matter having been commenced by application of _____, filed on _____, 200__, for the appointment of guardian for the Estate of _____, a Minor, and no appointment yet having been made, _____ wishes to make choice of guardian and shows:

1.

_____ has attained the age of 12 years and chooses _____ as guardian of h____ estate, subject to the approval of this Court.

THE STATE OF TEXAS.

THE COUNTY OF _____ :

SWORN TO AND SUBSCRIBED BEFORE ME on this the _____ day of _____, 200__, to certify which witness my hand and seal of office.

(SEAL)

NOTARY PUBLIC IN AND FOR
THE STATE OF _____

EXHIBIT 3

[STYLE]

**APPLICATION FOR APPOINTMENT OF
GUARDIAN OF THE PERSON AND ESTATE**
[Total Incapacity]

TO THE HONORABLE PROBATE COURT NO. ___:

Applicant, _____, would respectfully show the Court the following:

1.

_____ (“Proposed Ward”), the person for whom the appointment of a guardian is sought, is an adult __ male, whose date of birth is _____, ____, and currently resides in _____ County, Texas, and may be served with citation at _____, Texas.

2.

Applicant, _____, is the _____ [relationship] of Proposed Ward and resides at _____, _____, _____ County, Texas, and desires that _he be appointed Guardian of the person [and/or] estate of Proposed Ward. _he is eligible to receive Letters of Guardianship herein and is entitled to be so appointed.

3.

Proposed Ward has expressed in a written designation of guardian that it is h__ preference that Applicant serve as h__ guardian. Proposed Ward may designate a guardian of h__ person and estate pursuant to Section 679 of the Texas Probate Code. The original Declaration of Guardian in the Event of Later Incapacity or Need of Guardian executed by Proposed Ward on _____, 200__ is attached as Exhibit A and incorporated by this reference.

4.

The guardianship of the person [and/or] estate of Proposed Ward is sought.

5.

This Court has jurisdiction and venue over these proceedings pursuant to Sections 606 and 610(a) of the Texas Probate Code because Proposed Ward resides in _____, _____ County, Texas, and also owns assets located in _____ County, Texas.

6.

Pursuant to Section 633(c) of the Texas Probate Code, the following persons will be served by citation:

[insert a listing of the names and address of the Proposed Ward (if twelve years of age or older), Proposed Ward's parents, Proposed Ward's spouse, court-appointed conservator or person having control of the care and welfare of the Proposed Ward, and the proposed guardian if not the applicant.]

7.

Pursuant to Section 633(d) of the Texas Probate Code, the following persons will receive this application by certified mail, return receipt requested:

[insert a listing of the names and address of the all adult siblings and children of the Proposed Ward, the administrator of a nursing home facility or similar facility where the Proposed Ward resides, the operator of a residential facility in which the Proposed Ward's resides, and the agent under a power of attorney signed by the Proposed Ward.]

8.

Proposed Ward's property is generally described as real estate and personal property located in _____, _____ County, Texas, of a probable value in excess of \$_____.

9.

Proposed Ward is a person who is incapacitated to care for h__ property and financial affairs. *[explain need for guardianship. For example: Proposed Ward is a person who is incapacitated to care for h__self, is unable to manage h__ property and financial affairs, and is without a legal guardian of h__ person or estate. It is, therefore, necessary and will be advantageous for Proposed Ward to have a guardian of h__ person and estate appointed to manage, control, protect, and prevent waste of the assets of h__ estate and to provide for h__ physical care and medical attention.]*

10.

No guardianship for Proposed Ward currently exists in this or any other state.

11.

The specific facts which require a guardian of the Estate to be appointed and Applicant's interest in such appointment are as follows: *[explain why a guardians should be appointed. For example: Proposed Ward is a 90 year old man who suffered a sever stroke ten days ago. At that time, Proposed Ward was admitted to General Hospital where he presently remains to date. Proposed Ward is currently suffering from partial paralysis on his left side, is unable to walk, has limited vision and remains in a weakened condition.]* Attached as Exhibit B and incorporated by this reference for all purposes is a physician's letter concerning Proposed Ward's lack of ability to handle h__ financial affairs.

12.

The Proposed Ward is totally incapacitated.

13.

The Court should find Proposed Ward incapacitated for all purposes.

14.

The requested term of this guardianship is for such time as Proposed Ward's incapacity necessitates this Guardianship.

15.

The name and address of the institution having care and custody of Proposed Ward is as follows:
[insert name and address of institution, if any.]

16.

The name and address of any person known to Applicant to hold a power of attorney or purported power of attorney for Proposed Ward is as follows:
[insert name and address of agent under power of attorney, if any.]

17.

Applicant brings this Application in good faith and for just cause and respectfully requests that attorneys' fees related to this Application, the hearing thereon, and the establishment of the requested guardianship be approved and paid out of Proposed Ward's guardianship estate.

EXHIBIT 4

[STYLE]

**APPLICATION FOR APPOINTMENT OF
GUARDIAN OF THE PERSON AND ESTATE**

[Partial Incapacity]

TO THE HONORABLE PROBATE COURT NO. __:

Applicant, _____, would respectfully show the Court the following:

1.

Applicant, _____, is the _____ [*relationship*] of Proposed Ward and resides at _____, _____, _____ County, Texas _____, and desires that _he be appointed Guardian of the person [and/or] estate of Proposed Ward. _he is eligible to receive Letters of Guardianship herein and is entitled to be so appointed.

2.

Proposed Ward has expressed in a written designation of guardian that it is h__ preference that Applicant serve as h__ guardian. Proposed Ward may designate a guardian of h__ person and estate pursuant to Section 679 of the Texas Probate Code. The original Declaration of Guardian in the Event of Later Incapacity or Need of Guardian executed by Proposed Ward on _____, 200__ is attached as Exhibit A and incorporated by this reference.

3.

A limited guardianship of the person [and/or] estate of Proposed Ward is sought.

4.

This Court has jurisdiction and venue over these proceedings pursuant to Sections 606 and 610(a) of the Texas Probate Code because Proposed Ward resides in _____, _____ County, Texas, and also owns assets located in _____ County, Texas.

5.

Pursuant to Section 633(c) of the Texas Probate Code, the following persons will be served by citation:
[insert a listing of the names and addresses of the Proposed Ward (if twelve years of age or older), Proposed Ward's parents, Proposed Ward's spouse, court-appointed conservator or person having control of the care and welfare of

the Proposed Ward, and the person named as proposed guardian if not the applicant.]

6.

Pursuant to Section 633(d) of the Texas Probate Code, the following persons will receive this application by certified mail, return receipt requested:

[insert a listing of the names and address of the all adult siblings and children of the Proposed Ward, the administrator of a nursing home facility or similar facility where the Proposed Ward resides, the operator of a residential facility in which the Proposed Ward's resides, and the agent under a power of attorney signed by the Proposed Ward.]

7.

Proposed Ward's property is generally described as real estate and personal property located in _____, _____ County, Texas, of a probable value in excess of \$_____.

8.

Proposed Ward is a person who is incapacitated to care for h__ property and financial affairs. *[explain need for guardianship. For example: Proposed Ward is a person who is incapacitated to care for h__self, is unable to manage h__ property and financial affairs, and is without a legal guardian of h___ person or estate. It is, therefore, necessary and will be advantageous for Proposed Ward to have a guardian of h___ person and estate appointed to manage, control, protect, and prevent waste of the assets of h___ estate and to provide for h___ physical care and medical attention.]*

9.

No guardianship for Proposed Ward currently exists in this or any other state.

10.

The specific facts which require a guardian of the Estate to be appointed and Applicant's interest in such appointment are as follows: *[explain why a guardians should be appointed. For example: Proposed Ward suffers from a Bipolar Affective Disorder, with psychotic features which is associated with poor judgment, reckless behavior, overspending, paranoia, and incoherent thinking. The Proposed Ward is not fully compliant with medications which leads to psychotic relapses requiring hospitalization. During these relapses the Proposed Ward is a very reckless driver and has accumulated multiple traffic violations. Further, Proposed Ward has incurred*

substantial debts and does not pay h__ bills. In the past year, Proposed Ward has been involved in numerous automobile accidents, including one hit and run which resulted in h___ arrest. It is, therefore, necessary and will be advantageous for Proposed Ward to have a guardian of h___ person and estate appointed to manage, control, protect, and prevent waste of the assets of h___ estate and to provide for h___ physical care and medical attention.]

Attached as Exhibit B and incorporated by this reference for all purposes is a physician's letter concerning Proposed Ward's lack of ability to handle h__ financial affairs.

11.

Proposed Ward is partially incapacitated. The guardian of the Estate requests the following powers:

- a. The power and authority to collect, possess, and manage all properties of the ward and file suit on debts, rentals, wages, and other claims due to the ward;
- b. The power and authority to pay, compromise, and defend obligations in the ward's behalf;
- c. The power and authority to contract and incur other obligations in the ward's behalf;
- d. The power and authority to enter into all obligations and purchases in the ward's behalf;
- e. The power and authority to apply for and receive funds from governmental sources for the ward, or in the alternative to execute a binding waiver of funds to be received from governmental sources on behalf of the ward;
- f. The power and authority to consent to major medical and dental treatment and testing for the ward, including surgery, psychotropic drugs, and including the choice of physician or dentist, except that the limited guardian shall not have the power or authority to consent to sterilization for the ward, except minor medical problems such as cuts, bruises, colds, etc.

12.

The Court should find Proposed Ward incapacitated for all purposes except that Proposed Ward should retain the power to (i) vote, and (ii) participate in the selection of residential placement.

13.

No guardianship for Proposed Ward currently exists in this or any other state.

14.

The name and address of the institution having care and custody of Proposed Ward is as follows:
[insert name and address of institution, if any.]

SWORN TO AND SUBSCRIBED BEFORE on this the ____ day of _____, 200__.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

EXHIBIT 5

[STYLE]

**APPLICATION FOR APPOINTMENT
OF GUARDIAN OF THE ESTATE**

[Minor]

TO THE HONORABLE PROBATE COURT NO. ___:

_____, Applicant, would respectfully show the Court the following:

1.

_____ (“Proposed Ward”) is a minor __ male child, __ years of age, born _____, 200___. The Proposed Ward resides at _____, _____, _____ County, Texas. Proposed Ward may be served with citation at _____, _____, _____ County, Texas.

2.

Applicant, _____, is the _____ [relationship] of Proposed Ward. Proposed Ward resides with Applicant. Applicant seeks to be appointed the Guardian of the Estate of the Proposed Ward. Applicant’s address is _____, _____, _____ County, Texas.

3.

The mother of the Proposed Ward is _____, who is living, but resides at _____, _____, _____ County, _____. It is anticipated that _____ will waive h__ right to serve as Proposed Ward’s guardian.

4.

This Court has jurisdiction and venue over this proceeding pursuant to Section 610(b) of the Texas Probate Code because (choose one of the following):

[The Proposed Ward’s mother and father reside in _____, County, Texas.

or

Proposed Ward’s mother/father, who is the Proposed Ward’s sole managing conservator resides in _____ County, Texas.

or

Proposed Ward’s mother/father, who is the Proposed Ward’s only living parent, resides in _____ County, Texas.

or

Proposed Ward's mother and father are deceased; however, Proposed Ward's last surviving parent resided in _____ County, Texas, prior to h__ death on _____, 200__.]

5.

The father of Proposed Ward is _____, who is deceased.

6.

Proposed Ward has expressed in a written designation of guardian that it is h__ preference that Applicant serve as h__ guardian. Proposed Ward may designate a guardian of h__ person and estate pursuant to Section 680 of the Texas Probate Code. The original Selection of Guardian by Minor executed by Proposed Ward on _____, 200__ is attached as Exhibit A and incorporated by this reference.

7.

The property comprising the Estate of the Proposed Ward is generally described as cash and personal effects having a value in excess of \$1,000.00.

8.

Pursuant to Section 633(c) of the Texas Probate Code, the following persons will be served with citation:
[insert a listing of the names and address of the Proposed Ward (if twelve years of age or older), Proposed Ward's parents, Proposed Ward's spouse, court-appointed conservator or person having control of the care and welfare of the Proposed Ward, the proposed guardian, if not the applicant.]

9.

Pursuant to Section 633(d) of the Texas Probate Code, the following persons will receive this application by certified mail, return receipt requested:
[insert a listing of the names and address of the all adult siblings and children of the Proposed Ward, the administrator of a nursing home facility or similar facility where the Proposed Ward resides, the operator of a residential facility in which the Proposed Ward's resides.]

10.

The specific facts which require a guardian of the Estate to be appointed and Applicant's interest in such appointment are as follows: *[explain why a guardians should be appointed. For example: Proposed Ward's father died approximately two months ago. Proposed Ward is the primary beneficiary of h__ father's estate which*

includes both real and personal property. It is necessary that a permanent guardian of the Estate of Proposed Ward be appointed in order to properly manage and invest the property inherited from h__ deceased father.]

11.

Applicant desires that _he be appointed as Guardian of the Estate of Proposed Ward. Applicant is the _____ [relationship]. A guardianship of the Estate only is sought at this time. Applicant is not disqualified by law to so act.

12.

The requested term of this guardianship is for such time as Proposed Ward's incapacity necessitates this Guardianship.

13.

The name and address of the institution having care and custody of Proposed Ward is as follows:
[insert name and address of institution, if any.]

14.

The creation of the proposed guardianship is not sought for the primary purpose of enabling the Proposed Ward to establish residence for enrollment in a school or school district in which Proposed Ward would not otherwise be eligible for enrollment.

15.

Proposed Ward has not been the subject of a legal or conservatorship proceeding within the preceding two-year period.

16.

Applicant brings this Application in good faith and for just cause and respectfully requests that attorneys' fees related to this Application, the hearing thereon, and the establishment of the requested guardianship be approved and paid out of Proposed Ward's guardianship estate.

WHEREFORE, PREMISES CONSIDERED, Applicant prays that notice of this Application be given as required by law; that Applicant, _____, be appointed Guardian of the Estate of _____, a Minor; and that Letters of Guardianship be issued to _____ upon h__ taking the Oath and giving Bond as required by law.

Respectfully submitted,

By: _____
[Insert attorney information]

Attorney for Applicant

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, Applicant in the foregoing Application for Appointment of Guardian of Estate, known to me to be the person whose name is subscribed to the above and foregoing Application and on h__ oath stated that such Application contains a correct and complete statement of the matters to which it relates and all the contents thereof are true, complete and correct.

[Applicant]

SWORN TO AND SUBSCRIBED BEFORE on this the ____ day of _____, 200__.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

EXHIBIT 6

[STYLE]

**AFFIDAVIT OF NOTICE UNDER
SECTION 633 OF THE TEXAS PROBATE CODE**

Before me, the undersigned, personally appeared, _____ and avers:

I am the attorney of record for Applicant, _____, in the above-referenced guardianship proceeding. I have personal knowledge of the facts stated herein. I am over the age of 18 and have never been convicted of a felony.

I gave notice as required by Section 633(d) to the individuals listed in the Application for Appointment of Guardian filed in the guardianship proceeding. Copies of the notice are attached as Exhibit "A" and incorporated by this reference.

SWORN TO and SUBSCRIBED before me, on this ____ day of _____, 200__, to certify which witness my hand and seal of office.

Notary Public in and for
The State of T E X A S

EXHIBIT 7

[STYLE]

MOTION FOR APPOINTMENT OF ATTORNEY AD LITEM

TO THE HONORABLE PROBATE COURT NO. __:

_____, Movant herein and Applicant in the above entitled and numbered cause, files this Motion for Appointment of an Attorney Ad Litem for _____ (“Proposed Ward”), would respectfully show unto the Court the following:

1.

There is currently pending an Application for Appointment of Guardian of the Person and Estate of _____, an Incapacitated Person. Movant respectfully requests this Honorable Court to appoint an attorney ad litem to represent the interests of _____ in such proceeding.

WHEREFORE, PREMISES CONSIDERED, Movant respectfully requests this Honorable Court to appoint an attorney ad litem for _____ to represent h__ interests in the instant application for permanent guardian over h__ person and estate; and for such other and further relief to which Movant may show h__self justly entitled.

Respectfully submitted,

By: _____
[Insert attorney information]

Attorney for Movant

EXHIBIT 8

[STYLE]

ORDER APPOINTING ATTORNEY AD LITEM

On this day came on to be considered the Motion of Movant, _____, for the appointment of an attorney ad litem to represent the interests of _____ in the matters pertaining to the Application for Appointment of Guardian of the Person and Estate of _____; and the Court being of the opinion that such Motion is well taken and should be granted. It is therefore,

ORDERED, that _____ is hereby appointed attorney ad litem to represent the interests of _____ with respect to the Application for Appointment of Guardian of the Person and Estate filed herein by Movant.

SIGNED on this the _____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney for Movant

EXHIBIT 9

[STYLE]

MOTION FOR RULE 103 SERVICE

TO THE HONORABLE PROBATE COURT NO. ___:

_____, Movant herein, and Applicant in the above entitled and numbered cause, files this Motion for Rule 103 Service and would respectfully show unto the Court the following:

1.

Movant requests that an Order be entered pursuant to Rule 103 of the Texas Rules of Civil Procedure authorizing service of the Application for Appointment of Guardian of the Person and Estate filed by _____ by a private process server on _____.

WHEREFORE, PREMISES CONSIDERED, Movant prays for the entry of a Rule 103 Order and for such other and further relief to which Movant may show h__self justly entitled.

Respectfully submitted,

By: _____
[Insert attorney information]

Attorney for Movant

EXHIBIT 10

[STYLE]

ORDER

On this day, _____, Movant in the above-styled case, requested service pursuant to Rule 103 of the Texas Rules of Civil Procedure on the attached Application for Appointment of Guardian of the Person and Estate. The Court finds that the Motion has merit and hereby grants such Motion. It is therefore,

ORDERED, that _____, of _____, _____, _____, Texas _____, is authorized to serve citation of the attached Application for Appointment of Guardian of the Person and Estate upon _____ [*insert Proposed Ward's name*].

SIGNED on this _____ day of _____, 200__.

JUDGE PRESIDING

EXHIBIT 11

DOCTOR'S FORM LETTER

DATE: _____

PHYSICIAN'S NAME: _____

PHYSICIAN'S ADDRESS: _____

TELEPHONE NUMBER: _____

Honorable _____

Judge, Probate Court Number ____

[Address]

Re: IN THE MATTER OF THE GUARDIANSHIP OF _____ AN INCAPACITATED
PERSON

Dear Judge _____:

I am a physician currently licensed in the State of Texas. I have been the doctor for ("Proposed Ward") whose Social Security Number is ____ - ____ - ____, whose birth date is _____ and resides at _____, Texas, since _____ 200__.

