

## FORMS FOR CONSERVATOR OF AN ADULT

Forms must be filled out completely. All ORIGINAL forms get mailed to the Court; keep copies for your own record.

1. **What You Need to Know Before Filing a Petition** - this explains the duties and other requirements of a conservator.
2. **Petition for Appointment of Conservator, or Protective Order, with instructions for completing-** The filing fee is \$150. In order to begin the conservatorship process you will need to deliver (by mail or in person) the completed petition to the Court along with your filing fee. If you mail the paperwork, please give the Court two-three days to receive and process your petition.
3. **Notice on Petition for Conservator or Protective Order-** this form should be given to the individual who is the subject of the petition along with a copy of the Petition to Appoint Conservator. This form explains to them the process of conservatorship and outlines their rights.
4. **Notice of Hearing-** Call 616-786-4110 to obtain a date and time for your Court hearing. Complete as much of the form as you are able, the rest of the information will be given to you by the Court when you call (date/time/file number).
5. **Proof of Service-** This form tells the Judge that you sent copies of the Petition to Appoint Conservator (and/or Protective Order) and Notice of Hearing to all interested parties. Interested parties include but may not be limited to the following:
  - a. The individual to be protected.
  - b. Spouse and children of the ward (if no spouse or children, then the heirs at law).
  - c. If known, any person named power of attorney or attorney in fact.
  - d. The nominated guardian or current guardian if already appointed.
  - e. Any government agency paying benefits in care of the individual for which an application may be pending.

Complete the proof of service by filling in the names and addresses of each person served under the appropriate heading; by regular mail or in person and include the date the service was made. **The Court requires that all interested persons be served the required documents no less than 14 days prior to the scheduled hearing if serving by regular mail and no less than 7 days before the scheduled hearing if serving by hand (in person).** Don't forget to sign and date the bottom of the form.

\*\*\*\*\*STOP PLEASE READ\*\*\*\*\*

**You must make every effort to obtain addresses for the people you are required to serve, if you do not know an address you must do the following:**

- ✓ Check the phone book
- ✓ Complete an internet search, if possible
- ✓ Contact the Friend of the Court office for a last known address they may have on file
- ✓ Contact any known family members of the person in order to obtain a last known address

**Please make all necessary copies of your petition and notice of hearing (including one for yourself and one for each interested party) \*ALL ORIGINAL DOCUMENTS NEED TO BE MAILED OR PERSONALLY DELIVERED TO THE COURT**

6. **Order Regarding Appointment of Conservator** - This is one of the forms that the Judge may sign on the day of your hearing, complete as much of this form as you are able, if you are unsure about what to fill out, leave blank.
7. **Acceptance of Appointment-** This is signed by the proposed guardian(s); this lets the Court know that the person accepts the guardianship and its responsibilities.
8. **Letters of Conservatorship-** This is the second form that may be completed by the Judge on the day of your hearing, this form grants the authority to protect and maintain the assets/estate of the individual. If a certified copy of this document is needed for any purpose (bank, Investment Company, etc.) you can purchase them for \$11.00 per copy at the Probate Court at anytime. Continues on next page...

9. **Inventory-** This form is to be completed by the conservator, this is a list of any and all assets the individual has (subject to the conservatorship) on the date that the conservator was appointed. This form is due to the Court no later than 56 days from the date that the conservator was appointed.
10. **Proof of Service-** A copy of the inventory should be served on all the interested parties as listed above. You will complete this proof of service and provide it to the Court with your Inventory.
11. **Account of Fiduciary, Short form-** An accounting of income, expenditures and remaining assets by the conservator will be due to the Court annually. This form should be used when reporting this information to the Court, this form must balance accordingly. There is a \$20.00 filing fee due upon filing the account with the Court. There will be other forms that are required to be filed with the annual accounting (petition to allow account, waivers, bank statements, etc) you will be sent all necessary court forms annually before your account is due, please contact the Court with any questions. \*If you are unable to complete the account accurately please consider consulting an attorney or an accountant. ALL ORIGINAL DOCUMENTS MUST BE FILED WITH THE COURT.
12. **Proof of Service-** you are required to send a copy of your annual account to all interested parties as explained above, the proof of service should be completed and returned to the Court with your annual account.
13. **Instructions on filing your annual account-** this form explain what is required on the annual accounting.