I examined the Proposed Ward on _____ 200__. Based upon that examination and my observations, it is my opinion that the Proposed Ward is incapacitated and the nature and degree of incapacity is described in my answers to the following questions:

1. *What is the general nature and degree of the incapacity of the Proposed Ward?*

2. *What is the Proposed Ward's medical history as it is related to the incapacity?*

3. *What is the prognosis, including the estimated severity, of the incapacity?*

4. *How and in what manner does the Proposed Ward's physical or mental health effect ability to make or communicate responsible decisions?*

5. *Is the Proposed Ward on any medications which effect demeanor or ability to participate in court proceedings? If so, what medication is the Proposed Ward on and how is his demeanor or ability to participate in court proceedings affected?*

6. *If the underlying diagnosis of the incapacity is that of “senility”, please describe the precise physical and mental condition underlying the diagnosis of senility.*

7. *Is mental retardation the basis of the Proposed Ward’s incapacity?*

8. *It is my opinion that the Proposed Ward is incapable of making a decision concerning the following as indicated by a mark before the appropriate letter;*

A. MATTERS RELATED TO THE PROPOSED WARD’S PROPERTY:

Capable Incapable

- _____ _____ a. to handle a bank account.
- _____ _____ b. to contract and incur obligations.
- _____ _____ c. to collect and file suit on debts, rentals, wages and other claims due Proposed Ward.
- _____ _____ d. to pay, compromise and defend claims against him/herself
- _____ _____ e. to apply for or consent to governmental services.
- _____ _____ f. to apply for and to receive funds from governmental sources.
- _____ _____ g. to enroll in public or private residential care facilities.
- _____ _____ h. to make employment decisions.
- _____ _____ i. to make decisions related to military service.
- _____ _____ j. to enter into insurance contracts of every nature.
- _____ _____ k. to vote.
- _____ _____ l. to operate a motor vehicle.
- _____ _____ m. to participate in the selection of residential placement.
- _____ _____ n. to handle funds of \$50.00 or less.
- _____ _____ o. other:

1. _____

2. _____

B. MATTERS RELATED TO THE PROPOSED WARD’S PERSON:

Capable Incapable

_____ _____ p. to apply for psychological and psychiatric tests and evaluation.

_____ _____ q. to consent to medical and dental treatment and testing.

_____ _____ r. to consent to disclosure of psychological and medical records.

_____ _____ s. other:

1. _____

2. _____

THEREFORE, it is my opinion that the Proposed Ward is incapacitated as stated in this letter and that the Court should consider the appointment of a guardian.

FURTHERMORE, (answer YES to one of the following):

_____ It is my opinion that the Proposed is partially incapacitated.

_____ It is my opinion that the Proposed Ward is totally without capacity.

9. I believe that the Court should also be aware of the following additional information, if any, which concerns the Proposed Ward and which is not included above, but which may be of interest to the Court.

Sincerely,

Signature

Printed Name

[Add Affidavit if required by Presiding Court]

EXHIBIT 12

[STYLE]

**ORDER APPOINTING PERMANENT
GUARDIAN OF THE PERSON AND ESTATE**
[Total Incapacity]

On this day came on to be heard the Application of _____ for Appointment as Guardian of the Person and Estate of _____, an Incapacitated Person (hereinafter referred to as “Ward”) and it appearing to the Court that:

1. Ward was served with citation which has been on file and returned as required by law;
2. Ward appeared by and through h__ attorney ad litem, _____, an attorney licensed to practice law in this state;
3. Due notice of the Application has been given as required by law;
4. Ward is a __ male born _____, _____;
5. Ward has no permanent guardian of h__ person and estate;
6. This Court has venue of this matter under the provisions of Section 610 of the Texas Probate Code;
7. The Court has jurisdiction of this matter;
8. The Court finds by a preponderance of the evidence that _____ is not ineligible to serve as Guardian of the Person and Estate of a totally incapacitated person;
9. The rights of Ward and/or of Ward’s property will be protected by such appointment;
10. The Court finds by clear and convincing evidence that _____ is incapacitated and lacks the necessary capacity as provided by the Texas Probate Code to care for h__self and to manage the individual’s property as a reasonably prudent person and that a full guardianship of both the person and estate over the incapacitated person should be granted.

It is accordingly,

ORDERED, by the Court that _____ is appointed Guardian of the Person and Estate of _____, an Incapacitated Person; that Letters of Guardianship be issued to h__ upon giving bond in the

sum of \$ _____ and taking the Oath of office within twenty (20) days hereof, and the Clerk is hereby directed to issue Letters of Guardianship to _____ when he has qualified according to law. It is further,

ORDERED, that this Guardianship shall be a full guardianship with all of the duties, powers, and limitations hereby granted to a guardian by the law of this state and that the Ward shall be declared fully incapacitated without the authority to exercise any rights or power of himself or his estate. It is further,

ORDERED, that _____, the attorney ad litem, shall submit a separate fee application regarding his services which shall be taxed as costs and he is discharged as attorney ad litem.

SIGNED this _____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorneys for Applicant

BY: _____
[Insert attorney information]

Attorney Ad Litem

EXHIBIT 13

[STYLE]

**ORDER APPOINTING PERMANENT
GUARDIAN OF THE PERSON AND ESTATE**
[Partial Incapacity]

On this day came on to be heard the Application of _____ for Appointment as Guardian of the Person and Estate of _____, a Partially Incapacitated Person (hereinafter referred to as “Ward”) and it appearing to the Court that:

1. Ward was served with citation which has been on file and returned as required by law;
2. Ward appeared by and through h__ attorney ad litem, _____, an attorney licensed to practice law in this state;
3. Due notice of the Application has been given as required by law;
4. Ward is a __male born _____, ____;
5. Ward has no permanent guardian of h__ person and estate;
6. This Court has venue of this matter under the provisions of Section 610 of the Texas Probate Code;
7. The Court has jurisdiction of this matter;
8. The Court finds by a preponderance of the evidence that _____ is not ineligible to serve as Guardian of the Person and Estate of a partially incapacitated person;
9. The rights of Ward and/or of Ward’s property will be protected by such appointment;
10. The Court finds by clear and convincing evidence that _____ is partially incapacitated and lacks the necessary capacity as provided by the Texas Probate Code to care for h__self and to manage the individual’s property as a reasonably prudent person and that a partial guardianship of both the person and estate over the partially incapacitated person should be granted.

It is accordingly,

ORDERED, by the Court that _____ is appointed Guardian of the Person and Estate of _____, a Partially Incapacitated Person; that Letters of Guardianship be issued to h__ upon giving bond

in the sum of \$ _____ and taking the Oath of office within twenty (20) days hereof, and the Clerk is hereby directed to issue Letters of Guardianship to _____ when he has qualified according to law. It is further,

ORDERED that the Permanent Guardian of the Person and Estate shall have the following authority and powers:

- (i) To assist Ward in making medical decisions regarding treatment for Ward's benefit as allowed by the Texas Probate Code, and to have complete access to all past, current, and future medical records of Ward to assist h__ in making such decisions;
- (ii) To engage the services of medical providers, nurses, psychiatrists, neurologists including eye care and dental care providers, all for the care and benefit of Ward;
- (iii) To provide food, clothing, and shelter for Ward;
- (iv) To take control of Ward's financial affairs to determine the status and extent of h__ assets;
- (v) To take possession of Ward's assets, wherever situated, and other documents wherever located, including the contents of Ward's safe deposit boxes, if any;
- (vi) To take such actions as may be necessary or proper to collect all income of the Ward, including but not limited to oil and gas interests, pasture leases, proceeds of any insurance policy or policies (of whatever nature) or any annuity contract or contracts and social security proceeds which may be owing to Ward;
- (vii) To file an individual income tax return, if necessary, and to file any other necessary income tax returns for Ward and to pay such income taxes as may be owing in connection therewith;
- (viii) To incur expenditures for the protection of Ward's property, and to apply to this Court for authority to expend estate funds on an as needed basis to pay expenses of the Guardianship, subject to further court approval; and

It is further,

ORDERED, that the Ward, shall retain the following limited powers:

- (i) To participate in the selection of residential placement; and
- (ii) To vote.

It is further,

ORDERED, that _____, the attorney ad litem, shall submit a separate fee application regarding h__ services which shall be taxed as costs and he is discharged as attorney ad litem.

SIGNED this _____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorneys for Applicant

BY: _____
[Insert attorney information]

Attorney Ad Litem

EXHIBIT 14

[STYLE]

ORDER APPOINTING PERMANENT GUARDIAN OF THE ESTATE

[Minor]

On this day came on to be heard the Application of _____ for Appointment as Permanent Guardian of the Estate of _____, a Minor, and it appearing to the Court that:

1. Due notice of said Application has been given as required by law;
2. _____ is a minor __ male, __ years of age, born _____, ____;
3. The Ward has no legal guardian of h__ estate;
4. The Ward appeared by and through h__ attorney ad litem, _____, an attorney ad litem licensed to practice law in this state;
5. The father of the Ward is _____, who is deceased;
6. The mother of the Ward is _____, who resides in _____ and has filed h__ Waiver and Renunciation of Right to be Appointed Guardian of the Estate;
7. This Court has venue since the Ward resides in and the principal part of h__ estate is situated in this County;
8. Applicant is not disqualified to act as Permanent Guardian of the Estate of the Ward, and is entitled to be so appointed;
9. This Court has jurisdiction of this cause;
10. Rights of property will be protected by such appointment; and
11. Such guardianship is not sought for the primary purpose of enabling the Ward to establish residency for enrollment in a school or school district in which the Ward would not otherwise be eligible for enrollment.

It is accordingly,

ORDERED, by the Court that _____ is appointed Permanent Guardian of the Estate of _____, a Minor; that Letters of Guardianship be issued to _____ upon giving bond in the sum of \$ _____, payable and conditioned as required by law and taking the Oath of office within twenty (20) days hereof, and the Clerk is hereby directed to issue Letters of Guardianship to _____ when _he has qualified according to law. It is further,

ORDERED, that _____, Attorney Ad Litem, shall submit a separate fee application regarding h__ services which shall be taxed as costs and _he is discharged as attorney ad litem.

SIGNED on this the ____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney for Applicant

BY: _____
[Insert attorney information]

Attorney Ad Litem

EXHIBIT 15

[STYLE]

**APPLICATION FOR (i) AUTHORITY TO
DEPOSIT ASSETS OF ESTATE IN SAFEKEEPING
AND (ii) AUTHORITY TO MAKE LIMITED INVESTMENTS**

TO THE HONORABLE PROBATE COURT NO. __:

Applicant, _____, Guardian the Person and Estate of _____, an Incapacitated Person, would respectfully show unto the Court the following:

1.

Applicant believes it is in the best interest of the Estate to enter into a safekeeping agreement with a duly authorized depository pursuant to Section 703 of the Texas Probate Code. Such arrangement will provide proper security for the cash and other valuable assets of the Estate. Applicant believes that such arrangement should be made with _____ (“Custodian”), pursuant to the terms of the Custodial Agency and Safekeeping Agreement between Applicant and Custodian (“Agreement”), a true and correct copy of which is attached as Exhibit A and incorporated for all purposes by this reference. Applicant requests authority from this Court to enter into such Agreement.

2.

Applicant further seeks authority from this Court to place all cash, stocks, bonds, and other securities into the account created by the Agreement. Applicant further requests authority to place virtually all receipts of money _he may receive in h__ capacity as Guardian of Ward’s Estate into the account created by the Agreement together with all stock splits, stock dividends, or other securities _he may hereafter receive or take possession of in h__ capacity as Guardian of Ward’s Estate. The effect of such authority would in effect render Custodian the depository for all such property properly belonging to the Estate of _____, an Incapacitated Person, and it will therefore make all disbursements pursuant to instructions from Applicant which are approved by this Honorable Court by prior Court order.

3.

It is anticipated that Custodian may also have excess funds on hand from time to time. Applicant respectfully requests that _he be authorized to invest such funds held in the custodial account in the following entities:

- a. Direct obligations of the state of Texas or any political subdivision thereof supported by the general taxing powers of such state or political subdivision;
- b. Direct or indirect obligation of the United States;
- c. Institutional money market funds then being used by _____ for its fiduciary accounts; and
- d. Other investments authorized by Section 855 of the Texas Probate Code.

4.

Applicant further seeks authority from this Honorable Court to authorize Custodian to compensate itself as custodian from time to time in accordance with its usual practices for such matters. A copy of Custodian's current standard fee schedule is attached as Exhibit B and incorporated by this reference.

WHEREFORE, PREMISES CONSIDERED, Applicant, _____, Guardian of the Person and Estate of _____, an Incapacitated Person, respectfully requests authority from this Court to (i) deposit assets in safekeeping with _____, as custodian for the estate, (ii) enter into the agreement attached hereto, (iii) authorize _____ from time to time to make investments in accordance with the provisions set forth above, and (iv) compensate _____ in accordance with the provisions of the agreement; and for such other and further relief to which _he may show h__self justly entitled.

Respectfully submitted,

By: _____
[Insert attorney information]

Attorney for Applicant

CUSTODIAL AGENCY AND SAFEKEEPING AGREEMENT

Effective this the ____ day of _____, 200__. The Guardian of the Estate of _____, an Incapacitated Person (the “Guardian”) has deposited with _____ (the “Custodial Agent”) the property listed on page one (1) of Exhibit A attached and constituting part of the assets of the Estate of _____, an Incapacitated Person, to be maintained in a custodial agency and safekeeping account (“the Account”) such property together with any other property which may be added to or become a part of the Account shall be held by the Custodial Agent on the following terms and conditions:

1. The Custodial Agent shall safely keep the property in the Account and collect the income thereon and all principal realized through sales maturities redemptions or otherwise the Custodial Agent shall hold, invest, disburse, or otherwise dispose of the property in the Account or its proceeds pursuant only to orders of Probate Court No. _ of _____ County, Texas, in Cause No. _____; styled “In Re: Guardianship of the Person and Estate of _____, an Incapacitated Person.”
2. Income on property in the Account shall be disbursed or retained pursuant only to orders of Probate Court No. __ of _____ County, Texas, in Cause No. _____, styled “In Re: Guardian of the Person and Estate of _____, an Incapacitated Person.”
3. Should the Custodial Agent sell, exchange, deliver, or otherwise dispose of any or all of the property in the Account and invest or reinvest any moneys at the time comprising a part of such property any broker’s fees or commissions in connection therewith shall be paid from the Account orders for purchase and sale shall be placed for the Account with the broker selected by the Custodial Agent and the Custodial Agent shall not be liable or accountable for any act or omission of any reputable broker or similar agents.
4. The Custodial Agent is under no duty to render investment advice or make investment recommendations and shall be responsible for loss to the Account only through its gross negligence or bad faith. The Custodial Agent shall be under no duty to take or omit to take any action with respect to any property held in such account except in accordance with orders issued by Probate Court No. _ of _____ County, Texas, styled “In Re: Guardian of the Person and Estate of _____, an Incapacitated Person.” Notwithstanding anything herein to the contrary the Custodial Agent shall not be required to give notice of dishonor or default of instruments and securities received from the Guardian or others to take any legal action or to appear in or defend any suit or proceedings unless requested by the Guardian, in writing and indemnified to the Custodial Agent’s satisfaction. It is agreed and understood that the Custodial Agent is not acting as a trustee and that there are no attributes of a trust inherent in the relationship between the Guardian and the Custodial Agent.
5. Securities in the Account shall be held in the name of the Custodial Agent’s nominee or in the nominee of the Custodial Agent’s depository for safekeeping.
6. All instructions or directions given by the Guardian and Probate Court No. _ of _____ County, Texas, in Cause No. _____, styled “In Re: Guardianship of the Person and Estate of _____, an Incapacitated Person,” unless they otherwise provide, shall remain in force until revoked or amended by further order of Probate Court No. _ of _____ County, Texas, in Cause No. _____, styled “In Re: Guardianship of the Person and Estate of _____, an Incapacitated Person.”

_____, an Incapacitated Person,” received by the Custodial Agent. The Custodial Agent shall be fully protected and indemnified in acting upon any such court orders.

7. The Custodial Agent shall keep books of account reflecting all transactions and shall furnish the Guardian, the Guardian’s counsel of record in Cause No. _____, styled “In Re: Guardianship of the Person and Estate of _____, an Incapacitated Person,” statements of receipts and disbursements and a list of assets on a monthly basis such statements shall be sent to such persons at the addresses reflected at the end of this Agreement the Guardian or any persons designated by the Guardian shall be entitled at all reasonable times to examine all books papers and other records relating to the account in possession of the Custodial Agent.
8. The Custodial Agent shall be entitled to receive in consideration for its services hereunder compensation in accordance with its usual fee schedule in such matters the Custodial Agent is authorized to pay itself out of funds on hand the compensation to which it is entitled such compensation and any unusual expenses incurred by the Custodial Agent in the handling of the account shall be charged thereto.
9. The Custodial Agent shall have no responsibility for the payment of any tax imposed by the government or any subdivision district or agency thereof with the exception of transfer taxes, etc., customarily and immediately paid in connection with sale or exchange of property.
10. The Custodial Agent shall use the same care with respect to securities and other property in the account that it exercises with respect to its own securities and properties.
11. The Parties intend that this Agreement shall be a safekeeping agreement as provided by Section 703 of the Texas Probate Code.
12. All notices to the Guardian may be delivered to the Guardian or by mailing to the Guardian’s address last on file with the Custodial Agent and Guardian’s counsel of record in Cause No. _____, styled “In Re: Guardianship of the Person and Estate of _____, an Incapacitated Person.
13. _____ shall have no right of offset with respect to the Securities and property held by _____ as Custodian pursuant to this Custody Agreement. _____ shall, upon receipt of the various items of Ward’s property which from time to time are delivered to _____ to be a part of the Custody Account, deliver to Guardian appropriate receipts showing receipt thereof.
14. Subject to orders of Probate Court No. _ of _____ County, Texas, in Cause No. _____, styled “In Re: Guardianship of the Person and Estate of _____, an Incapacitated Person,” terminable by either party hereto upon written notice with reasonable allowance of time for the accomplishment of any clerical accounting or property transfer procedures necessarily incident thereto custodial agent agrees by signing this agreement that it will not release any funds or assets placed in the account or any income earned on said assets unless so ordered by Probate Court No. _ of _____ County, Texas, in Cause No. _____, styled “In Re: Guardianship of the Person and Estate of _____, an Incapacitated Person,” nor make any disbursements from the Account unless so ordered by said Probate Court in witness whereof the Guardian and the Custodial Agent have caused this Agreement to be executed as of the _____ day of _____, 200__.

Estate of _____, an Incapacitated Person

Guardian of the Person and Estate of _____,
an Incapacitated Person
[ADDRESS: _____]
[_____]

Custodial Agent:

BY: _____

TITLE: _____

EXHIBIT 16

[STYLE]

**ORDER AUTHORIZING (i) DEPOSIT OF ASSETS OF ESTATE
IN SAFEKEEPING UNDER SECTION 703,
TEXAS PROBATE CODE AND (ii) INVESTMENT OF ESTATE FUNDS**

On this day came on to be considered the Application of Applicant, _____, Guardian of the Person and Estate of _____, an Incapacitated Person, for authority to deposit assets of the estate in safekeeping and to invest estate assets (“the Application”) which is incorporated herein by this reference and the salient provisions of which, including the defined terms therein reference is hereby made); and it appearing to the Court and the Court finds that:

1. It has subject matter jurisdiction of this matter;
2. Proper notice of this matter has been given;
3. The Application is in all respects in order;
4. The Custodial Agency and Safekeeping Agreement set forth in the Application is in the best interest of the estate;
5. Applicant intends to deposit all of the cash, stocks, bonds, other securities, and other valuable assets of the Estate in a separate Custody Account with _____ (“_____”), pursuant to the Custodial Agency and Safekeeping Agreement attached to the Application; and
6. The Court being of the opinion that such arrangement is in the best interest of the estate and should be approved in all respects.

It is therefore,

ORDERED, that the Guardian is authorized to execute the Custodial Agency and Safekeeping Agreement drawn by _____ (“Agreement”) and deliver an original counterpart thereof to _____ . It is further,

ORDERED, that the Guardian is authorized to transfer to _____ as Custodian pursuant to the Agreement all cash, stocks, bonds, securities, and other valuable assets of the estate to be held by

_____ pursuant to the terms and provisions of the Agreement and further orders of this Court. It is further,

ORDERED, that the Guardian is authorized to instruct _____ as Custodian to invest the funds of the estate in any one or more of the following investments in such proportions and manner as the Guardian and _____ may agree to liquidate same and reinvest in any of the other following investments to receive in the Custody Account all dividends and interest due therefrom and reinvest all such dividends and interest all at such times and manner and for such durations as _____ and the Guardian may agree to wit:

- a. Direct obligations of the state of Texas or any political subdivision thereof supported by the general taxing powers of such state or political subdivision;
- b. Direct or indirect obligations of the United States;
- c. Institutional money market funds then being used by _____ for its fiduciary accounts; and
- d. Other investments authorized by Section 855 of the Texas Probate Code.

It is further,

ORDERED, that the Guardian is authorized from time to time to transfer all sums of money or securities _____ he now has or may hereafter receive as Guardian to _____ as Custodian pursuant to the Agreement with the view that _____ shall act as Custodian for all such assets of the estate. It is further,

ORDERED, that the Guardian is authorized to compensate _____ pursuant to the terms and provisions of the Agreement. It is further,

ORDERED, that the Guardian shall obtain a signed counterpart of the Agreement from _____ and return it to this Court to be filed among the papers of this cause, or in the alternative, the Guardian shall obtain from _____ a written acknowledgment from it that it shall act as Custodian pursuant to agreement and that no withdrawals of any assets shall be allowed by _____ except upon prior order of this court. It is further,

ORDERED, that the Guardian is ordered that _he shall not attempt to make any withdrawals of any property so deposited with _____ without a prior Order of this Court setting forth the authorized withdrawal and, if necessary, the appropriate increase required in Applicant's bond.

SIGNED this _____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney For Applicant

EXHIBIT 17

[STYLE]

**RECEIPT OF DEPOSITORY UNDER
CUSTODIAL AGENCY AND SAFEKEEPING AGREEMENT
PURSUANT TO SECTION 703(h) OF THE TEXAS PROBATE CODE**

_____, by and through the undersigned officer, hereby certifies that it have received estate funds in the amount of \$_____.00, which has been placed into a custody and safekeeping account pursuant to a Custodial Agency and Safekeeping Agreement by and between _____ as Custodial Agent and _____, as Guardian of the Person and Estate of _____, an Incapacitated Person; and _____ further certifies that it will not disburse or deliver any of the assets described above including any subsequent deposits interest or dividends to the Guardian of the estate or to any other person or entity except upon receipt of a copy of an order of this Court in accordance with Section 703 of the Texas Probate Code.

_____ certifies that it has received and reviewed a certified copy of an order authorizing the Guardian of the Person and Estate of _____, an Incapacitated Person, to enter into a Custodial Agency and Safekeeping Agreement with _____ and _____ shall abide by the provisions thereof pertaining to the assets of the Ward's estate that are the subject to this Custodial Agency and Safekeeping Agreement.

SIGNED on this the ____ day of _____, 200__.

BY: _____

TITLE: _____

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

SWORN TO AND SUBSCRIBED BEFORE ME by _____ as _____ of
_____, on this the ___ day of ___, 200__.

(Seal)

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

EXHIBIT 18

[STYLE]

ORDER

The foregoing Custodial Agency and Safekeeping Agreement is hereby approved on this the ____ day of _____ 200__.

SIGNED this _____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Inset counsel information]

Attorney for Applicant

EXHIBIT 19

[STYLE]

**OATH OF [TEMPORARY OR PERMANENT]
GUARDIAN OF THE [PERSON AND/OR ESTATE]**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, _____, do solemnly swear that I will faithfully discharge the duties of Guardian of the [Person and/or Estate] of _____, an Incapacitated Person, according to Section 700 of the Texas Probate Code.

[signature of guardian]

SWORN TO AND SUBSCRIBED BEFORE ME on this the _____ day of _____, 200__, to certify which witness my hand and seal of office.

(SEAL)

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

EXHIBIT 20

[STYLE]

**APPLICATION FOR APPOINTMENT OF
TEMPORARY GUARDIAN OF THE PERSON AND ESTATE**

TO THE HONORABLE PROBATE COURT NO. ___:

Applicant, _____, files this h__ Application for Appointment of Temporary Guardian of the Person and Estate of _____ (hereinafter "Proposed Ward") according to Section 875 of the Texas Probate Code and would respectfully show the Court the following:

1.

Proposed Ward is an adult __ male, approximately __ years of age, born _____, ____, and currently resides at _____, in _____, _____ County, Texas, where _he may be personally served with citation.

2.

Proposed Ward is totally incapacitated as discussed more specifically in the Paragraphs below.

3.

There is an immediate necessity for the appointment of a Temporary Guardian in accordance with Section 875 of the Texas Probate Code.

4.

The proposed Temporary Guardian, _____, is the _____ and only living relative of Proposed Ward, and resides at _____, _____, _____ County, Texas, and desires that _he be appointed as Temporary Guardian of the Person and Estate of Proposed Ward and that _he is qualified to receive Letters of Temporary Guardianship; and _he is entitled to be so appointed.

5.

Proposed Ward has expressed in a written designation of guardian that it is h__ preference that Applicant serve as h__ guardian. Proposed Ward may designate a guardian of h__ person and estate pursuant to Section 679 of the Texas Probate Code. The original Declaration of Guardian in the Event of Later Incapacity or Need of Guardian executed by Proposed Ward on _____, 200__ is attached as Exhibit A and incorporated by this reference.

6.

Applicant is eligible to serve as Temporary Guardian of the Person and Estate of Proposed Ward and requests this Court give due consideration to Proposed Ward's preference pursuant to Sections 679 and 689 of the Texas Probate Code. Applicant requests appointment and is qualified to be appointed as Temporary Guardian of the Person and Estate of Proposed Ward.

7.

No guardianship for Proposed Ward currently exists in this or any other state.

8.

This Court has jurisdiction and venue over this proceeding because Proposed Ward resides in _____ County, Texas, and is the County where the principal part of Proposed Ward's property is situated.

9.

Pursuant to Section 633(c) of the Texas Probate Code, the following persons will be served by citation:

[insert a listing of the names and address of the Proposed Ward (if twelve years of age or older), Proposed Ward's parents, Proposed Ward's spouse, court-appointed conservator or person having control of the care and welfare of the Proposed Ward, and the proposed guardian, if not the applicant.]

10.

Pursuant to Section 633(d) of the Texas Probate Code, the following persons will receive this application by certified mail, return receipt requested:

[insert a listing of the names and address of all of the adult siblings and children of the Proposed Ward, the administrator of a nursing home facility or similar facility where the Proposed Ward resides, the operator of a residential facility in which the Proposed Ward's resides, and the agent under a power of attorney signed by the Proposed Ward.]

11.

The specific facts and reasons supporting the appointment of a Temporary Guardian are as follows:
[explain the facts and reasons a Temporary Guardian must be appointed. For example: Proposed Ward is totally incapacitated, paralyzed, does not speak, and is easily taken advantage of by anyone. As such, Proposed Ward is unable to make reasonable and informed decisions in matters concerning h__ person and estate. Proposed Ward is a ___ year old ___man who suffered a stroke on _____, 200___. Following the stroke, Proposed Ward suffered from partial paralysis on h__ left side, was unable to walk, had limited vision and remained in a weakened

condition. Proposed Ward was returned home with round-the-clock home health care workers on _____, 200__. In support of the immediate need for the appointment of a Temporary Guardian of Proposed Ward's Person, Applicant attaches as Exhibit B and incorporates by this reference a physician's letter stating the Proposed Ward's condition.

12.

The imminent danger that Proposed Ward's physical well being may be impaired and that Proposed Ward's estate be wasted is as follows: *[explain the imminent danger necessitating the appointment of a temporary guardians. For example: Imminent danger exists which necessitates the appointment of a Temporary Guardian of Proposed Ward's Person and Estate in accordance with Section 875 of the Texas Probate Code. Applicant is Proposed Ward's attorney in fact for health care decisions pursuant to a Durable Power of Attorney for Healthcare, executed by Proposed Ward on _____, 200__. Further, Applicant is Proposed Ward's attorney in fact for financial decisions pursuant to a Durable Power of Attorney, executed by Proposed Ward on _____, 200__. Proposed Ward has not revoked these documents and they remain in effect to date. Nevertheless, _____ has presented a General Power of Attorney and a General Power of Attorney for Health Care allegedly executed by Proposed Ward on _____, 200__. _____ is a health care worker retained by Applicant to care for Proposed Ward following h__ stroke on _____, 200__. Proposed Ward did not have the capacity to execute these instruments.]*

13.

Applicant requests the Court grant the following powers and authority:

- a. To take control of Proposed Ward's financial affairs to determine the status and extent of h__ assets.
- b. To take possession of Proposed Ward's assets and other documents wherever located.
- c. To make medical decisions regarding placement and to facilitate treatment for Proposed Ward's benefit as allowed by the Texas Probate Code, and for h__ to have complete access to all past, current, and future medical records of Proposed Ward to assist h__ in making such decisions;
- d. To engage the services of medical providers, nurses, psychiatrists, neurologists including eye care and dental care providers, all for the care and benefit of Proposed Ward; and
- e. To provide food, clothing, and shelter for Proposed Ward, including arranging for care at skilled nursing facilities.

14.

The name and address of the institution having care and custody of Proposed Ward is as follows:
[insert name and address of institution, if any.]

15.

The name and address of any person know to Applicant to hold a power of attorney or purported power of attorney for Proposed Ward is as follows:
[insert name and address of agent under power of attorney, if any.]

16.

Applicant brings this Application in good faith and for just cause and respectfully requests that attorneys' fees related to this Application, the hearing thereon, and the establishment of the requested guardianship be approved and paid out of Proposed Ward's guardianship estate.

WHEREFORE, PREMISES CONSIDERED, Applicant prays that this Court appoint _____, Temporary Guardian of the Person and Estate of Proposed Ward; that an attorney ad litem be appointed to represent the interests of Proposed Ward; that a time for a hearing on this Application be set; that notice and citation be issued as required by law; and for such other and further relief to which Applicant may show h__self justly entitled.

Respectfully submitted,

By: _____
[Insert attorney information]

Attorney for Applicant

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, Applicant in the foregoing Application for Appointment of Temporary Guardian, known to me to be the person whose name is subscribed to the above and foregoing Application and on h__ oath stated that such Application contains a correct and complete statement of the matters to which it relates and all the contents thereof are true, complete and correct.

[Applicant]

SWORN TO AND SUBSCRIBED BEFORE ME on this the ____ day of _____,
200__.

(SEAL)

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

EXHIBIT 21

[STYLE]

**ORDER SETTING HEARING ON THE APPOINTMENT
OF THE TEMPORARY GUARDIAN AND THE
APPOINTMENT OF ATTORNEY [GUARDIAN] AD LITEM**

On this day came on to be considered the Application for Temporary Guardianship of the Person and Estate of _____, an Incapacitated Person (hereinafter referred to as "Proposed Ward"), and after due consideration, the Court finds that there is substantial evidence to indicate an imminent necessity exists for the appointment of a temporary guardian pursuant to Section 865, *et seq.*, of the Texas Probate Code; that Proposed Ward has no guardian of [his/her] person and estate; that this Court has venue pursuant to Section 610 of the Texas Probate Code; that Applicant is not ineligible to act as temporary guardian; and that this Court has jurisdiction of this cause. It is therefore,

ORDERED that _____, an attorney licensed to practice before this Court, is appointed as Attorney [Guardian] Ad Litem to represent the interests of the Proposed Ward. It is further,

ORDERED that a hearing be held on the Application for Appointment of Temporary Guardian on the ____ day of _____, 2003, at _____ o'clock a.m./p.m., in the Courtroom of Probate Court No. ____, 1115 Congress, __th Floor, Houston, Harris County, Texas, at which time the necessity for this temporary guardianship will be determined.

SIGNED on this _____ day of _____, 200__.

JUDGE PRESIDING

EXHIBIT 22

[STYLE]

ORDER APPOINTING TEMPORARY GUARDIAN

On this day came on to be considered the Application for Temporary Guardianship of the Person and Estate of _____, an Incapacitated Person (hereinafter referred to as "Proposed Ward"), and after due consideration, the Court finds that there is substantial evidence to indicate an imminent necessity exists for the appointment of a temporary guardian pursuant to Section 865, *et seq.*, of the Texas Probate Code; that Proposed Ward has no guardian of [his/her] person and estate; that this Court has venue pursuant to Section 610 of the Texas Probate Code; that Applicant is not ineligible to act as temporary guardian; that this Court has jurisdiction of this cause; and that notwithstanding the appointment of the temporary guardian, for purposes of subsequent judicial proceeding, the Proposed Ward may not be presumed to be incapacitated and the fact that a temporary guardian was appointed may not be entered into evidence. It is therefore,

ORDERED that _____ is appointed guardian of the person and estate of _____, an Incapacitated Person until the ____ day of _____, 2004. It is further,

ORDERED that this Order shall be effective and the guardian qualified upon the filing of the Oath of Office and giving bond in the amount of \$ _____, and the Clerk shall attach a Certificate to the Order showing compliance. It is further,

ORDERED that the temporary guardian shall only have the authority:

- a. To take control of Proposed Ward's financial affairs to determine the status and extent of h__ assets.
- b. To take possession of Proposed Ward's assets and other documents wherever located.
- c. To make medical decisions regarding placement and to facilitate treatment for Proposed Ward's benefit as allowed by the Texas Probate Code, and for h__ to have complete access to all past, current, and future medical records of Proposed Ward to assist h__ in making such decisions;
- d. To engage the services of medical providers, nurses, psychiatrists, neurologists including eye care and dental care providers, all for the care and benefit of Proposed Ward; and
- e. To provide food, clothing, and shelter for Proposed Ward, including arranging for care at skilled nursing facilities.

It is further,

ORDERED, that _____, whose address is _____,
an attorney licensed to practice before this Court, is appointed attorney or guardian ad litem to represent the interest
of the Proposed Ward named herein. It is further,

ORDERED, that notice be given in compliance with Section 875(e) of the Texas Probate Code, if
applicable. It is further,

ORDERED, that a hearing be held on the Application for Temporary Guardianship on the _____ day of
_____, 200__, at _____ o'clock a.m./p.m. in the Courtroom of Probate Court No. ____,
_____, _____ County, Texas, at which time the necessity of this Temporary Guardianship will
be determined. It is further,

ORDERED, by the Court that the Clerk of this Court issue Letters of Temporary Guardianship to
_____ when __ he has qualified according to law.

SIGNED on this the _____ day of _____, 200__.

JUDGE PRESIDING

APPROVED:

BY: _____
[Insert attorney information]

Attorney for Applicant

EXHIBIT 23

[STYLE]

ORDER CONFIRMING
APPOINTMENT OF TEMPORARY GUARDIAN

On the ___ day of _____, 200__, came on to be considered the Application of _____ for Letters of Temporary Guardianship of the Person and Estate of _____, An Incapacitated Person; Applicant, _____, appeared in person. The Respondent, _____, an Incapacitated Person, appeared [*in person or by and through h__ attorney ad litem, _____, a member in good standing of the State Bar of Texas heretofore appointed attorney ad litem by this Court and the Court finds it is in the best interest of the Ward for h__ not to appear*]. After hearing the evidence in support of the Application, the Court finds by clear and convincing evidence that this Court has jurisdiction over this matter; that _____ was appointed Temporary Guardian of the Person and Estate of _____, an Incapacitated Person, by Order of this Court dated _____, 200__, and that this hearing was held pursuant to Section 875(e) of the Texas Probate Code; that notice was given to all persons interested in this Estate pursuant to Section 875(e) of the Texas Probate Code; that clear and convincing proof was provided of the areas of incapacity of the Ward; that _____ is not disqualified to act as Temporary Guardian of the Person and Estate of _____, an Incapacitated Person, and is qualified to act; it is accordingly,

ORDERED, that the original Order dated _____, 200__, appointing _____ as Temporary Guardian of the Person and Estate of _____, an Incapacitated Person, is hereby confirmed. It is further,

ORDERED, by the Court that the Temporary Guardianship shall be enforce for a period of sixty (60) days from the date of original Application in accordance with Section 875(h) of the Texas Probate Code. It is further,

ORDERED, that the Temporary Guardian of the Person and Estate shall have the following powers:

- a. To take control of Proposed Ward's financial affairs to determine the status and extent of h__ assets.
- b. To take possession of Proposed Ward's assets and other documents wherever located.

- c. To make medical decisions regarding placement and to facilitate treatment for Proposed Ward's benefit as allowed by the Texas Probate Code, and for h__ to have complete access to all past, current, and future medical records of Proposed Ward to assist h__ in making such decisions;
- d. To engage the services of medical providers, nurses, psychiatrists, neurologists including eye care and dental care providers, all for the care and benefit of Proposed Ward; and
- e. To provide food, clothing, and shelter for Proposed Ward, including arranging for care at skilled nursing facilities.

It is further,

ORDERED, that the duly appointed Attorney Ad Litem shall submit a separate application and order for fees for h__ services in this Temporary Guardianship matter.

SIGNED on this the ___ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney for Applicant

BY: _____
[Insert attorney information]

Attorney Ad Litem

EXHIBIT 24

[STYLE]

MOTION FOR MENTAL EXAMINATION

TO THE HONORABLE PROBATE COURT NO. __:

Movant, _____, Attorney Ad Litem for _____, an Incapacitated Person (“Proposed Ward”), makes this h__ Motion for Mental Examination and in support thereof would respectfully show the Court the following:

1.

Attorney Ad Litem believes it is in the best interest of _____ to be evaluated by an independent psychiatrist in this proceeding.

2.

_____ has been examined by _____, who has given h__ opinion. Proposed Ward has requested a second opinion.

3.

Movant believes that it would be in Proposed Ward’s best interest, pursuant to Rule 167a of the Texas Rules of Civil Procedure for the Court to order a complete mental examination of Proposed Ward, a party to this proceeding, to be conducted by a Court designated psychiatrist, for the purpose of determining h__ present mental state and for assessment of h__ care needs.

4.

Based on these facts, there is good cause shown for a compulsory mental examination of Proposed Ward.

5.

Movant therefore moves the Court to designate the time, place, manner, conditions, and scope of the examination to be conducted by the psychiatrist named by the Court to make such examination of Proposed Ward. It is further requested that the report of the examining doctor be provided to the Court and all counsel of record.

6.

Movant requests that the cost of such examination be paid out of the estate of Proposed Ward as it is beneficial to h__ and h__ estate to have the facts of h__ mental status determined.

WHEREFORE, PREMISES CONSIDERED, Movant prays that the Court order _____ to appear before a doctor designated by this Court for the purpose of undergoing a mental examination pursuant to Rule 167a of the Texas Rules of Civil Procedure to determine h__ mental status and that the Court order such examination to be paid out of the assets of _____'s estate; and for such other and further relief to which Movant may show h__self justly entitled.

Respectfully submitted,

BY: _____
[Insert attorney information]

Attorney Ad Litem

CERTIFICATE OF SERVICE

I, _____, certify that the foregoing instrument was forwarded to:

by certified mail, return receipt requested on this _____ day of _____, 200__.

EXHIBIT 25

[STYLE]

ORDER FOR MENTAL EXAMINATION

On this day came to be considered the Motion for Mental Examination filed herein by _____, Attorney Ad Litem for _____, and the Court, after hearing the evidence and having considered such motion and the applicable law, finds that good cause has been shown for the granting of such motion. It is therefore,

ORDERED, that _____ is hereby appointed by the Court to make an examination of _____ as to h__ mental status, and that such psychiatrist should render h__ findings in a written report to this Court within ____ days from the date of Proposed Ward's examination. It is further,

ORDERED, that such examination shall take place on or before the _____ day of _____, 200__, and that the cost of such examination and report shall be paid to said psychiatrist from the assets of _____'s estate.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney Ad Litem

EXHIBIT 26

[STYLE]

**MOTION TO EXTEND TEMPORARY GUARDIANSHIP PENDING
CONTEST PURSUANT TO TEXAS PROBATE CODE SECTION 875(k)**

TO THE HONORABLE PROBATE COURT NO. __:

Movant, _____, Temporary Guardian of the Person and Estate of _____, an Incapacitated Person, (“Ward”) files this h__ Motion to Extend Temporary Guardianship Pending Contest Pursuant to Texas Probate Code Section 875(k), and shows the Court the following:

1.