**COURT STAFF IS PROHIBITED BY LAW FROM GIVING LEGAL ADVICE, IF YOU HAVE ANY LEGAL QUESTIONS DURING THIS PROCESS PLEASE CONTACT AN ATTORNEY.**

OTTAWA COUNTY PROBATE COURT  
12120 FILLMORE STREET  
WEST OLIVE, MI 49460

HOURS: MONDAY-FRIDAY 8:00 AM – 5:00 PM  
PHONE: 616-786-4110  
WEBSITE: [WWW.MIOTTAWA.ORG](http://WWW.MIOTTAWA.ORG)

## WHAT YOU NEED TO KNOW BEFORE FILING A PETITION TO APPOINT A CONSERVATOR

### »» What is a conservator?

A conservator is a person appointed by a probate court and given power and responsibility for the estate (financial assets and property) of an adult (called a *protected individual*).

### »» What is a guardian?

A guardian is a person appointed by a probate court and given power and responsibility to make certain decisions about the care of another individual. These decisions might include treatment decisions or where the individual should live. If the individual has a reduced life expectancy due to advanced illness, the guardian may have the power to make an informed decision on behalf of the individual regarding receiving, continuing, discontinuing, or refusing medical treatment. A **full guardian** can make all decisions for the individual. A **limited guardian** can only make decisions for the individual that the court allows.

### »» When would a conservator be needed?

A conservator may be needed when the individual is unable to manage his or her property and financial affairs effectively because of certain reasons and:

- 1) he or she has property that will be wasted or used up unless proper management is provided; or
- 2) funds are needed for the support, care, and welfare of the adult and any of his or her dependents.

A mentally competent adult who, because of age or physical limitation, may voluntarily petition the

court himself or herself for the appointment of a conservator to assist in managing his/her estate.

Some of the reasons that might prevent the individual from being able to manage his or her property and financial affairs are:

- 1) mental illness or deficiency;
- 2) physical illness or disability;
- 3) chronic use of alcohol /other intoxicants;
- 4) confinement;
- 5) detention by a foreign power; or
- 6) disappearance.

### »» Is a conservator needed for an individual who cannot manage his or her property or financial affairs effectively?

A conservator might not be necessary if someone else already has legal authority (an individual with power of attorney, for example) to make decisions about the individual's estate and there are no problems with the decisions being made.

### »» How is a proceeding for a conservator started?

Any person who is interested in the individual's welfare may complete a Petition for Appointment of Conservator (form PC 639) and file it, along with the filing fee, with the probate court.

### »» Is a lawyer necessary?

No, but a lawyer can be helpful, especially if any interested person opposes the appointment of a conservator.

### »» Can mediation be used for disagreements about a conservator?

Certain disagreements about a request for a guardian may be mediated outside the court if all parties agree to attend mediation or if a judge order parties to attend mediation. The court clerk can tell you if

mediation services are available in your court.

### »» What happens when the court accepts the petition for filing?

After the petition is accepted for filing, the court will appoint a *guardian ad litem* to represent the individual in the court proceeding unless the individual has his or her own lawyer or unless a mentally competent adult voluntarily requests the appointment.

It is important for you to cooperate with the guardian ad litem. The guardian ad litem does not have the authority to make decisions for the individual. The individual may have to pay for the guardian ad litem.

If necessary, the court may also order the individual to be examined by a physician or a mental health professional. The court may also send someone (called a *visitor*) to interview the individual. The visitor may be the guardian ad litem or a court officer or court employee.

### »» Can the individual get a conservator immediately in an emergency?

If the court believes an individual's estate requires immediate protection before appointing a conservator, the court may issue a preliminary protective order. This order may involve the appointment of a special conservator. The order will authorize specific acts that provide for immediate protection of the individual's assets.

<b>STATE OF MICHIGAN PROBATE COURT COUNTY</b>  <b>CIRCUIT COURT - FAMILY DIVISION</b>	<b>PETITION FOR</b> <input type="checkbox"/> <b>APPOINTMENT OF CONSERVATOR</b> <input type="checkbox"/> <b>PROTECTIVE ORDER</b>	<b>FILE NO.</b>  _____
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**(A)** Estate of \_\_\_\_\_ XXX-XX-  
Individual alleged to need protection Last four digits of SSN

**(B)** 1. I, \_\_\_\_\_, am interested in this matter  
Name  
 and make this petition as \_\_\_\_\_.  
State interest/relationship

**(C)** 2. The individual was born \_\_\_\_\_, resides in \_\_\_\_\_ County  
Date  
 at \_\_\_\_\_  
Address  
 \_\_\_\_\_ and has property in \_\_\_\_\_ County.  
City, state, zip

**(D)**  3. An action within the jurisdiction of the family division of circuit court involving the family or family members of the above individual has been previously filed in \_\_\_\_\_ Court, Case Number \_\_\_\_\_, was assigned to Judge \_\_\_\_\_, and  remains  is no longer pending.

**(E)** 4. The individual has  a power of attorney. (Specify name and address below.)  
 a guardian. (Specify name and address below.)  
 a representative payee for social security. (Specify name and address below.)  
 \_\_\_\_\_  
Name and address

**(F)** 5.  a. The individual is an adult unable to manage his/her property and business affairs effectively because of  
 mental illness  chronic use of drugs  detention by a foreign power  
 mental deficiency  chronic intoxication  disappearance  
 physical illness or disability  confinement  \_\_\_\_\_  
 and either  
 the adult has property that will be wasted or dissipated unless proper management is provided.  
 the adult or his/her dependents are in need of money for support, care, and welfare, and protection is necessary to obtain or provide money.  
 b. The adult petitioner is mentally competent but because of age or physical infirmity is unable to manage his/her property and affairs effectively, and recognizing the disability, requests appointment of a conservator.  
 c. The individual is a minor who  
 owns money or property that requires management or protection that cannot otherwise be provided.  
 has or may have business affairs that may be jeopardized or prevented by minority.  
 needs money for support and education, and protection is necessary or desirable to obtain or provide money.  
 d. I am the guardian of the ward and it is in the ward's best interests to sell or otherwise dispose of the ward's real property or interest in real property.

**(G)** 6. The statements in item 5 are supported by the following facts: \_\_\_\_\_  
(Attach a separate sheet if more space is needed.)  
 \_\_\_\_\_  
 \_\_\_\_\_

(SEE SECOND PAGE)

Do not write below this line - For court use only

**H** 7. The individual to be protected has an estate approximately valued at:

\$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_  
Real property Personal property Insurance Monthly income

**I** 8. The individual to be protected is receiving the following benefits from governmental agencies:  
 Social Security \$ \_\_\_\_\_  SSI \$ \_\_\_\_\_  Veterans Administration \$ \_\_\_\_\_, claimant number \_\_\_\_\_  
 MDHS \$ \_\_\_\_\_  Other: \_\_\_\_\_ \$ \_\_\_\_\_

**J** 9. The individual to be protected has  
 a spouse whose name and address are listed below.  
 child(ren) whose name(s) and address(es) are listed below.  
 descendants of deceased child(ren) whose name(s) and address(es) are listed below.  
 if no child(ren) or descendants of deceased child(ren), parents whose name(s) and address(es) are listed below.  
 if none of the above, presumptive heirs whose name(s) and address(es) are listed below.  
 none of the above (must notify the Attorney General - see instructions for the address of the Attorney General).

NAME	ADDRESS AND TELEPHONE NUMBER	RELATIONSHIP	AGE/DOB (if minor)

**K** 10. None of the persons named above are under any legal incapacity except \_\_\_\_\_.  
Name, incapacity, and representative of the person, if any

**L** 11. The individual is currently found at \_\_\_\_\_.  
Address or location

**M**  12. It is necessary that a preliminary protective order be entered pending the regular hearing because \_\_\_\_\_.

**I REQUEST** that the court:

**N**  13. Appoint \_\_\_\_\_, Name, address, and telephone no.  
who has priority as \_\_\_\_\_, as conservator of the estate to be protected.  
Priority relationship

**O**  14. Preserve and apply the individual's property pending the appointment of a conservator as follows: \_\_\_\_\_

**P**  15. Enter a protective order that provides \_\_\_\_\_.

**Q**  16. Appoint the guardian as special conservator with authority to sell or otherwise dispose of the ward's real property or interest in real property.

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

<b>R</b> _____ Attorney signature	_____ Date
_____ Attorney name (type or print)	_____ Bar no.
_____ Attorney address	_____ Petitioner signature
_____ City, state, zip	_____ Petitioner address
_____ Telephone no.	_____ City, state, zip
	_____ Telephone no.

**S**  17. **NOMINATION BY PERSON TO BE PROTECTED:** I am 14 years of age or older. I nominate as my conservator \_\_\_\_\_.  
Name, address, and telephone no.