On _____, this Court appointed _____ as Temporary Guardian of the Person and Estate of Ward. The temporary guardianship remained in effect until _____.

2.

On _____, _____ filed h__ Application for Appointment of Permanent Guardian of the Person and Estate of Ward, since it is in the best interest of the Ward that the temporary guardianship be made permanent. On or about _____, _____ filed h__ contest to _____’s Application for Appointment of Permanent Guardianship, and in addition, filed h__ own Application for Appointment of Permanent Guardian. The contest remains unresolved.

3.

Pursuant to Texas Probate Code Section 875(k), when an application to convert a temporary guardianship to a permanent guardianship is challenged or contested, this Court shall appoint a temporary guardian whose term expires after sixty (60) days from the original date of appointment of the temporary guardian, or at the hearing to appoint a permanent guardian, whichever is later.

WHEREFORE, PREMISES CONSIDERED, _____, Temporary Guardian of the Person and Estate of _____, an Incapacitated Person, prays that this temporary guardianship be extended pursuant to Section 875(k) of the Texas Probate Code; that _____ remain as temporary guardian of the person and estate of Ward pending contest; and for such other and further relief to which Movant may show h__self justly entitled.

Respectfully submitted,

BY: _____
[Insert attorney information]

Attorney for Movant

CERTIFICATE OF SERVICE

I, _____, do hereby certify that a true and correct copy of the foregoing instrument was forwarded to:

by certified mail, return receipt requested, on this the ____ day of _____, 200__.

EXHIBIT 27

[STYLE]

ORDER EXTENDING TEMPORARY GUARDIANSHIP PENDING CONTEST

On this day came on to be considered the Motion of Movant, _____, Temporary Guardian of the Person and Estate of _____, an Incapacitated Person, to extend the temporary guardianship pending contest pursuant to Texas Probate Code Section 875(k), and the Court is of the opinion and finds that there exists a necessity to extend the temporary guardianship, and that _____ should remain as temporary guardian of the Person and Estate of _____, an Incapacitated Person. It is therefore,

ORDERED, that _____ remain as Temporary Guardian of the Person and Estate of Ward pending contest, pursuant to Texas Probate Code Section 875(k). It is further,

ORDERED, that the temporary guardian shall have the following powers:

- a. To take control of Proposed Ward's financial affairs to determine the status and extent of h__ assets.
- b. To take possession of Proposed Ward's assets and other documents wherever located.
- c. To make medical decisions regarding placement and to facilitate treatment for Proposed Ward's benefit as allowed by the Texas Probate Code, and for h__ to have complete access to all past, current, and future medical records of Proposed Ward to assist h__ in making such decisions;
- d. To engage the services of medical providers, nurses, psychiatrists, neurologists including eye care and dental care providers, all for the care and benefit of Proposed Ward; and
- e. To provide food, clothing, and shelter for Proposed Ward, including arranging for care at skilled nursing facilities.

SIGNED this the ____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney for Movant

EXHIBIT 28

[STYLE]

**APPLICATION FOR APPOINTMENT OF TEMPORARY GUARDIAN
PENDING CONTEST PURSUANT TO TEXAS PROBATE CODE SECTION 875(k)**

TO THE HONORABLE PROBATE COURT NO. __:

_____ (“Applicant”) makes and files this, h__ Application for Appointment of Temporary Guardian of the Person and Estate of _____ Pending Contest pursuant to Section 875(k) of the Texas Probate Code, and would respectfully show the Court the following:

1.

_____ (“Proposed Ward”), is an adult __ male, whose date of birth is _____, 200__, and currently resides in _____, _____ County, Texas, and may be served with citation at _____.

2.

Applicant is the _____ [*relationship*] of Proposed Ward and resides at _____, _____ County, Texas. Applicant desires to be appointed Temporary Guardian of the Person and Estate of Proposed Ward Pending Contest. Applicant is eligible to be so appointed.

3.

This Court has jurisdiction and venue over this proceeding because Proposed Ward resides in _____ County, Texas, and the principal part of Proposed Ward’s property is situated in _____ County, Texas.

4.

Pursuant to Section 633(c) of the Texas Probate Code, the following persons will be served by citation:

[insert a listing of the names and address of the Proposed Ward (if twelve years of age or older), Proposed Ward’s parents, Proposed Ward’s spouse, court-appointed conservator or person having control of the care and welfare of the Proposed Ward, the proposed guardian, if not the applicant.]

5.

Pursuant to Section 633(d) of the Texas Probate Code, the following persons will receive this application by certified mail, return receipt requested:

[insert a listing of the names and address of the all adult siblings and children of the Proposed Ward, the administrator of a nursing home facility or similar facility where the Proposed Ward resides, the operator of a residential facility in which the Proposed Ward's resides, the agent under a power of attorney signed by the Proposed Ward.]

[or, if applicable]

Proposed Ward's other children, namely _____ and _____, are being served under Section 34 of the Texas Probate Code by serving their attorneys of record. Both _____ and _____, however, have an adverse interest to those of Proposed Ward and thus do not have the right to appear and file their own applications to create a temporary guardianship, to contest these proceedings, or contest _____'s appointment as Temporary Guardian of the Person and Estate Pending Contest.

6.

Proposed Ward is totally incapacitated.

7.

Proposed Ward has expressed that it is h__ preference that Applicant serve as guardian as authorized by the Texas Probate Code. The Court Investigator has stated in h__ report that Proposed Ward wants h__ eldest child, Applicant, to serve as h__ guardian. Applicant is eligible to serve as Temporary Guardian of the Person and Estate Pending Contest and requests this Court give due consideration to Proposed Ward's preference pursuant to Section 689 of the Texas Probate Code. Applicant requests appointment and is qualified to be appointed as Temporary Guardian of the Person and Estate Pending Contest of Proposed Ward.

8.

Alternatively, Applicant requests that a qualified neutral third party be appointed Temporary Guardian of the Estate Pending Contest and that Applicant be appointed Temporary Guardian of the Person Pending Contest of Proposed Ward.

9.

A necessity exists for the appointment of a Temporary Guardian of the Person and Estate of Proposed Ward Pending Contest. Proposed Ward is totally incapacitated. Although such incapacity has been admitted by all parties except the attorney ad litem, a contest has been filed to Applicant's right to serve, delaying the appointment of a permanent guardian.

10.

Imminent danger exists which necessitates the appointment of a Temporary Guardian Pending Contest in accordance with Section 875 of the Texas Probate Code. Substantial evidence exists that Proposed Ward's physical well-being may be impaired and that Proposed Ward's estate may be wasted, as enumerated more specifically in the Paragraphs below.

11.

Proposed Ward is unable to make reasonable and informed decisions in matters concerning h__ health or estate. In support of the immediate need for the appointment of a guardian, Applicant attaches as Exhibits A and B, respectively, and incorporates by this reference, the physician's letter of _____, Applicant's expert, and the physician's letter of Attorney Ad Litem's expert, _____.

12.

This Court should appoint a Temporary Guardian of the Estate Pending Contest to assist Proposed Ward so that _he may have an opportunity to actually have h__ interests adequately represented.

13.

Applicant requests the Court grant the following limited powers and authority to the Temporary Guardian of the Estate Pending Contest:

- a. To take control of Proposed Ward's financial affairs to determine the status and extent of h__ assets;
- b. To take possession of Proposed Ward's assets and other documents wherever located, including the contents of Proposed Ward's safe deposit boxes;
- c. To take such actions as may be necessary or proper to collect the proceeds of any insurance policy or policies (of whatever nature) or any annuity contract or contracts and social security proceeds which may be owing to Proposed Ward;
- d. To file an individual income tax return, if necessary, and to file any other necessary income tax returns for Proposed Ward for periods of time subsequent to the Temporary Guardian of the Estate's appointment and during the Temporary Guardianship and to pay such income taxes as may be owing in connection therewith, to prepare and file any and all inventories (and other reports and matters as may be necessary) in any Court having jurisdiction of Proposed Ward's Estate or in connection with said tax returns;
- e. To pay all ad valorem taxes, current or delinquent, which may be or become owing by Proposed Ward;

- f. To incur expenditures for the protection of Proposed Ward's property, and to apply to this Court for authority to expend estate funds on an as needed basis to pay expenses of the Temporary Guardianship, subject to further court approval; and
- g. To employ attorneys and accountants to assist Temporary Guardian of the Estate in the performance of h__ duties including pursuing Proposed Ward's interests in _____.

14.

Applicant requests the Court grant the following powers and authority to the Temporary Guardian of the Person Pending Contest:

- a. To make medical decisions and engage the services of medical providers and nurses, including eye and dental care providers, for the care and benefit of Proposed Ward, as allowed by the Texas Probate Code.
- b. To provide food, clothing, and shelter for the Ward, including arranging for care at _____.

15.

Based on the physicians' letters, Proposed Ward's estate is in imminent danger if a Temporary Guardian of the Estate Pending Contest is not appointed. There is no one who has legal authority to consent to medical treatment, as Proposed Ward is incapable of giving informed consent, and there is no one authorized to collect life insurance proceeds or social security benefits on Proposed Ward's behalf. A Temporary Guardian of the Person and Estate Pending Contest should be appointed.

16.

Applicant brings this Application for the appointment as Temporary Guardian of the Person and Estate Pending Contest or, in the alternative, as Temporary Guardian of the Person Pending Contest in good faith and for just cause. Applicant, therefore, respectfully requests the Court find that h__ attorneys have acted in good faith and for just cause in their representation of Applicant, and that h__ attorneys' fees related to this Application, the hearing thereon, and the establishment of the requested guardianship be approved and paid out of Proposed Ward's guardianship estate.

WHEREFORE, PREMISES CONSIDERED, Applicant prays that this Court appoint Applicant, _____, Temporary Guardian Pending Contest of the Person and Estate of _____, pending the outcome of the contest or, in the alternative, that this Court appoint Applicant, _____,

Temporary Guardian Pending Contest of the Person of _____ and a qualified neutral third party
Temporary Guardian Pending Contest of the Estate of _____; that the appointment of the attorney ad
litem be continued; that a time for a hearing on this Application be set; that attorney fees be awarded against the
Proposed Ward's estate; that a trial on the permanent guardianship be set; that notice and citation be issued as
required by law; and for such other and further relief to which Applicant may show h__self justly entitled.

Respectfully submitted,

BY: _____
[Insert attorney information]

Attorney for Applicant

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, Applicant in the
foregoing Application for Appointment of Temporary Guardian Pending Contest, known to me to be the person
whose name is subscribed to the above and foregoing Application and on h__ oath stated that such Application
contains a correct and complete statement of the matters to which it relates and all the contents thereof are true,
complete and correct to the best of Applicant's knowledge.

[Applicant]

SWORN TO AND SUBSCRIBED BEFORE ME on this the ____ day of _____, 200__.

(SEAL)

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

CERTIFICATE OF SERVICE

I, _____, hereby certify that a true and correct copy of the foregoing instrument was forwarded
to:

by certified mail, return receipt requested, in accordance with the Texas Rules of Civil Procedure on this _____
day of _____, 200__.

EXHIBIT 29

[STYLE]

ORIGINAL ANSWER OF ATTORNEY AD LITEM

TO THE HONORABLE PROBATE COURT NO. __:

_____, appointed Attorney Ad Litem to represent the interests of _____, pursuant to Section 647 of the Texas Probate Code files this h__ Original Answer, respectfully showing unto the Court the following:

1.

At this time, your Attorney Ad Litem asserts a General Denial as authorized by Rule 92 of the Texas Rules of Civil Procedure, and respectfully requests that the Court and Jury require the Applicant to prove h__ claims, charges and allegations by clear and convincing evidence as required by the Constitution and Laws of the State of Texas.

2.

Your Attorney Ad Litem respectfully reserves the right to file an amended Answer in this cause in the manner authorized by the Texas Rules of Civil Procedure.

WHEREFORE, PREMISES CONSIDERED, _____, Attorney Ad Litem, appointed to represent the interests of _____, prays that the Applicant take nothing, that costs be adjudged against the Applicant, and for such other and further relief, both general and special, at law and in equity, to which _he may show h__self justly entitled.

Respectfully submitted,

BY: _____
[Insert attorney information]

Attorney Ad Litem

CERTIFICATE OF SERVICE

I, _____, do hereby certify that a true and correct copy of the foregoing instrument was forwarded to:

by certified mail, return receipt requested, on this the ____ day of _____, 200__.

EXHIBIT 30

[DATE]

Re: No. _____; Guardianship of the Estate of _____; In Probate Court No. __ of _____
County, Texas

Dear _____:

By this letter, we want to furnish you with some additional information about your appointment as Guardian of _____'s person and estate. Please retain this letter for future reference. This summary is not intended to discuss all matters relating to your appointment as Guardian of h__ person and estate or to be an exhaustive treatment of guardianship law; it is really just an overview and it will be useful for reference purposes over time. Many of the matters discussed in this letter have been discussed briefly with you at various times or you may have read about them in the article on guardianships we previously provided you.

General Matters

As you know, you were appointed Permanent Guardian of _____'s estate at the hearing on _____, 200__. You have now "qualified" as Guardian of h__ estate by obtaining and the filing of your Oath and bond on _____, 200__, in the amount of \$_____. This date is important because many of your filing deadlines, for example the time to file your inventory and accountings, are based on a set number of days calculated from this date.

A "guardian of the estate" is the legal representative of a ward's estate. Generally, a guardian of the estate is entitled to the possession and management of all property belonging to the ward, to collect all debts, rentals, or claims that are due the ward, and to bring and defend suits by or against the ward. Further, it is your duty as Guardian of _____'s estate to take care of and manage the estate as a prudent person would manage their own property.

Your qualifying also entitles you to receive Letters of Guardianship. The Letters of Guardianship evidence your appointment as permanent Guardian of the Estate of _____ and your authority to act for and on behalf of h__ estate. We have previously provided you with _____ original letters for your use. You may need additional letters at various times in the future. If so, please give us a call and we can usually order and receive them within two days.

Notice to Creditors

Within one month from the date of your qualification, *i.e.*, receiving your Letters, a statutory notice must be published to the general creditors of the estate. We have prepared and filed that notice on the permanent guardianship.

You also must give actual notice of (i) _____'s incapacity, and (ii) your appointment as Guardian, by certified mail to the following:

- each person, business entity, etc., having an outstanding claim for money against _____'s estate if the claim is secured by a deed of trust, mortgage or vendor's, mechanic's, or other contractor's lien on real property belonging to the estate; and

- each person, business entity, etc., having an outstanding claim for money against _____'s estate if you, as Guardian, have actual knowledge of the claim.

If you fail to give the required notice, you can be held personally liable for any damages which any person suffers as a result of the failure to receive the notice. The deadline for accomplishing this task is _____, 200__.

Accordingly, we ask that you provide us with a list of all such creditors which you are aware. Please include in this list the name, address, and general description of the basis of the claim. If the claim is based on an account, such as a credit card, please provide us with the account number so we may reference the account in our notice. The other option is to simply provide us with copies of the most recent statements or notices relating to these potential creditors. These will generally provide us sufficient information to prepare the notices. Note that, potential creditors may include anyone holding a mortgage on any of the real properties, outstanding utility expenses, i.e. water, gas, electric and/or telephone, personal debts (such as credit cards), or any other unpaid bill or claim.

Once we receive the list or other documentation, we will prepare the notices and forward them to the respective potential creditors. To ensure that all creditors, if any, are given the requisite notice, please provide us with the information no later than _____, 200__.

Inventory

The next order of business with the Probate Court is to prepare an Inventory and List of Claims for _____'s estate. The inventory must be filed with the Probate Court within thirty days after you qualify, unless the Court grants you an extension. The inventory is a record of all the property of _____ which has come into your possession or knowledge. Please send us a listing of any significant additional property which _____ owns, including the life insurance proceeds and the pension benefits. It is not necessary, however, to include the property which will be held in the testamentary trusts created pursuant to _____'s will.

We will prepare the inventory for execution by you from information you provide us and, after it is executed by you, we will file the inventory with the Court and obtain an Order approving it.

General Duties and Powers of Guardian of the Person

As Guardian of the Person you are responsible for _____'s care, placement, medical, and living arrangements. You should stay in touch with _____'s treating physician and supervise h__ living arrangements. An annual report will be due once a year describing _____'s abilities and progress. In addition, Section 767 of the Texas Probate Code gives you:

- (i) the right to have physical possession of _____, and to establish h__ legal domicile;
- (ii) the duty of care, control, and protection of _____;
- (iii) the duty to provide _____ with clothing, food, medical care, and shelter;
- (iv) the power to consent to medical, psychiatric, and surgical treatment other than the in-patient psychiatric commitment of _____.

General Duties and Powers of Guardian of Estate

Your appointment as Guardian of _____'s Estate comes with very high fiduciary duties that are designed to protect the interests of _____. Briefly stated, you should observe the following guidelines at all times:

- You must always be in a position to account to _____ and the court as to all matters of revenue received, monies spent, assets sold (or for some reason purchased), and as to all other matters that directly or indirectly affect h__ estate.

- Do not co-mingle _____'s property with your own or anyone else's. Co-mingling usually is done with cash, and it is imperative that you never co-mingle _____'s funds with funds that are not his, not even for a day.
- Do not leave estate funds uninvested.

With regard to your duties, the first duty as Guardian of _____'s Estate is the collection of all assets owned by and all claims owing to _____. It is your affirmative duty to actually collect or otherwise render unto your sole control all of these assets. As h__ Guardian, you are entitled to the possession and management of all property belonging to _____, to collect all debts, rentals, or claims that are due _____, and to bring and defend suits by or against _____.

It is important to remember that, in carrying out your powers, Texas law imposes on you the duty as _____'s Guardian to take care of and manage the estate as a prudent person would manage their own property. Texas law further provides that, immediately after receiving your Letters of Guardianship, you are required to collect and take into possession _____'s personal property, record books, title papers, and other business papers. Of course, you are considered in "possession" of any items that your agents, such as your attorneys, accountants or other advisors, have actual possession on your behalf. You should also arrange to have all of _____'s mail forwarded to your address.

As part of your duty to collect and safeguard the estate assets, it is important that you verify that each insurable asset, both real and personal property, is adequately insured. By adequately insured, we mean both property (general, fire, flood, etc.) and liability insurance where applicable. If you are unsure that an asset is properly and adequately insured, you should immediately obtain full coverage on the property. Such property includes _____'s house, any other real property, household furnishings, automobiles, recreational vehicles, jewelry, art collections, etc. If any property is co-owned with another individual, we suggest that you coordinate the acquisition and issuance of all personal and real property, including but not limited to fire, wind, flood, and liability and verify _____'s interest will be covered under such policy. We also advised you that the policies should cover you, in your fiduciary capacity as Guardian. Finally, you may want to arrange to purchase an umbrella policy to cover you in your fiduciary capacities.

At this time, we wish to give you more specific instructions with regard to the management of _____'s funds. First, you should open a separate interest bearing account for _____'s cash funds. As previously stated, you should never commingle _____'s funds with your own property, or borrow from h__ property, not even for a day. An unauthorized disbursement of guardianship property, even if repaid, may be a breach of your duties to your ward and subject you to personal liability. The accounts should be either a money market or savings account, or certificate of deposit, depending upon how flexible an arrangement you wish to make with respect to _____'s cash. We usually recommend that a money market checking account be opened which should hold a nominal amount of funds to cover emergencies. The remainder of the cash should be invested as follows:

- (1) in bonds or other obligations of the United States;
- (2) in Texas tax-supported bonds;
- (3) in tax-supported bonds of an incorporated city or town or a county, district, or political subdivision in Texas subject to certain restrictions;
- (4) in shares or share account of a building and loan association which is organized under Texas law and insured by the Federal Savings and Loan Insurance Company;
- (5) in shares or share account of a federal savings and loan association which is domiciled in Texas and insured by the Federal Savings and Loan Insurance Company;

- (6) in collateral bonds of companies incorporated under Texas law and which have paid in capital of \$1,000,000 or more and which are a direct obligation of the company which issued the bonds and are specifically secured by first mortgage real estate notes or other securities pledged with a trustee; or
- (7) certificates of deposits that have a term of one year or less in a bank that does business in Texas and which are insured by the Federal Deposit Insurance Corporation.

The style of _____'s bank account, certificate of deposit, etc., should be as follows:

_____, Guardian of the
Estate of _____, an Incapacitated Person

Prior to investing _____'s assets and within 180 days of your qualification as Guardian, you are required to file a management plan with the Court. This plan informs the Court of how you will manage _____'s assets or declare that investment is not feasible due to the value of _____'s estate.

Essentially, all disbursements from _____'s funds should be made after Probate Court No. ___ has given written approval for the expenditure in question. You should never disburse funds without court approval, except for payment of taxes, bond premiums or insurance on property of the estate. We cannot stress the importance of gaining court approval for any expenditures because you can be held personally liable for any unauthorized expenditures. Within thirty (30) days of your qualification as Guardian, you are required to file an application requesting a monthly allowance based on an estimate of _____'s education and living expenses. Please contact our office, as soon as possible to review _____'s expenditure with us. We will then prepare the appropriate application and order and submit it to the court for consideration. Usually these matters do not require a formal hearing because the court's audit staff handles these matters and submits the applications to the Judge without any hearing. Thus, our fees are minimized with respect to these matters.

You should use your home address for each account, and _____'s social security number should be used for h__ respective accounts so as not to confuse the interest income from the accounts with your taxable income.

Accounting

Please keep accurate records of all income, receipts and disbursements which are placed into and taken out of _____'s accounts. As you are aware, it will be necessary to report these receipts and disbursements each year in an annual accounting to the court. The annual account is due each year within sixty (60) days of the date you qualified as Guardian. Therefore, the first set of accountings will be due on or before _____, 200__. We have entered this matter in our firm's calendar and we will alert you when the annual accounting is due.

Income Tax Returns

Finally, you are responsible for the filing of _____'s individual income tax return and paying all taxes that he may owe when due. We do not prepare these individual income tax returns and we suggest that you discuss the handling of these returns with an accountant as soon as possible. If you wish to hire an accountant to prepare these income tax returns, we will need to file an application with the court to obtain court approval to retain the accountant.

If you have any questions about your duties as Guardian or any other matter, please do not hesitate to call me or _____ at any time.

Very truly yours,

[*Attorney*]

EXHIBIT 31

NOTICE TO ALL PERSONS HAVING
CLAIMS AGAINST THE ESTATE OF
_____, AN INCAPACITATED PERSON

NO. _____

NOTICE OF APPOINTMENT OF GUARDIAN

Notice is hereby given that on _____, 200__, Letters of Guardianship of the Person and Estate upon the above individual were issued to:

[*name of guardian*]

by the Honorable Probate Court No. __ of _____ County, Texas, in Cause No. _____, pending upon the Probate Docket of said Court.

All persons having claims against said estate being administered are hereby requested to present the same within the time prescribed by law to:

[*Select Attorney or Guardian*]

PUBLISHER'S AFFIDAVIT

I solemnly swear that the above notice as printed in the _____ and attached hereto was published once in the _____, a newspaper printed in _____, _____, Texas, as provided in the Texas Probate Code for the service of citation or notice by publication, and the date of the issue of said newspaper in which said notice was published was the _____ day of _____, 200__.

PUBLISHER

SWORN AND SUBSCRIBED TO BEFORE ME, on this the _____ day of _____, 200__.

(SEAL)

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

EXHIBIT 32

[date]

CMRRR #Z _____

Re: No. __,__; Estate of _____, Deceased; In Probate Court No. __ of
_____, Texas

Account/Contract number _____

Dear Sir/Madam:

Our firm represents M. _____, Guardian of the Estate of _____, an Incapacitated Person. In accordance with Section 784 of the Texas Probate Code, please be advised that on _____, 200__, Letters of Guardianship were issued to _____ as Guardian of the Estate of _____, an Incapacitated Person ("Guardian" and "Ward," respectively).

We enclose a copy of a Letter of Guardianship evidencing Guardian's authority to act on behalf of the Ward and h__ estate. We also enclose a copy of the general notice to creditors. Any claims relating to the above referenced estate may be presented to the undersigned not later than the 120th day after the date on which you receive this notice or the claim is barred, if the claim is not barred by general statutes of limitation. All claims should be addressed in care of the following:

Guardianship of _____,
an Incapacitated Person
c/o _____
[Insert name/address]

In addition, if you choose to file a claim, Section 784(e) requires that the claim must be filed with:

Beverly B. Kaufman
Harris County Clerk
P.O. Box 959
Houston, Texas 77251-0959

Further, please update your records to forward any future correspondence relating to the above-referenced account to Guardian's care at the address listed above.

We appreciate your cooperation with our request. Please feel free to call the undersigned if you have any questions or require any additional information or documentation.

Very truly yours,

[Attorney]

Enclosure
cc: M _____ (w/encl.)

EXHIBIT 33

[STYLE]

INVENTORY AND LIST OF CLAIMS

(Date of Qualification: _____, 200__)

TO THE HONORABLE PROBATE COURT NO. __:

_____, Guardian of the Person and Estate of _____, an Incapacitated Person (sometimes “the Ward”), returns to the Court a correct Inventory and List of Claims of all of the property, real and personal, [community and separate,] belonging to _____ that has come to h__ knowledge after reasonable inquiry.

List of Property

<u>Item No.</u>	<u>Description</u>	<u>Value</u>
1.	Real Estate - See Exhibit A, attached	\$ _____
2.	Stocks & Bonds - See Schedule B, attached	_____
3.	Cash, See Schedule C, attached	_____
4.	Other Miscellaneous Property, See Schedule D, attached	_____
	Total Property	\$ _____

List of Claims Belonging to the Ward

1.	Claim - See Exhibit E, attached	\$ _____
	Total Claims	\$ _____

Your Guardian prays that the foregoing Inventory and List of Claims be approved.

Respectfully submitted,

Guardian of the Person and Estate of _____, an Incapacitated Person

I, _____, do solemnly swear that the foregoing Inventory and List of Claims of the Estate of _____, an Incapacitated Person, is a full and complete Inventory and List of the Property and Claims of _____ that have come to my knowledge after reasonable inquiry by me.

SWORN TO AND SUBSCRIBED BEFORE ME on this the ____ day of _____, 200__, to certify
which witness my hand and seal of office.

(SEAL)

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

OF COUNSEL:

BY: _____
[Insert attorney information]

Attorney for the Guardian

EXHIBIT A

ESTATE OF _____, AN INCAPACITATED PERSON

REAL ESTATE

<u>Item No.</u>	<u>Description</u>	<u>Estimated Value</u>
	<u>Community Property</u>	
1.		
2.		
	Total Community Property Real Estate	\$ _____
	Ward's Undivided Community Property One-half (1/2) Interest	_____
	<u>Separate Property</u>	
1.		
2.		
	Total Separate Property Real Estate	\$ _____
	Total Real Estate	\$ _____

EXHIBIT B

ESTATE OF _____, AN INCAPACITATED PERSON

STOCKS & BONDS

<u>Item No.</u>	<u>Description</u>	<u>Unit Value as of _____</u>	<u>Estimated Value</u>
	<u>Community Property</u>		
1.			
2.			
	Total Community Property Stocks & Bonds		\$ _____
	Ward's Undivided Community Property One-half (1/2) Interest		_____
	<u>Separate Property</u>		
1.			
2.			
	Total Separate Property Stocks & Bonds		\$ _____
	Total Stocks & Bonds		\$ _____

EXHIBIT C

ESTATE OF _____, AN INCAPACITATED PERSON

CASH

<u>Item No.</u>	<u>Description</u>	<u>Estimated Value</u>
	<u>Community Property</u>	
1.		
2.		
	Total Community Property Cash	\$ _____
	Ward's Undivided Community Property One-half (1/2) Interest	_____
	<u>Separate Property</u>	
1.		
2.		
	Total Separate Property Cash	\$ _____
	Total Cash	\$ _____

EXHIBIT D

ESTATE OF _____, AN INCAPACITATED PERSON

OTHER MISCELLANEOUS PROPERTY

<u>Item No.</u>	<u>Description</u>	<u>Estimated Value</u>
	<u>Community Property</u>	
1.		
2.		
	Total Other Miscellaneous Community Property	\$ _____
	Ward's Undivided Community Property One-half (1/2) Interest	_____
	<u>Separate Property</u>	
1.		
2.		
	Total Separate Other Miscellaneous Property	\$ _____
	Total Other Miscellaneous Property	\$ _____

EXHIBIT E

ESTATE OF _____, AN INCAPACITATED PERSON

CLAIMS

<u>Item No.</u>	<u>Description</u>	<u>Estimated Value</u>
	<u>Community Property</u>	
1.		
2.		
	Total Community Property Claims	\$ _____
	Ward's Undivided Community Property One-half (1/2) Interest	_____
	<u>Separate Property</u>	
1.		
2.		
	Total Separate Property Claims	\$ _____
	Total Claims	\$ _____

EXHIBIT 34

[STYLE]

ORDER APPROVING INVENTORY AND LIST OF CLAIMS

On this day came on to be considered the Inventory and List of Claims of the Estate of _____, an Incapacitated Person, filed herein by _____, Guardian of the Person and Estate of _____, an Incapacitated Person, and the Court having examined the same and being satisfied that it should in all respects be approved, there having been no objections made thereto; finds and it is accordingly,

ORDERED, that such Inventory and List of Claims are hereby approved.

SIGNED this the ____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 35

[STYLE]

APPLICATION FOR AUTHORITY TO EMPLOY ACCOUNTANT

TO THE HONORABLE PROBATE COURT NO. __:

Applicant, _____, Guardian of the Person and Estate of _____, an Incapacitated Person and Estate, would respectfully show the Court the following:

1.

It has come to Applicant's attention that it will be necessary to prepare income tax returns for the Ward and h__ Estate. Applicant requests authority to employ the services of _____, Certified Public Accountant, whose office is located at _____, _____, Texas, to prepare the necessary tax returns for the Ward.

2.

The aforesaid expense is necessary and reasonable and is in the best interest of the Ward and h__ Estate.

WHEREFORE, PREMISES CONSIDERED, Applicant respectfully requests authority from this Court to employ _____, Certified Public Accountant, _____, _____, Texas, to prepare the 200__ income tax return for the Estate; and for such other and further relief to which Applicant may show herself justly entitled.

Respectfully submitted,

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 36

[STYLE]

ORDER GRANTING AUTHORITY TO EMPLOY ACCOUNTANT

On this day came on to be considered the Application of _____, Guardian of the Estate of _____, an Incapacitated Person, for authority to employ accountant; and it appearing to the Court that _____, Certified Public Accountant, _____, Texas _____, should be appointed to prepare the income tax returns for the Ward and h__ estate. It is accordingly,

ORDERED, that Applicant is authorized to employ _____, Certified Public Accountant, _____, Texas _____, to prepare the income tax returns for the Ward and h__ Estate.

SIGNED on this _____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 37

[STYLE]

APPLICATION FOR APPROVAL OF 200__ - 200__

ALLOWANCE AND FOR AUTHORITY TO EXPEND FUNDS

TO THE HONORABLE PROBATE COURT NO. __:

Applicant, _____, Guardian (“Guardian”) of the Person and Estate of _____, An Incapacitated Person (“Ward”), files this Application for Approval of 200__ Allowance and for Authority to Expend Funds, and in support thereof, would respectfully show the Court the following:

1. A listing of the estimated expenses for Ward is attached as Exhibit A and incorporated by this reference for all purposes. These expenses are based, in part, on Ward’s actual expenses during the 200__-200__ year.

2. Guardian represents to the Court that the income from the Ward’s Estate is sufficient for the purposes of funding the proposed Budget.

3. Guardian believes that the estimated expenses listed in Exhibit A are in the Ward’s best interest and requests that this Honorable Court approve the proposed budget.

WHEREFORE, PREMISES CONSIDERED, Guardian requests that this Court (i) approve the proposed 200__ - 200__ monthly budget attached hereto as Exhibit A; and (ii) grant such other and further relief to which Guardian may be entitled.

Respectfully submitted,

BY: _____
[Insert attorney information]

Attorney for Guardian

GUARDIANSHIP OF
ALLOWANCE FOR 200

	Yearly Totals By <u>Category</u>
Schedule 1: Housing Expenses.....	\$ _____
Schedule 2: Living Expenses	
Schedule 3: Automobile Expenses	
Schedule 4: Taxes, Administrative Expenses, Insurance and Miscellaneous	
Schedule 5: Travel	
Schedule 6: Health Care and Nursing.....	
200__-200__ TOTAL BUDGET	
TOTAL MONTHLY EXPENDITURES	\$ _____

All expenses to be paid by monthly distributions from the _____ Account at _____ Bank, unless otherwise noted.

EXHIBIT 38

[STYLE]

ORDER APPROVING 200__-200__ ALLOWANCE AND AUTHORIZING DISTRIBUTIONS

On this day came on to be considered the Application for Approval of 200__ Budget and for Authority to Expend Funds, and the Court, after considering the Application, reviewing the proposed Budget, and considering the facts and circumstances, finds that the Application should be granted. It is, therefore,

ORDERED, that the proposed 200__ Budget attached as Exhibit A to the Application is approved and affirmed.

SIGNED this _____ day of _____ 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 39

[STYLE]

**APPLICATION FOR AUTHORITY TO
PAY ATTORNEYS' FEES AND EXPENSES**

TO PROBATE COURT NO. 3:

Applicant, _____, Guardian of the Person and Estate of _____, an Incapacitated Person, would respectfully show the Court the following:

1.

Applicant was appointed Guardian of the Person and Estate of _____, an Incapacitated Person ("Estate"), on _____, 200__, and qualified on _____, 200__. Applicant employed the law firm of _____ to represent her in her duties as Guardian.

2.

Applicant is indebted to _____, Attorneys, for legal services rendered to the Estate for the period _____, 200__, through _____, 200__, in the amount of _____ and __/100 Dollars (\$ _____), as more particularly described on the statement dated _____, 200__, attached as Exhibit A and incorporated by this reference. _____ also incurred expenses on behalf of the Estate in the total amount of _____ and __/100 Dollars (\$ _____) as shown on Exhibit A. _____ should be reimbursed for such expenses.

3.

All of the aforesaid fees and expenses were necessary and reasonable and were incurred in the establishment of the guardianship, preservation and safekeeping, and management of the Estate.

WHEREFORE, PREMISES CONSIDERED, _____, Guardian of the Person and Estate of _____, an Incapacitated Person, prays that this Honorable Court: (i) enter an order authorizing her to pay to _____, Attorneys, the above described fees and expenses in the total amount of _____ and __/100 Dollars (\$ _____); and, (ii) grant Guardian such other and further relief to which she may show herself justly entitled.

Respectfully submitted,

Guardian of the Person and Estate
of _____, an Incapacitated Person

OF COUNSEL:

BY: _____
[Insert attorney information]

Attorney for Applicant

[Attach Affidavit in support of fees and expenses]

EXHIBIT 40

[STYLE]

**ORDER AUTHORIZING PAYMENT OF
ATTORNEY FEES AND EXPENSES**

(_____, 200____, THROUGH _____, 200____)

On this day came on to be considered the Application of _____, Guardian of the Person and Estate of _____, an Incapacitated Person (“the Application,” which is incorporated by this reference, and to the salient provisions of which, including the defined terms therein, reference is hereby made), for authority to pay certain attorney fees and expenses of _____, Attorneys, for legal services rendered to the Estate for the period _____, 200____, through _____, 200____, and for expenses incurred on behalf of the Estate in the total amount of _____ and __/100 Dollars (\$ _____) all as listed and set forth on Exhibit A to the Application, and the Court after considering the Application, is of the opinion and finds that:

1. It has subject matter jurisdiction of this matter;
2. It has jurisdiction over the Guardian;
3. Proper notice of the Application has been given;
4. The Application is in all respects in order;
5. _____ is the Guardian in good standing of the Person and Estate of _____, an Incapacitated Person;
6. All legal services and related expenses described in the Application were reasonable and necessary in the preservation, safekeeping and management of Ward’s Estate; and
7. Guardian should be authorized to make the disbursement described in the Application. It is therefore,

ORDERED that _____, Guardian of the Person and Estate of _____, an Incapacitated Person, is authorized to pay _____, Attorneys, the sum of _____ and __/100 Dollars (\$ _____) out of the income and principal (if income is insufficient) of Ward’s Estate.

SIGNED on this the ____ day of _____, 200____.

JUDGE PRESIDING

EXHIBIT 41

[STYLE]

**APPLICATION FOR APPROVAL OF
GUARDIAN'S MANAGEMENT PLAN UNDER
SECTION 855(b) OF THE TEXAS PROBATE CODE (comprehensive)**

Date of Qualification: _____

TO PROBATE COURT NO. ____:

_____, Guardian ("Guardian") of the Estate of _____ ("Ward"), respectfully files this application for approval of guardian's management plan under Section 855(b) of the Texas Probate Code.

1.

Current Assets on Hand

The property of the Estate was reported on the inventory of this estate which was approved on _____. There have been no significant changes to the assets other than those necessary to pay monthly expenses.

2.

Property Not Subject to this Plan per § 855B(d)

[Social security, non probate assets, etc.]

3.

Current Bond and Safekeeping Arrangements

Guardian is currently bonded for \$ _____ with _____. There are no safekeeping agreements in place at this time.

4.

Monthly Allowance

A monthly allowance, pursuant to Section 776A, has been approved on _____ in the total annual amount of \$ _____.

5.

Plans for Maintenance and Management

Guardian's plan for the maintenance and management of the property of Ward's Estate herein is as follows:

- A. REAL PROPERTY (Pick one alternative)
 - i. Homestead:

- ii. (Alt. 1) Guardian will hold and maintain the real property so long as the Ward continues to reside in the homestead. In the event the Ward is relocated, Guardian will modify the investment plan.
- iii. (Alt. 2) The ward's home is vacant and application will be made to sale or lease the property.
- iv. (Alt. 3) The ward is in a nursing home, however, the Ward's spouse resides in the homestead and it will be retained and amounts budgeted to provide for utilities, taxes and insurance and other items related to upkeep and maintenance. Guardian has verified insurance coverage on the homestead.
- v. (Alt. 4) Ward owns other non homestead property which is non income producing. Guardian plans to sell/rent such other property.

B. PERSONAL PROPERTY

- i. Household Furnishings and personal effects:
 - (Alt.1) The household furnishings and personal effects of the Ward are located in the real property referenced above and will be maintained for [his/her] use.
 - (Alt. 2) The Ward is wearing [his/her] own jewelry and the Guardian has verified insurance on the personal property.
 - (Alt.3) Ward's vehicle: An application to sell the Ward's vehicle [has been / will be] filed with the Court and the proceeds will be deposited into the estate checking account.
- ii. (Alt. 4) The ward's vehicle will be maintained so that he/she may be transported to various appointments. Guardian will seek insurance coverage on the vehicle.

C. CASH ON HAND

- i. Estate Checking Account. The estate checking account will be used as an operating account from which Guardian will pay for the needs of Ward pursuant to the monthly allowance. The checking account is insured and earns interest.