\_\_\_\_\_ Date \_\_\_\_\_ Signature of person to be protected

# INSTRUCTIONS FOR COMPLETING "PETITION FOR APPOINTMENT OF CONSERVATOR"

**Please type or print neatly in black or blue ink.** Items A through S must be read and filled in (when required) before your petition can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- A** Enter the name of the individual who you believe needs a conservator.
- B** Enter your name in the first line. Enter your relationship to the individual (or your interest) in the second line.
- C** Enter the date the individual was born; what county the individual is a resident of; the address of the place where the individual normally lives, and the county the individual's property is in.
- D** Check this box if there is or has been a case in the family division of the circuit court involving the individual in **A**. Examples of a family division case are personal protection, abuse or neglect, or a name change. If you have checked this box, enter the name of the court, the case number of the action, the name of the judge assigned to that case. Then place a check in the box indicating whether that case is still pending or not.
- E** Check the boxes that apply and provide the name(s) and address(es). If the individual has a power of attorney and you have a copy of the document, make a copy for the court.
- F** Check the boxes that you believe apply to the individual.
- G** **Explain in as much detail as possible** the specific facts about the individual's conduct or condition that lead you to believe he or she needs a conservator. Give specific examples of his or her conduct that supports what you checked in **F** and that demonstrate the need for a conservator. **This information is extremely important for the court in making a decision about the need to appoint a conservator.** If you are the guardian asking for authority to sell or otherwise dispose of your ward's real property, state the reasons why it is in the ward's best interest to do so.
- H** Specify the approximate value of any real property, personal property, insurance, and monthly income of the individual. An example of real property is a house. Examples of personal property are home furnishings, bank accounts, and checking accounts.
- I** Check whether the individual is currently receiving benefits from governmental agencies and the amount(s).
- J**-**K** Check all the boxes that apply and enter the names, relationships, addresses and telephone numbers of each relative of the individual. If any of the adults named in **J** are under legal incapacity, enter the names in **K**. If you check the last box in **J** (item 9), you must notify the Attorney General by sending a copy of this form to: Attorney General, Public Administration, PO Box 30736, Lansing, Michigan 48909.
- L** Enter the address where the individual is currently located. This address may or may not be the home of the individual. For example, if the individual is currently in the hospital, enter the name and address of the hospital.
- M** If there is an emergency that requires that a preliminary protective order be entered before the hearing, enter the reason(s).
- N** Enter the name, address, and telephone number of the person you want to be appointed as conservator of the individual. Enter the relationship, if any, that this person has to the individual. If you are the guardian asking for authority to sell or otherwise dispose of your ward's real property, leave this blank and complete **Q**.
- O** Check this box only if you checked **M**.
- P** Check this box if you want the individual's property protected but you do not want a conservator appointed.
- Q** Check this box if you want the the guardian appointed special conservator to dispose of real property.
- R** Enter today's date, sign your name, and enter your address and telephone number.
- S** If the individual wants to nominate someone to be the conservator, check the box and enter the name, address, and telephone number of the person the individual is nominating. The individual must sign and date the form.

<p style="text-align: center;"><b>STATE OF MICHIGAN PROBATE COURT COUNTY</b></p> <p style="text-align: center;">CIRCUIT COURT - FAMILY DIVISION</p>	<p style="text-align: center;"><b>NOTICE ON PETITION FOR CONSERVATOR OR PROTECTIVE ORDER</b></p>	<p><b>FILE NO.</b></p>
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In the matter of \_\_\_\_\_, person to be protected

**NATURE, PURPOSE, AND LEGAL EFFECT OF APPOINTMENT OF CONSERVATOR**

A conservator is a person appointed by a court to help an individual manage his or her property and financial affairs when the individual is unable to manage such affairs. If a conservator is appointed for you, the conservator would make decisions for you that you now may make for yourself.

If appointed, the conservator will have all the powers over the estate and business affairs that the individual could exercise if present and not under disability, except the power to make a will.

A person has been appointed by the court to more fully explain these matters to you. That person is called a guardian ad litem. He or she will contact you to answer your questions and more fully discuss the meaning of a conservatorship.

**RIGHTS**

1. You have the right to secure, at your own expense, an independent evaluation of your condition.
2. You have the right to be present in person at the hearing. If you wish to be present at the hearing, all practical steps will be taken to ensure your presence, including, if necessary, moving the site of the hearing.
3. You are entitled to be represented by an attorney. The court may appoint an attorney to represent a minor, if necessary.
4. You have the right to present evidence at the hearing.
5. You have the right to cross-examine witnesses at the hearing, including a court appointed physician or mental health professional and the visitor if the court has appointed a visitor.
6. You have the right to a trial by jury.
7. You have the right to request that the hearing be closed to the public.
8. If the court determines that conservatorship is necessary, you have the right to nominate a person or corporation to be your conservator.