- ii. Certificate of Deposit: Certificate of Deposit (“CD”) will be maintained and renewed as each matures. Interest from the CD will automatically be transferred to the estate checking account.
- iii. All estate accounts will not exceed \$100,000 in value.

6.
Claims

Alternative 1. A general notice to creditors was given pursuant to Section 783 of the Texas Probate Code.

Alternative 2. There are no known claims against the estate.

The following creditors were given notice pursuant to Section 784 of the Texas Probate Code:

C. Permissive notice under Section 784(e) of the Texas Probate Code.

Claimant’s Name and Address	Nature of Claim	Amount Allowed and Approved	Amount Rejected	Amount Paid	Amount Allowed But not Paid
TOTAL CLAIMS					

7.
Unpaid Debts

The following debts and expenses of the estate have not been paid and are presently due and owed by the estate:

___ NONE

or

_____ \$____.____

Retention of Assets: (Include ONLY those that apply to the investment and management plan)

- a) The guardian requests authority to retain the following assets which are currently on hand at the inception of the guardianship pursuant to Section 855A:

- b) The guardian plans to limit investments of the Ward to those contemplated under Section 855(b) of the Texas Probate Code.
- c) The guardian requests authority to sell assets that are underproductive of income or are volatile.
- d) The guardian requests authority to sell some of the investments on hand to diversify the portfolio. Those investments include:
- e) The guardian requests authority to make tax motivated gifts on an annual basis and will file a separate application to support tax motivated gifting.
- f) The guardian requests authority hire an investment advisor to evaluate the Ward's portfolio.
- g) The guardian will request under separate application to create an 867 Trust in the future for professional management of the ward's portfolio.
- h) The guardian requests authority to loan the following property of the Ward under Section 858 of the Texas Probate Code
- i) The guardian applies for authority to purchase a pre-paid funeral policy for the Ward.
- j) The guardian applies for authority to invest and reinvest in the stock market utilizing a diversified portfolio and utilizing investments authorized under Section 855(b) of the Texas Probate Code.
- k) The guardian requests authority to modify his/her duties in the following manner:

8.
Other Facts

Other facts necessary for a full understanding of the condition of the estate, including but not limited to the payment of insurance and taxes, if any, on assets of the estate:

The authority requested by Guardian is in the best interest of the Ward and the Ward's estate.

Respectfully submitted,

Guardian of the Estate of _____, an
Incapacitated Person

OF COUNSEL:

BY: _____

Attorneys for Guardian

EXHIBIT 42

[STYLE]

**APPLICATION FOR AUTHORITY
TO MAKE TAX-MOTIVATED GIFTS**

TO THE HONORABLE PROBATE COURT NO. __:

_____, Guardian of the Person and Estate of _____, an Incapacitated Person (“Guardian”), files this, h__ Application for Authority to Make Tax-Motivated Gifts, pursuant to Section 865 of the Texas Probate Code, and respectfully shows the Court the following:

1.

Ward is a mentally incapacitated adult __male, approximately __ years of age. As the medical evidence which has been submitted to the Court to date indicates, the Ward will probably remain incapacitated in the near future.

2.

Ward’s estate generally consists of real property interests, cash, securities, and other miscellaneous assets valued on the Inventory of the Estate on file herein. Applicant believes that Ward’s estate is in excess of that which is reasonably anticipated to be necessary for h__ continued care, support, maintenance, and medical needs.

3.

Prior to h__ incapacity, Ward had established a gifting program to h__ children. Customarily, these gifts have been made year end. Attached are canceled checks for several previous years which evidence the Ward’s established pattern of gifting.

4.

Applicant believes that it would be in the best interest of Ward’s estate to continue to make such tax-motivated gifts to only the Ward’s three children: _____, _____, and _____. The Court may authorize Applicant to make gifts not in excess of \$10,000.00 to each of Ward’s three children. TEX. PROB. CODE ANN. 865(a)(2).

5.

The proposed gifts from the Ward to h__ children should be exempt from gift tax pursuant to Internal Revenue Code Section 2503(b). The proposed gifts are consistent with the intentions of the Ward so far as they can be ascertained.

6.

The proposed gifts are consistent with the most recent planning that Ward instituted prior to h__ incapacity and is consistent with sound estate planning principles designed to minimize income, estate, inheritance, and other taxes payable out of Ward's estate.

7.

The benefits to be derived from the proposed gifts are that the death taxes, if any, due upon h__ death will be reduced and no gift taxes will result from the distribution.

WHEREFORE, PREMISES CONSIDERED, Applicant prays that notice of this Application be given as required by law; that the Court grant the Application, and order Applicant to make the above described gifts, and for such other and further relief to which Applicant may show himself justly entitled.

Respectfully submitted,

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 43

[STYLE]

**ORDER GRANTING AUTHORITY
TO MAKE TAX-MOTIVATED GIFTS**

On this day the Court considered the Application to Authorize Guardian to Make Tax Motivated Gift Pursuant to Texas Probate Code Section 865 ("the Application" which is incorporated by this reference, and to the salient provisions of which, including the defined terms therein, reference is hereby made) of _____, Guardian of the Person and Estate of _____, an Incapacitated Person ("Ward"); and the Court, after considering the Application, is of the opinion and finds that:

1. It has subject matter jurisdiction of this matter;
2. It has personal jurisdiction over the Guardian;
3. Proper notice of the Application has been given;
4. The Application is in all respects in order;
5. The property which is proposed to be the subject of the gift is not necessary for the support of Ward;
6. Applicant is an interested party and entitled to bring the Application;
7. Ward will probably remain incapacitated in the near future;
8. The gift ordered herein is for the purpose of continuing an estate plan to minimize income, estate, inheritance and other taxes payable out of Ward's estate;
9. The gifts ordered herein are consistent with the intentions of Ward so far as they can be ascertained. It is also presumed to the extent any aspect of Ward's intentions cannot be ascertained, Ward favors reduction of taxation upon his estate as provided by Section 865 of the Texas Probate Code; and
10. _____, Guardian of the Person and Estate of _____, an Incapacitated Person, should be authorized to make the gift described in the Application. It is therefore,

ORDERED, that _____, Guardian of the Person and Estate of _____, an Incapacitated Person, is authorized to make a gift prior to December 31, 200____, not in excess of \$_____ to each of the Ward's children: _____, _____, and _____ out of Ward's estate.

SIGNED this the ____ day of _____, 200__.

JUDGE PRESIDING

OF COUNSEL:

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 44

[STYLE]

**APPLICATION FOR AUTHORITY TO SELL REAL ESTATE
PURSUANT TO SECTION 820 OF THE TEXAS PROBATE CODE**

TO THE HONORABLE PROBATE COURT NO. ___:

Applicant, _____, Guardian of the Person and the Estate of _____, an Incapacitated Person, files this h__ Application for Authority to Sell Real Estate Pursuant to Section 820 of the Texas Probate Code and respectfully shows the Court the following:

1.

Applicant was appointed by Order of this Court dated _____, 200__, and qualified as Guardian of the Person and Estate of _____, an Incapacitated Person (“Ward”), on _____, 200__. Applicant presently serves in this capacity.

2.

The present condition of the Estate is as shown on the attached Exhibit A, which is verified by Affidavit, showing fully and in detail the condition of the Estate, the charges and claims that have been approved or established, the amount of each such claim and the property of the Estate remaining on hand liable for the payment of such claims.

3.

Ward owns a ___ percent interest in that tract or parcel of land, including any improvements thereon, commonly known as _____, _____ County, Texas (“Property”), more fully described as follows:

[insert legal description here]

4.

Applicant believes that it would be in the best interest of the Estate to sell Ward’s ___ percent interest in the Property in order to conserve the estate by reducing administration expenses to maintain the property and to reduce the Ward’s liability.

WHEREFORE, PREMISES CONSIDERED, Applicant prays (i) that citation be issued and served as required by law; (ii) that he be authorized to sell Ward's ____ interest in the above described real property, at a private sale; and (iii) for such other and further relief to which Guardian may show herself justly entitled.

Respectfully submitted,

BY: _____
[Insert attorney information]

Attorney for Applicant

EXHIBIT 45

[STYLE]

ORDER AUTHORIZING SALE OF REAL ESTATE

On this day, the Court considered the Application for Authority to Sell Real Estate Pursuant to Section 820 of the Texas Probate Code (“the Application”, which is incorporated by this reference, and to the salient provisions of which, including the defined terms therein, reference is hereby made) of _____, Guardian of the Person and the Estate of _____, an Incapacitated Person; and the Court, after considering the Application, is of the opinion and finds that:

1. It has subject matter jurisdiction of this matter;
2. It has personal jurisdiction over the Guardian;
3. Proper notice of the Application has been given;
4. The general bond of Guardian in the amount of \$ _____ is sufficient as required by law;
5. The Application is in all respects in order; and
6. It is in the best interest of the Estate for Applicant, as Guardian, to sell Ward’s _____ percent interest in the real property and invest the money derived therefrom.

It is therefore,

ORDERED that _____, Guardian of the Person and the Estate of _____, an Incapacitated Person, is hereby authorized to sell Ward’s 100 percent undivided interest in all that tract or parcel of land, including any improvements thereon, commonly known as _____, _____, _____ County, Texas, more fully described as follows:

[insert legal description]

It is further,

ORDERED that such sale shall be made at a private sale for cash and that Guardian shall make a report of such sale to this Court and return such report in accordance with the law. It is further,

ORDERED that upon conclusion of the sale that the title company which assists with the sale deliver 100 percent of the net proceeds therefrom directly Guardian. It is further,

ORDERED that no increase or additional bond is required of Guardian.

SIGNED this the ____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 46

[STYLE]

REPORT OF SALE OF REAL ESTATE

TO THE HONORABLE PROBATE COURT NO. __:

_____, Guardian of the Person and Estate of _____, an Incapacitated Person (“Guardian”), reports to the Court the following:

(1) The Order Approving Sale of Real Property Pursuant to Section 820 of the Texas Probate Code was entered by this Honorable Court on _____, 200__.

(2) The property sold, in which Ward owned an undivided _____ interest, is described as follows:

[insert legal description]

(3) The above described real estate, being Ward’s *[separate/community]* property, was sold at private sale, on the ___ day of _____, 200__, at _____, Texas.

(4) The Purchaser of such property was _____ (“Purchaser”). Attached as Exhibit A and incorporated by this reference is a true and correct copy of the Earnest Money Contract between Guardian and Purchaser.

(5) The total sales price of the property was \$_____ of which amount \$_____ is to be paid at closing, less the following expenses of sale:

(i)	Owner’s Title Policy	\$_____
(ii)	Attorney’s fees	_____
(iii)	Real Estate Commission	_____
(iv)	Taxes	_____
(v)	Accrued Interest Owed	_____
(vi)	Miscellaneous Closing Expenses	_____
	Total Expenses	\$_____

Ward will receive net sales proceeds of \$_____.

(6) The terms of the sale are that the property will be sold for cash.

(7) Purchaser is ready to comply with the order of sale.

EXHIBIT 47

[STYLE]

DECREE CONFIRMING AND APPROVING SALE OF REAL PROPERTY

On this day before the above Court came on to be considered in the Report of Sale filed herein by _____, Guardian of the Estate of _____, an Incapacitated Person, of the Ward's interest in the following described property, to wit:

[insert legal description]

The Report of Sale was filed on the ____ day of _____, 200__, and entered upon the minutes of this Court; and it appearing to the Court that said Report of Sale has been filed in this Court for the time required by law and the Court having heard evidence in support of said Report of Sale, no evidence having been offered against same, is satisfied that the sale was for a fair price, was properly made and in conformity with the law and the provisions of the Texas Probate Code relating to the sales of real estate; and that it should be approved and confirmed; it is accordingly,

ORDERED, that the sale of the real property described in the Report of Sale filed on _____, 200__, is approved and confirmed. It is further,

ORDERED, that the Report of Sale be recorded by the Clerk of the Court, and that a proper conveyance of the Ward's interest in the hereinabove described real estate be made by _____, Guardian of the Person and Estate of _____, an Incapacitated Person, to _____, the Purchaser named in said Report of Sale, by Special Warranty Deed, upon such Purchaser's compliance with the terms of said sale filed herein. It is further,

ORDERED, that upon settlement of the transaction, _____ shall pay the full amount of proceeds received from the sale to _____, Guardian of the Person and Estate of _____, an Incapacitated Person. It is further,

ORDERED, that there is no need to increase Guardian's bond at this time.

SIGNED this the ____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Inset counsel information]

Attorney for Guardian

EXHIBIT 48

[STYLE]

**APPLICATION FOR AUTHORITY TO SELL PERSONAL PROPERTY
PURSUANT TO SECTION 812, TEXAS PROBATE CODE (HOUSEHOLD
FURNISHINGS AND PERSONAL EFFECTS) AND TO CONDUCT GARAGE SALE**

TO THE HONORABLE PROBATE COURT NO. __:

_____, Guardian of the Person and Estate of _____, an Incapacitated Person (“Guardian”), files this Application for Authority to Sell Personal Property Pursuant to Section 813, Texas Probate Code (Household Furnishings and Personal Effects) and To Conduct Garage Sale (“Application”) and would respectfully show unto the Court the following:

1.

The present condition of the Estate is as shown on the Inventory and List of Claims and First Annual Account which have been filed and approved by this Court.

2.

Guardian respectfully moves this Honorable Court for authority to sell the following property:

3.

Guardian additionally requests authority to conduct a garage sale at h__ home to dispose of household items, personal items and other odds and ends that the Ward has outgrown or cannot otherwise use.

4.

Guardian represents that the total value of the property to be sold at the garage sale does not exceed \$_____.

5.

Guardian deems it to be in the best interest of the Guardianship to sell the above listed property inasmuch as Guardian believes the property is liable to perish, waste or deteriorate in value, and that continuing to keep the property would be a continuing expense to the guardianship because it has been replaced and is old and worn.

WHEREFORE, PREMISES CONSIDERED, Guardian, _____, prays that (i) Guardian be authorized to sell the above described personal property; (ii) this Court approve a garage sale of certain personal

items valued from \$.50 to \$15.00, the total value of which does not exceed \$ _____; and (iii) for such other and further relief to which Guardian may show herself justly entitled.

Respectfully submitted,

Guardian of the Person and Estate
of _____

OF COUNSEL:

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 49

[STYLE]

**ORDER APPROVING SALE OF PERSONAL PROPERTY PURSUANT
TO SECTION 812, TEXAS PROBATE CODE (HOUSEHOLD
FURNISHINGS AND PERSONAL EFFECTS) AND TO CONDUCT GARAGE SALE**

On this day, the Court considered and heard the Application for Authority to Sell Personal Property Pursuant to Section 813, Texas Probate Code (Household Furnishings and Personal Effects) and to Conduct Garage Sale (the "Application"), of _____, Guardian of the Person and Estate of _____, an Incapacitated Person; and the Court, after considering the Application, is of the opinion and finds that:

1. It has subject matter jurisdiction of this matter;
2. It has personal jurisdiction over the Guardian;
3. Proper notice of the Application has been given;
4. The Application is in all respects in order;
5. The sale described in the Application is necessary and advisable to prevent waste, expense and disadvantage to the Estate;
6. The Guardian should be authorized to make the sale described in the Application; and the Guardian should be allowed to conduct a garage sale of various personal items of the Ward, the total value of which does not exceed \$_____.

It is therefore,

ORDERED that _____, Guardian of the Person and Estate of _____, an Incapacitated Person, is authorized to sell the following personal property belonging to Ward:

[describe personal property to be sold]

It is further,

ORDERED, that Guardian is authorized to conduct a garage sale of personal items of Ward. It is further, ORDERED, that no Report of Sale and Decree Confirming Sale shall be necessary since the total value of the property to be sold does not exceed \$_____. It is further,

ORDERED, that no necessity exists to increase Guardian's bond at this time.

SIGNED this _____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 50

[STYLE]

ANNUAL ACCOUNTING REPORT

TO THE HONORABLE PROBATE COURT NO. __:

_____, Guardian of the Estate of _____, an Incapacitated Person, files this h__ Annual Accounting Report pursuant to Section 741 of the Probate Code, returning the same in writing, under oath, and respectfully shows the Court the following:

1.

Accounting Period

This annual account covers the period from _____, 200__, through _____, 200__. The total value of the guardianship estate at the beginning of the accounting period was \$_____, as shown on the Inventory and List of Claims filed by Guardian on _____, 200__, and approved by this Court on _____, 200__ (“Inventory”).

2.

Claims Against the Guardianship Estate

The following claims against the guardianship estate were presented to Guardian within the period covered by this Accounting and the following claims have been allowed or rejected by Guardian and/or sued upon:

[list all such claims]

3.

Property of the Guardianship Estate not Previously Reported

The following additional property has come into the possession and to the knowledge of Guardian which has not been previously listed or inventoried in the Inventory and in the pleadings and reports filed with this Court, to which reference is hereby made for all purposes:

[list all such property, including a description and the fair market value]

4.

Changes to Property of the Guardianship Estate

The following changes to property have occurred during the period covered by this annual account:

[list all such changes]

5.

Receipts and Disbursements

The following is a complete accounting of all receipts and disbursements, and the source and nature thereof, for the period covered by this annual account:

BEGINNING CASH

Cash on hand on _____, 200__: *[total cash listed on the Inventory]* \$ _____

CASH RECEIPTS

Receipts from Settlement of Claims of the Guardianship Estate:

[describe payor and list amount]

Receipts from Sales of Securities:

[describe security sold and list amount of proceeds received]

Receipts from Sales of Other Assets:

[describe asset sold and list amount of proceeds received]

Interest Income:

[describe payor and list amount]

Dividend Income:

[describe payor and list amount]

Rental Income:

[describe payor and list amount]

Other Income:

[describe payor and list amount]

Miscellaneous Receipts:

[describe source and list amount]

TOTAL CASH RECEIPTS

\$ _____

CASH DISBURSEMENTS

Investments: Per Order Dated _____, 200__

[describe investments purchased and amount distributed]

\$ _____

Investments: Per Section 855

[describe investments purchased and amount distributed]

Distributions per Budget dated _____, 200__

[describe payee, basis of expenditure and amount distributed]

Distributions in excess of Budget dated _____, 200__

[describe payee, basis of expenditure and amount distributed]

Professional Fees:

[describe payee, date of order and amount distributed]

Taxes paid pursuant to Texas Probate Code 774(b)(6):

[describe payee, date of order and amount distributed]

Miscellaneous Expenses:

[describe payee, date of order and amount distributed]

TOTAL CASH DISBURSEMENTS

\$ _____

6.

Statement of Non-Cash Assets

A description of all assets which remain in the guardianship estate, other than cash assets, subject to the control and management of Guardian is attached hereto as Exhibit A.

7.

Recapitulation

Beginning Cash

\$ _____

Plus: Total Receipts

Less: Total Disbursements

(_____)

Total Cash on Hand

\$ _____

8.

Verification of Cash on Hand

The cash balance on hand as of _____, 200__, subject to the control and management of the Guardian, was \$_____. Guardian attaches hereto, as Exhibit B, and makes a part hereof a Verification of Funds on Deposit from _____, _____, Texas, showing the cash amounts the guardianship estate had on deposit with said institution.

9.

Verification of Non-Cash Assets on Hand

Guardian also attaches hereto, as Exhibit C, and makes a part hereof a copy of the _____ Statement evidencing the assets on deposit with _____ as listed on Exhibit A. Guardian will exhibit any other personal property listed upon request of the Court.

10.

Ratification of Disbursement

The following is a list of all disbursements made by Guardian during the period covered by this Account which were reasonable and in the best interest of the guardianship estate, and for which ratification is respectfully requested:

[describe payee, basis of expenditure and amount distributed. This should match the amounts listed in the distributions section in excess of the budget]

TOTAL DISBURSEMENTS PENDING APPROVAL \$_____

11.

APPLICATION TO RECEIVE COMMISSIONS

_____, Guardian, hereby makes Application to Receive Commissions for the period ended _____, 200__, and would respectfully show the Court that, as demonstrated in this First Annual Account, the income received into Ward's Estate and the money paid out of Ward's Estate during such period, for which a commission is allowed pursuant to Section 665 of the Texas Probate Code, are as follows:

Income:

Income from Settlement of Claims \$_____
Income from Sales of Securities _____
Income from Sales of Other Assets _____

Dividend Income	_____
Interest Income	_____
Rental Income	_____
Other Income	_____
Total Income	\$ _____

Disbursements:

Distributions Per Budget	\$ _____
Distributions in Excess of Budget	_____
Professional Fees	_____
Taxes	_____
Miscellaneous Expenses	_____
Total Paid Out	\$ _____

COMMISSION CALCULATION FOR PERIOD ENDING _____, 200__

Income received:	
\$ _____ x 5% =	\$ _____
Money Paid Out:	
\$ _____ x 5% =	\$ _____
Total Statutory Commission	\$ _____

12.

All tax returns for the Wards due during the period covered by this Account have been filed and all taxes due and owing have been paid as follows:
[list the returns filed, describe the return, i.e., individual, etc., and the amount of taxes paid]

13.

The Bond Premium for the term of the guardianships (through _____, 200__) has been paid. See Exhibit D attached and incorporated herein by this reference.

WHEREFORE, PREMISES CONSIDERED, Guardian prays that (i) the Court hear and approve h__ First Annual Account for the period _____, 200__, through _____, 200__; (ii) approve and ratify the disbursement of funds described in Paragraph 9, in the total amount of \$ _____; (iii) approve h__ Application to Receive Commission and enter a separate order authorizing payment of such commission in the amount of \$ _____; and (iv) grant such other and further relief which it may deem appropriate.

Respectfully submitted,

Guardian of the Estate of _____, an Incapacitated Person

AFFIDAVIT OF GUARDIAN

STATE OF TEXAS §
 §
COUNTY OF _____ s

BEFORE ME, the undersigned authority, on this day personally appeared _____, Guardian of the Estate of _____, an Incapacitated Person, known to me to be the person whose name is subscribed to the above and foregoing Annual Account and on oath stated: (i) that the Annual Account and all attachments thereto contain a correct and complete statement of the matters to which they relate; (ii) that all tax returns which were due during the accounting period, if any, were filed in a timely manner; (iii) that all taxes due during the accounting period, if any, were paid as shown in the Annual Account; and (iv) the bond premium for the term of the guardianships has been paid.

Guardian of the Estate of
_____, an Incapacitated Person

SWORN TO AND SUBSCRIBED before me, the undersigned, on this __ day of _____, 200__.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

OF COUNSEL:

BY: _____
 [Insert attorney information]

Attorney for Guardian

EXHIBIT 51

[STYLE]

ORDER APPROVING ANNUAL ACCOUNTING REPORT

On this day the Court considered the Annual Account of _____, Guardian of the Estate of _____, an Incapacitated Person, for the period ending _____, 200__. It appears to the Court that this Annual Account has been on file the number of days required by law. The Court, having examined this Annual Account and the vouchers accompanying the same and having heard all evidence in support of and against this Annual Account, there being no exceptions or objections to said evidence and this Annual Account, and having duly audited and settled the same, is of the opinion that the Annual Account is correct and that Guardian has taken care of and managed the estate in compliance with the standards of Chapter XIII of the Texas Probate Code. It is therefore,

ORDERED, that the Annual Account of _____, Guardian of the Estate of _____, an Incapacitated Person, is hereby approved and ordered of record. It is further,

ORDERED, that the disbursements listed in Paragraph ___ of the Annual Account were reasonable and necessary and such disbursements in the total amount of \$_____ are hereby ratified and approved. It is further,

ORDERED, that Guardian is authorized to pay all appointee compensation approved by separate Order of this Court. It is further,

ORDERED, that pursuant to Texas Probate Code, 659(b), Guardian's letters terminate on _____, 200__.

ORDERED, that Guardian's next account for this estate shall cover the 12-month period ending _____, 200__, and shall be due no later than _____, 200__, unless extended by prior order of the Court.

SIGNED on this _____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 52

[STYLE]

ORDER APPROVING APPOINTEE COMPENSATION

On this day, the Court considered the application for payment of appointee compensation of _____, Guardian of the Estate of _____, an Incapacitated Person, hereinafter referred to as "Appointee," who was appointed by this Court on _____, 200__. The Court finds that the compensation requested in the proceeding in the amounts of \$_____ is reasonable, that the Appointee has taken care of and managed the guardianship in compliance with Chapter XIII of the Texas Probate Code, and that this request should be granted. It is therefore,

ORDERED, that the above compensation in the total sum of \$_____ should be paid to the Appointee from the funds of the Estate.

SIGNED on this the _____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 53

**QUESTIONNAIRE TO GUARDIAN FOR ANNUAL REPORT
ON LOCATION, CONDITION, AND WELL-BEING OF WARD**

1. Full Name of Guardian: _____
2. Name of Ward: _____
3. Social Security No: _____
4. Telephone No: _____
5. Present Age of Ward: _____
6. Ward's Date of Birth: _____
7. Current Address of Ward: _____

8. Ward's residence is:
 - a) _____ Guardian's Home
 - b) _____ Own Home
 - c) _____ Foster or Boarding Home
 - d) _____ Relative's Home
Name/Address: _____

 - e) _____ Hospital or Medical Facility
 - f) _____ Nursing Home
Name/Address: _____

 - g) _____ Other: _____
9. Ward has been in present residence since _____ (date). If moved within the past year, state reasons for change: _____

10. As Guardian, I rate my Ward's living arrangements as:
 - a) _____ Excellent
 - b) _____ Average
 - c) _____ Below Average
If below average, explain: _____

11. As Guardian, I believe my Ward is:
- a) _____ content with living situation.
 - b) _____ unhappy with living situation.
12. If Ward does not reside with Guardian, during the last 12 months, the Guardian has seen the Ward _____ times. The last date the Guardian saw the Ward was: _____, 200__.
13. During the past year the Ward's mental health has:
- a) _____ Improved
Explain: _____

 - b) _____ Deteriorated
Explain: _____

 - c) _____ Remain unchanged
14. During the past year the Ward's physical health has:
- a) _____ Improved
Explain: _____

 - b) _____ Deteriorated
Explain: _____

 - c) _____ Remain unchanged
15. If Ward is under regular physicians care, please provide the name and address of the physician: _____

16. During the past year the ward has been treated or evaluated by the following: (Please name the treatment provider, the date service was rendered and the type of service received).
- a) _____ Physician: _____

 - b) _____ Psychologist: _____

 - c) _____ Psychiatrist: _____

 - d) _____ Mental Health Provider: _____

 - e) _____ Social or other case worker: _____

f) _____ Dentist: _____

17. Social Conditions: During the past year the Ward has participated in the following activities: (Describe)

- a) _____ Recreational: _____
- b) _____ Educational: _____
- c) _____ Occupational: _____
- d) _____ None available or other: _____
- e) _____ Refused or unable to participate.

18. As guardian, I believe my ward has the following neglected needs: _____

19. I have received \$ _____ for the Ward's benefit from _____. The sum of \$ _____ was spent directly for the Ward's benefit in the following manner: (If more space is needed, attach additional sheet)

20. State whether the guardian's powers should be: (If more space is needed, attach additional sheet)

- a) _____ Increased
Explain: _____

- b) _____ Decreased
Explain: _____

- c) _____ Remain unchanged

1. List any other information that you desire to advise the Court of: _____

EXHIBIT 54

[STYLE]

**ANNUAL REPORT ON LOCATION,
CONDITION, AND WELL-BEING OF WARD**

TO THE HONORABLE PROBATE COURT NO. __:

_____, Guardian of the Person of _____, [*a Minor or Incapacitated Person*] (“Ward”), files this h__ _____ [*First, Second, etc.*] Annual Report on the Location, Condition and Well-being of Ward for the period _____, 200__, through _____, 200__, and reports as follows:

1. Name of Ward:
Social Security No:
Telephone No: (____) _____
2. Present Age of Ward:
Date of Birth: _____
3. Current Address of Ward: _____
4. Ward’s residence is:

- ____ Guardian’s Home
- ____ Own Home
- ____ Foster or Boarding Home
- ____ Relative’s Home
Name/Address: _____
- ____ Hospital or Medical Facility
- ____ Nursing Home
Name/Address: _____
- ____ Other: _____

5. Ward has resided at h__ current residence since _____, 200__. [*If Ward has moved his or her residence during the reporting period, explain the reason for the change*]

6. Guardian rates Ward’s living arrangements as:

____ Excellent
____ Average
____ Below Average. [*If below average, explain why*]

7. Guardian believes that Ward is:

____ content with living situation.
____ unhappy with living situation. [*If unhappy, explain reasons, if known*]

8. Guardian's last visit with Ward was on _____, 200___. During the current reporting period, Guardian has seen Ward _____. [Generally describe the frequency of Guardian's visits and contacts with Ward]

9. During the past year, Ward's mental health has:

- _____ Improved. [Describe improvements]
- _____ Remained unchanged.
- _____ Deteriorated. [Describe deterioration]

10. During the past year, Ward's physical health has:

- _____ Improved. [Describe improvements]
- _____ Remained unchanged.
- _____ Deteriorated. [Describe deterioration]

11. Ward's primary care physician is _____.

12. During the past year, Ward has been treated or evaluated by the following: [State the date service was rendered and the type of service received]

- _____ Physician: _____
- _____ Psychologist: _____
- _____ Psychiatrist: _____
- _____ Mental Health Provider: _____
- _____ Social or other case worker: _____
- _____ Dentist: _____

13. During the past year, Ward has participated in the following social activities: [Describe activities]

- _____ Recreational: _____
- _____ Educational: _____
- _____ Occupational: _____
- _____ None available or other: _____
- _____ Refused or unable to participate.

14. Ward [has or does not have] unmet needs. [Describe unmet needs, if any]

15. Guardian [does or does not] have possession or control of Ward's Estate. [If Guardian is also serving as Guardian of Ward's estate, advise the Court when Guardian's Annual Accounting of Ward's estate was or will be filed. If Guardian is not also serving as Guardian of Ward's estate, advise court of the amount of money, if any that the Guardian has received for the Ward's benefit and include an accounting of how the funds were expended]

16. State whether the guardian's powers should be:

- _____ Increased: _____
- _____ Decreased: _____
- _____ Remain unchanged.

17. Guardian desires to advise the Court of the following information: _____

Guardian of the Estate of _____,
[a Minor or Incapacitated Person]

OF COUNSEL:

BY: _____
[Insert attorney information]

Attorney for Guardian

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, Guardian of the Person of _____, who being first duly sworn, states on oath that the foregoing report is a true, correct and complete statement of the present location, condition, and well-being of _____, [a Minor or Incapacitated Person] as of the date stated herein.

Signed: _____,
Guardian of the Person of _____,
[a Minor or Incapacitated Person]

SUBSCRIBED AND SWORN TO BEFORE ME on the ____ day of _____ 200__, to certify which witness my hand and seal of office.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

(SEAL)

EXHIBIT 55

[STYLE]

**ORDER ACKNOWLEDGING REVIEW OF ANNUAL REPORT
ON LOCATION, CONDITION, AND WELL BEING OF WARD**

On this day came on to be considered the Report of the Condition, Welfare, and Well Being of _____, [*a Minor or Incapacitated Person*], and the Court having examined the Report, is satisfied that the facts stated therein are true. It is therefore,

ORDERED that the Annual Report of _____, Guardian of the Person of _____, [*a Minor or Incapacitated Person*], is entered of record.

SIGNED this _____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[*Insert attorney information*]

Attorney for Guardian

EXHIBIT 56

[STYLE]

**APPLICATION FOR RESTORATION OF
THE WARD AND TERMINATION OF GUARDIANSHIP**

TO THE HONORABLE PROBATE COURT NO. ___:

Applicant, _____, Guardian of the Person and Estate of _____, an Incapacitated Person, files this Application For Restoration of the Ward and Termination of Guardianship pursuant to Section 694A of the Texas Probate Code, and would respectfully show the Court the following:

1.

On or about _____, Applicant filed an Application for Appointment of Guardian of the Person and Estate of _____, an Incapacitated Person (“Ward”). Applicant is the Ward’s _____ [*relationship*].

2.

At the time Applicant filed h__ application for guardianship, the Ward was a ___ year old __male who resided at the _____. The Ward was at the time incapacitated due to [*state reasons for guardianship*]. Attached as Exhibit __ and incorporated by this reference is a letter from Dr. _____ outlining the Ward’s condition in 200__.

3.

Dr. _____ established that the Ward was incapacitated and unable to make informed decisions on h__ own behalf, as well as incapable of handling h__ own financial affairs. Based on h__ observations, Dr. _____ recommended that the Court appoint a guardian of the Ward’s person and estate.

4.

On _____, Applicant was appointed Guardian of the Person and Estate of _____, an Incapacitated Person, and later qualified as such as required by law. Applicant continues to serve in this capacity.

5.

On _____, Applicant filed h__ Annual Report on Location, Condition, and Well-Being of Ward. A copy of that report is attached as Exhibit "B" and incorporated by this reference for all purposes. The Annual Report revealed that the Ward's [mental/physical] health had improved.

6.

On _____, Applicant filed h__ most recent Annual Report on Location, Condition and Well-Being of Ward, a copy of which is attached as Exhibit __ and incorporated by this reference for all purposes. That report confirms the profound and positive improvements in the Ward's physical, psychological and emotional well-being since 200__.

7.

The Ward's progress is further documented in a letter dated _____, from _____, M.D. A true and correct copy of the letter is attached as Exhibit __ and incorporated by this reference for all purposes. In that letter, Dr. _____ makes the following observations:

During the time I have followed [*the Ward*,] _he has made slow but steady progress in all facets of h__ life and certainly has come a long way from the height of h__ illness which occurred before _he saw me. [*The Ward*] has been very responsible with h__ medications and care of h__ personal self. _he has worked h__self up to full time employment and appears to be well liked and doing a good job. _he is socializing with h__ peer group and has a ___ friend and several buddies.

Based on these observations, Dr. _____ believes that the Ward's capacity should be restored.

8.

For these reasons, Applicant believes that the guardianship should be terminated because the Ward's condition no longer warrants its existence. The termination and restoration is in the best interest of the Ward and in keeping with the policy of striving for maximum self-reliance and independence, the cornerstone of Section 602 of the Texas Probate. In this case, the policy would be fulfilled by the complete restoration of the Ward and the termination of the guardianship.

WHEREFORE, PREMISES CONSIDERED, Applicant, _____, prays that the Court find: (i) that the Ward has regained the capacity to do all of the tasks necessary to care for h__self and to manage h__ property; and (ii) that no necessity exists for the continuation of the guardianship of the person and estate of

_____, an Incapacitated Person. Applicant further prays for such other and further relief to which
_he may be entitled.

Respectfully submitted,

Guardian of the Person and Estate of
_____, an Incapacitated Person

OF COUNSEL:

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 57

[STYLE]

**ORDER RESTORING CAPACITY
AND TERMINATING GUARDIANSHIP**

On this day came on to be considered the Application For Restoration of the Ward and Termination of Guardianship of the Person and Estate filed by Guardian, and after considering the facts and evidence and the arguments of counsel, the Court finds that:

A. The Ward has regained the capacity to do all of the tasks necessary to care for h__self and to manage h__ property;

B. That clear and convincing evidence has been presented that the Ward is no longer incapacitated and should be restored;

C. That there no longer exists a necessity to continue the guardianship of the person or estate;

D. That it will be in the best interest of the Ward and h__ Estate for the guardianship to be terminated; and

E. That the Application should be granted. It is therefore,

ORDERED that _____ is found to have regained the capacity to do all of the tasks necessary to care for h__self and to manage h__ property. It is further,

ORDERED that, in the absence of necessity therefore, the guardianship of the person and estate of _____ is terminated. It is further,

ORDERED that the Guardian shall present to the Court a verified account for final settlement and the final report of the condition of the Ward in accordance with the Texas Probate Code. It is further,

ORDERED that upon final settlement of this guardianship and subject to the approval of the Court, the Guardian shall deliver all the property comprising the guardianship estate to _____, who is fully restored.

SIGNED on this _____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 58

[STYLE]

APPLICATION FOR PARTIAL RESTORATION OF WARD

TO THE HONORABLE PROBATE COURT NO. __:

Applicant, _____, Guardian of the Person and Estate of _____, an Incapacitated Person (“Guardian”), makes this h__ Application for Partial Restoration of Ward and would respectfully show the Court the following:

1.

On _____, Guardian filed an Application for Appointment of Permanent Guardian of the Person and Estate (“Application for Appointment”). At that time, Ward was a __ year old __ male who had suffered a _____, which resulted in h__ total incapacity. See physician’s letter attached as Exhibit A to Application for Appointment. Because of Ward’s physical condition at the time the Application for Appointment was filed, Applicant requested that the Court find Ward incapacitated for all purposes.

2.

On _____, 200__, the Court considered Applicant’s Application for Appointment and the Court found by clear and convincing evidence that Ward was totally without capacity as provided by the Texas Probate Code to manage h__ property as would a reasonably prudent person. Accordingly, the Court appointed Applicant as Ward’s permanent guardian with full authority over Ward’s person and estate. On _____, 200__, Applicant qualified as Guardian of the Person and Estate of _____, an Incapacitated Person. Applicant presently serves in this capacity.

3.

Subsequent to Applicant’s appointment, Ward has regained sufficient mental capacity to do some, but not all, of the tasks necessary to care for himself and to manage h__ property. Accordingly, Ward has regained sufficient mental capacity in regard to the following activities:

- A. Power to vote;
- B. Power to handle money up to \$_____ per week;

- C. Power to make arrangements to travel within the State of Texas without Court approval (i) with a family member without guardian's consent, and (ii) with a companion with guardian's consent;
- D. Power to participate in the selection of residential placement; and
- E. Power to enroll in educational classes.

4.

Ward presently has the capacity to perform the tasks commensurate with the powers requested in Paragraph 3. Applicant will provide the court a statement from Ward's physician which evidences Ward's capacity to perform such tasks.

5.

Accordingly, Applicant requests the Court to partially restore Ward to the extent Ward has regained sufficient mental capacity in regard to the activities listed in Paragraph 3 above. *See* TEX. PROB. CODE ANN. 694A (Vernon Supp. 2001).

WHEREFORE, PREMISES CONSIDERED, Applicant prays that (i) notice of this Application be given as required by law; (ii) that the Court partially restore _____ to the extent he has regained sufficient mental capacity in regard to the activities listed in Paragraph 3; and (iii) for such other and further relief to which Applicant may show h__self justly entitled.

Respectfully submitted,

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 59

[STYLE]

ORDER FOR PARTIAL RESTORATION OF WARD

On this day the Court considered the Application of _____, Permanent Guardian of the Person and Estate of _____, an Incapacitated Person (“Ward”), for Partial Restoration of Ward and the Court, after considering the Application, is of the opinion and finds that:

1. It has subject matter jurisdiction of this matter;
2. It has jurisdiction and venue over the Application;
3. Proper notice of the Application has been given;
4. The Application is in all respects in order;
5. Applicant has presented to the Court a letter by Ward’s physician, Dr. _____, which generally describes the extent to which Ward has regained sufficient mental capacity and states that it is h__ opinion that Ward has regained sufficient mental capacity with regard to the activities described in the Application;
6. Ward appeared and testified to h__ ability to understand the nature of the proceedings and that the powers being restored to h__ are commensurate with h__ current abilities; and
7. Ward has regained sufficient mental capacity to do some, but not all, of the tasks necessary to care for h__ self and to manage h__ property.

It is accordingly,

ORDERED, that _____ has regained sufficient mental capacity to do some, but not all, of the tasks necessary to care for h__ self and/or to manage h__ property and, therefore, is partially restored with regard to the following powers:

- a. Power to vote;
- b. Power to handle money up to \$___ per week;
- c. Power to make arrangements to travel within the State of Texas without Court approval (i) with a family member without guardian’s consent, and (ii) with a companion with guardian’s consent;
- d. Power to participate in the selection of residential placement; and
- e. Power to enroll in educational classes.

It is further,

ORDERED that _____, Guardian of the Person and Estate of _____, an Incapacitated Person, shall retain full authority over Ward’s Person and Estate with all of the duties, powers, and limitations that can be granted to a guardian of the person and estate by the laws of this state except as to the following powers which have been restored to Ward:

- a. Power to vote;
- b. Power to handle money up to \$___ per week;

- c. Power to make arrangements to travel within the State of Texas without Court approval (i) with a family member without guardian's consent, and (ii) with a companion with guardian's consent;
- d. Power to participate in the selection of residential placement; and
- e. Power to enroll in educational classes.

It is further,

ORDERED, that the Clerk is hereby directed to reissue Letters of Permanent Guardianship to _____, Guardian of the Person and Estate of _____, a Partially Incapacitated Person, specifying the specific powers, limitations and duties of Guardian with respect to Ward's care and management of Ward's property as stipulated by this Order. It is further,

ORDERED, that Guardian's prior bond in the sum of \$_____ and Oath of office shall remain in effect. It is further,

ORDERED that _____ is authorized to release to Ward the sum of _____ and 00/100 Dollars (\$_____) per week out of the income and principal (if income is insufficient) of the Estate held in safekeeping until further Orders of this Court.

SIGNED on this ____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
 [Insert attorney information]

Attorney for Guardian

EXHIBIT 60

[STYLE]

**ACCOUNT FOR FINAL SETTLEMENT
OF THE ESTATE OF _____, A MINOR¹**

TO THE HONORABLE PROBATE COURT NO. __:

_____, Guardian of the Estate of _____, an _____, files this h__ Account for Final Settlement of the Estate of _____, a Minor (“Estate”), pursuant to Section 749 of the Texas Probate Code, returning the same in writing, under oath, and respectfully shows the Court the following:

1.

Status of Estate

_____ was appointed Guardian of the Estate of _____, an Incapacitated Person (“Guardian”), by Order of this Court dated _____, 200__, and qualified in such capacity by the filing of h__ bond and oath. _____ recently became an adult by becoming the age of eighteen (18) on _____, 200__. Attached hereto as Exhibit A is a copy of the birth certificate of _____. Therefore, the guardianship of h__ estate shall be closed pursuant to Section 745 of the Texas Probate Code and Guardian accordingly files this Account for Final Settlement of the Estate of _____. Guardian has administered this guardianship in accordance with the provisions of the Texas Probate Code.

2.

Accounting Period

This Account for Final Settlement covers the period from _____, 200__, through _____, 200__. The total value of the guardianship estate at the beginning of the accounting period was _____, as shown on the Annual Accounting Report filed on _____, and approved by this Court on _____ (“Annual Report”).

¹ If the Final Account is for an incapacitated person, the Final Account should in be essentially the same form. It will, however, be necessary to revise the application to provide the reason the guardianship is being closed. For example, the ward is dead, has been restored, an 867 Trust has been created, etc. See TEX. PROB. CODE, 745.

3.

Claims Against the Estate

The following claims against the Estate of _____ were presented to Guardian within the period covered by this Account for Final Settlement and/or have been allowed, rejected, paid or sued upon:

[list all such changes]

4.

Property of the Guardianship Estate not Previously Reported

The following additional property has come into the possession and to the knowledge of Guardian which has not been previously listed or inventoried in the Inventory, the Annual Account or in the pleadings and reports filed with this Court, to which reference is hereby made for all purposes:

[list all such property, including a description and the fair market value]

5.

Changes to Property of the Guardianship Estate

The following changes to property have occurred during the period covered by this Account for Final Settlement:

[list all such changes]

6.

Receipts and Disbursements

The following is a complete accounting of all receipts and disbursements, and the source and nature thereof, for the period covered by this Account for Final Settlement:

BEGINNING CASH

Cash on hand on _____, 200__: *[ending balance as shown on the last Annual Account Report]* \$ _____

CASH RECEIPTS

Receipts from Settlement of Claims of the Guardianship Estate:

[describe payor and list amount]

Receipts from Sales of Securities:

[describe security sold and list amount of proceeds received]

Receipts from Sales of Other Assets:

[describe asset sold and list amount of proceeds received]

Interest Income:

[describe payor and list amount]

Dividend Income:

[describe payor and list amount]

Rental Income:

[describe payor and list amount]

Other Income:

[describe payor and list amount]

Miscellaneous Receipts:

[describe source and list amount]

TOTAL CASH RECEIPTS

\$ _____

CASH DISBURSEMENTS

Investments: Per Order Dated _____, 200__

[describe investments purchased and amount distributed]

Investments: Per Section 855

[describe investments purchased and amount distributed]

Distributions per Budget dated _____, 200__

[describe payee, basis of expenditure and amount distributed]

Distributions in excess of Budget dated _____, 200__

[describe payee, basis of expenditure and amount distributed]

Professional Fees:

[describe payee, date of order and amount distributed]

Taxes paid pursuant to Texas Probate Code 774(b)(6):

[describe payee, date of order and amount distributed]

Miscellaneous Expenses:

[describe payee, date of order and amount distributed]

TOTAL CASH DISBURSEMENTS \$ _____

7.

Statement of Non-Cash Assets

A description of all assets which remain in the guardianship estate, other than cash assets, subject to the control and management of Guardian is attached hereto as Exhibit A.

8.

Recapitulation

Beginning Cash	\$ _____
Plus: Total Receipts	_____
Less: Total Disbursements	(_____)
Total Cash on Hand	\$ _____

9.

Verification of Cash on Hand

The cash balance on hand as of _____, 200__, subject to the control and management of the Guardian, was \$ _____. Guardian attaches hereto and makes a part hereof a Verification of Funds on Deposit from _____, _____, Texas, attached as Exhibit B, showing the cash amounts the guardianship estate had on deposit with this institution in the total amount of \$ _____.

10.

Ratification of Disbursement

The following is a list of all disbursements made by Guardian during the period covered by this Account for Final Settlement which were reasonable and in the best interest of the guardianship estate, and for which ratification is respectfully requested:

[describe payee, basis of expenditure and amount distributed. This should match the amounts listed in the distributions section in excess of the budget]

TOTAL DISBURSEMENTS PENDING APPROVAL \$ _____

11.

Tax Information

All tax returns for or on behalf of Ward that were due during the period covered by this Account for Final Settlement have been filed and all taxes due and owing have been paid as follows:
[list the returns filed, describe the return, i.e., individual, etc., and the amount of taxes paid]

12.

Bond Premium

The Bond Premium for the term of the guardianship of the Estate of _____, a Minor, (through _____, 200__) has been paid. See Exhibit C attached and incorporated herein by this reference.

13.

Request for Appointee Compensation

During the period covered by this Account for Final Settlement, Guardian, with Court approval, employed the law firm of _____, _____, _____, _____, Texas, to represent h__ in h__ duties as Guardian. Since the date of this Court's most recent Order of _____, 200__, approving such law firm's attorneys' fees and expenses of \$_____, such law firm has incurred additional attorneys' fees and expenses in the amount of \$_____, it is estimated that an additional \$_____ will be incurred up to the date of Guardian's discharge and the closing of this guardianship. A copy of the detailed statement of the legal services performed and expenses advanced and of the work which still must be completed to close the guardianship is attached hereto as Exhibit D. The Attorney Fee Affidavit is attached as Exhibit E. By reason of the performance of these legal services and expenses, the Estate has become indebted to such attorneys in the total sum of \$_____ for the period _____, 200__, through the close of the Estate. Guardian believes these fees and expenses are reasonable and necessary to close this guardianship.

14.

Application to Receive Commissions

_____, Guardian, hereby makes Application to Receive Commissions for the period ended _____, 200__, and would respectfully show the Court that, as demonstrated in this First Annual

Account, the income received into Ward's Estate and the money paid out of Ward's Estate during such period, for which a commission is allowed pursuant to Section 665 of the Texas Probate Code, are as follows:

Income:

Income from Settlement of Claims	\$
Income from Sales of Securities	
Income from Sales of Other Assets	
Dividend Income	
Interest Income	
Rental Income	
Other Income	
Total Income	\$

Disbursements:

Distributions Per Budget	\$
Distributions in Excess of Budget	
Professional Fees	
Taxes	
Miscellaneous Expenses	
Total Paid Out	\$

COMMISSION CALCULATION FOR PERIOD ENDING _____, 200__

Income received:		
\$ _____ x 5% =		\$
Money Paid Out:		
\$ _____ x 5% =		
Total Statutory Commission		\$

15.

Remaining Debts of the Ward's Estate

To the best of Guardian's knowledge, as of the close of the period covered by this Account for Final Settlement, the only remaining debt of the Ward is the debt listed in Paragraph 13 above.

16.

Delivery of Property of the Estate

To the best of Representatives' knowledge, there is no other property belonging to the Estate of _____ to be distributed. After payment of the debt listed in Paragraph 13 above, the remaining property held by Guardian at this time should be ordered to be delivered to _____ upon the approval of this Account for Final Settlement.

WHEREFORE, PREMISES CONSIDERED, Guardian prays that (i) the Court hear and approve h__ Account for Final Settlement of the Estate of _____, a Minor, for the period _____, 200__, through _____, 200__; (ii) approve and ratify the disbursement of funds described in Paragraph 10, in the total amount of \$_____; (iii) approve the appointee fees and expenses described in Paragraph 13 and enter a separate order authorizing payment of such fees and expenses in the amount of \$_____; (iv) approve h__ Application to Receive Commission and enter a separate order authorizing payment of such commission in the amount of \$_____; (v) authorize the release of the estate property remaining on hand to _____; and (vi) grant such other and further relief which it may deem appropriate.

Respectfully submitted,

Guardian of the Estate of
_____, a Minor

AFFIDAVIT OF GUARDIAN

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, Guardian of the Estate of _____, a Minor, known to me to be the person whose name is subscribed to the above and foregoing Account for Final Settlement of the Estate of _____, a Minor, and on oath stated: (i) that the Account for Final Settlement and all attachments thereto contain a correct and complete statement of the matters to which they relate; (ii) that all tax returns which were due during the accounting period, if any, were filed in a timely manner; (iii) that all taxes due during the accounting period, if any, were paid as shown in the Account for Final Settlement; and (iv) the bond premium for the term of the guardianship estate has been paid.

Guardian of the Estate of
_____, a Minor

SWORN TO AND SUBSCRIBED before me, the undersigned, on this ___ day of _____,
200__.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

OF COUNSEL:

BY: _____
 [Insert attorney information]

Attorney For Guardian

EXHIBIT 61

[STYLE]

**ORDER APPROVING ACCOUNT FOR FINAL SETTLEMENT
OF THE ESTATE OF _____, [A MINOR OR INCAPACITATED PERSON]**

On this day the Court considered the Account for Final Settlement of the Estate of _____, [*a Minor or Incapacitated Person*], filed by _____, Guardian, for the period _____, 200__, through _____, 200__. It appears to the Court that this Account for Final Settlement has been on file the number of days required by law and, the Court having examined this Account for Final Settlement and the vouchers accompanying the same and having heard all evidence in support of and against this Account for Final Settlement, there being no exceptions or objections to the evidence and this Account for Final Settlement, and having duly audited and settled the same, is of the opinion that the Account for Final Settlement is correct. It is therefore,

ORDERED that the Account for Final Settlement of the Estate of _____, [*a Minor or Incapacitated Person*], is hereby approved and ordered of record. It is further,

ORDERED that the disbursement of funds in the amount of \$_____ as described in Paragraph 10 of the Account for Final Settlement is approved and ratified. It is further,

ORDERED that Guardian is authorized to pay all appointee compensations and commissions of the guardianship estate approved by separate orders of the Court. It is further,

ORDERED that after payment of the debt listed in Paragraph 13 of the Account for Final Settlement, the remaining property of the Estate of _____ in the hands of Guardian at this time shall be delivered to _____. It is further,

ORDERED that upon delivery of all the estate property remaining on hand to _____, _____ shall apply to the Court to discharge h__ from h__ trust as Guardian of the Estate of _____, to discharge the surety on h__ bond, and to close the guardianship of _____.

SIGNED on this _____ day of _____, 200__.

JUDGE PRESIDING

APPROVED AS TO FORM:

BY: _____
[Insert attorney information]

Attorney for Guardian

EXHIBIT 62

[STYLE]

WAIVER OF CITATION

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, who being
by me duly sworn, upon oath stated:

“My name is _____. My mailing address is _____, Texas _____. I have
been given a copy of the Account for Final Settlement of the Estate of _____, [*a Minor or
Incapacitated Person*], filed by _____ in the above-styled and numbered cause, and I have read it and
understand it. I understand that on or after ten days from the filing of same, the Account for Final Settlement will
be considered by the Court. I further understand that if I have any contest to the Account for Final Settlement, it
should be filed on or before the expiration of such ten-day period. I hereby waive the issuance of citation and/or
service of process with regard to the presentation of the Account for Final Settlement as is otherwise required by
Section 751(b) of the Texas Probate Code.”

_____ [type name]

SUBSCRIBED AND SWORN TO before me, on this ____ day of _____, 200__.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

PRINTED NAME OF NOTARY

My commission expires:

EXHIBIT 63

[STYLE]

RECEIPT AND RELEASE

TO THE HONORABLE PROBATE COURT NO. __:

The undersigned hereby acknowledges receipt of all of the assets belonging to the Estate of _____, [*a Minor or Incapacitated Person*].

The undersigned also releases _____ as Guardian of the Estate of _____, [*a Minor or Incapacitated Person*], and all persons acting for and on behalf of the Estate, including but not limited to, the Judge of the Probate Court of _____ County, Texas, all of the officers of the Probate Court, and bondsman, with respect to the Guardianship of the Estate of _____, [*a Minor or Incapacitated Person*], or any of its assets.

DATED this ____ day of _____, 200__.

By: _____
_____ [*type name*]

SWORN TO AND ACKNOWLEDGED BEFORE ME by _____ on this the ____ day of _____, 200__.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

EXHIBIT 64

[STYLE]

APPLICATION TO CLOSE ESTATE AND DISCHARGE GUARDIAN

TO THE HONORABLE PROBATE COURT NO. __:

Applicant, _____, Guardian of the Estate of _____ (“Guardian”), respectfully shows to the Court that: (i) the Estate of _____, [*a Minor or Incapacitated Person*], has been administered in accordance with the laws of the State of Texas, the Texas Probate Code and Orders of this Court; (ii) Guardian’s Account for Final Settlement of the Estate of _____, [*a Minor or Incapacitated Person*], has been approved by Order of this Court dated _____, 200__; (iii) Guardian has delivered all of the property of the Estate of _____ remaining in h__ hands as of this date to _____; and (iv) Guardian attaches hereto as Exhibit “A” and makes a part hereof a Receipt executed by _____, acknowledging receipt of all the assets of h__ estate from Guardian to which she is entitled.

WHEREFORE, PREMISES CONSIDERED, Guardian prays that the Court enter an order (i) releasing and forever discharging _____ as Guardian from any and all liability and responsibility in connection with the administration of the Estate of _____, [*a Minor or Incapacitated Person*]; (ii) finding that this estate is closed; (iii) releasing the surety on _____’s bond as Guardian of the Estate of _____, [*a Minor or Incapacitated Person*], from any further liability on Guardian’s bond; and (iv) for such other and further relief to which it may deem appropriate.

Respectfully submitted,

By: _____
[Insert attorney information]

EXHIBIT 65

[STYLE]

ORDER CLOSING ESTATE AND DISCHARGING GUARDIAN

On this day came to be considered the Application of Guardian, _____, for final discharge as Guardian of the Estate of _____, [a *Minor or Incapacitated Person*], and it appearing to the Court that: (i) Guardian did enter upon and has since faithfully performed h__ duties as Guardian; (ii) the Estate of _____, [a *Minor or Incapacitated Person*], has been administered in accordance with the laws of the State of Texas and the Texas Probate Code; (iii) all orders of this Court relating to h__ trust as Guardian have been in all respects fully complied with by Guardian; (iv) Guardian's Account for Final Settlement has been approved by order of this Court; (v) Guardian has delivered all of the property of the Estate of _____ remaining in h__ hands, less any guardianship expenses set forth in the Account for Final Settlement, to _____; and (vi) Guardian has attached to the Application and made a part thereof a receipt executed by _____, acknowledging receipt of all the assets of h__ Estate from Guardian. It is accordingly,

ORDERED, that _____ is released, remised and forever discharged as Guardian of the Estate of _____, [a *Minor or Incapacitated Person*]. It is further,

ORDERED, that the guardianship of the Estate of _____, [a *Minor or Incapacitated Person*], is closed. It is further,

ORDERED, that the surety on _____'s bond as Guardian of the Estate of _____, [a *Minor or Incapacitated Person*], is discharged from further liability on the bond.

SIGNED this _____ day of _____, 200__.

JUDGE PRESIDING

EXHIBIT 66

[STYLE]

MOTION TO RELEASE GUARDIAN'S CASH BOND

TO THE HONORABLE PROBATE COURT NO. ___:

_____, Guardian and of the [*Person and/or Estate*] of _____, ("Movant"), files h__ Motion to Release Guardian's Cash Bond pursuant to Section 703(m) of the Texas Probate Code and furnishes the following information to the Court:

1.

Movant has fully complied with the Orders of this Court, and has filed h__ [*Final Report of the Guardian of the Person and/or Account for Final Settlement*].

2.

Movant filed h__ cash bond in the amount of \$____.00 on _____, 200_, in accordance with this Court's Order of _____, 200_, and attaches hereto a copy of the Receipt and a Notice to Probate Judge of Deposit into Registry of Court of Cash in Lieu of Corporate Bond as Exhibit A for all purposes.

3.

Movant requests this Court to release the cash bond held in the Registry of the Court, along with all interest, to _____ [*name of guardian*] in care of the law firm of _____ [*name and address of firm*].

WHEREFORE, PREMISES CONSIDERED, Movant, _____, Guardian of the [*Person and/or Estate*] of _____, an Incapacitated Person, prays that this Court order _____, _____ County Clerk, to release the cash bond in the amount of \$____.00, along with all interest, to _____ in care of the law firm of _____ [*name and address of firm*].

Respectfully submitted,

By: _____
[*Insert attorney information*]

EXHIBIT 67

[STYLE]

ORDER RELEASING GUARDIAN'S CASH BOND

On this day, _____, came on to be considered the Motion to Release Guardian's Cash Bond filed by _____, Guardian of the [*Person and/or Estate*] of _____, an Incapacitated Person ("Guardian"), and it appearing to the Court that:

A. Guardian did enter upon and has since faithfully performed h__ duties as the Guardian;

B. That the Guardianship has been administered in accordance with the laws of the State of Texas and the Texas Probate Code;

C. That all orders of this Court relating to h__ trust as Guardian have been in all respects fully complied with by Guardian;

D. That the Guardianship has been closed.

It is therefore,

ORDERED that _____, _____ County Clerk, shall release from the registry of the Court in Trust Fund ____ Account of the County Clerk in the official County Depository for Trust Funds the cash bond in the amount of \$_____, along with all interest, to _____ [*guardian*] in care of the law firm of _____ [*firm and name*].

SIGNED this ____ day of _____, 200__.

JUDGE PRESIDING