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<b>STATE OF MICHIGAN</b> <b>PROBATE COURT</b> <b>COUNTY</b> <b>CIRCUIT COURT - FAMILY DIVISION</b>	<b>NOTICE OF HEARING</b>	<b>FILE NO.</b>
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In the matter of \_\_\_\_\_

**TAKE NOTICE:** A hearing will be held on \_\_\_\_\_ at \_\_\_\_\_ ,  
Date Time

at \_\_\_\_\_ before Judge \_\_\_\_\_  
Location Bar no.

for the following purpose(s): (state the nature of the hearing)

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

_____		_____	
Attorney name	Bar no.	Petitioner name	
_____		_____	
Address		Address	
_____		_____	
City, state, zip	Telephone no.	City, state, zip	Telephone no.

The law provides that you should be notified of this hearing. Unless the check box below is marked, you are not required to attend the hearing but it is your privilege to do so.

You are required to attend this hearing.

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<b>STATE OF MICHIGAN PROBATE COURT COUNTY CIRCUIT COURT - FAMILY DIVISION</b>	<b>PROOF OF SERVICE</b>	<b>FILE NO.</b>
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In the matter of \_\_\_\_\_

1. Titles of the papers served or mailed: \_\_\_\_\_

2. I served by  first-class mail  registered mail (copy of return receipt attached)  certified mail (copy of return receipt attached) the papers described above on:

Name	Complete address of service	Date

3. I served by **personal service** the papers described above on:

Name	Complete address of service	Date and Time

4. After diligent search and inquiry, I have been unable to find and serve the following interested persons. I have served these persons by publication. Attached are copies of form PC 617.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee		
\$		\$		
Incorrect address fee	Miles traveled	Fee	<b>TOTAL FEE</b>	
\$		\$	\$	

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

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<b>STATE OF MICHIGAN</b> <b>PROBATE COURT</b> <b>COUNTY</b> <b>CIRCUIT COURT - FAMILY DIVISION</b>	<b>ORDER REGARDING APPOINTMENT</b> <b>OF CONSERVATOR</b> <input type="checkbox"/> <b>ADULT</b> <input type="checkbox"/> <b>MINOR</b>	<b>FILE NO.</b>
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Estate of \_\_\_\_\_, a protected individual

1. Date of hearing: \_\_\_\_\_ Judge: \_\_\_\_\_ Bar no.

**THE COURT FINDS:**

2. Notice of hearing was given to or waived by all interested persons.

3. The individual is not in need of a conservator.

4. Upon presentation of clear and convincing evidence, the **adult** individual is in need of a conservator because s/he is unable to manage his/her property and business affairs effectively because of

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> mental illness.               | <input type="checkbox"/> mental deficiency.    | <input type="checkbox"/> physical illness or disability. |
| <input type="checkbox"/> chronic use of drugs.         | <input type="checkbox"/> chronic intoxication. | <input type="checkbox"/> confinement.                    |
| <input type="checkbox"/> detention by a foreign power. | <input type="checkbox"/> disappearance.        | <input type="checkbox"/> other: _____                    |

**and**  a. the individual has property that will be wasted or dissipated unless proper management is provided.

**or**  b. money is needed for the support, care, and welfare of the individual or those entitled to be supported by the individual and that protection is necessary to obtain or provide the money.

5. The individual is mentally competent but because of age or physical infirmity is unable to manage his or her property and affairs effectively and, recognizing this disability, has requested a conservator's appointment.

6. Upon presentation of clear and convincing evidence, the **minor** individual is in need of a conservator because the minor

- |   |
|---|
| <input type="checkbox"/> a. owns money or property that requires management or protection that cannot otherwise be provided.            |
| <input type="checkbox"/> b. has or may have business affairs that may be jeopardized or prevented by the person's minority.             |
| <input type="checkbox"/> c. needs money for support and education, and protection is necessary or desirable to obtain or provide money. |

7. It is in the ward's best interests for the guardian to sell or otherwise dispose of the ward's real property or interest in real property. The guardian should be appointed as special conservator to petition for sale of the real estate.

8. There is no qualified, suitable individual willing to act as conservator and the appointment of a professional conservator is in the best interests of the adult/minor. A bond must be filed.

**IT IS ORDERED:**

9. The petition for the conservator is  granted.  denied on the merits.  dismissed/withdrawn.

10. \_\_\_\_\_, whose address and telephone number are Name (type or print)

\_\_\_\_\_ is appointed Address City State Zip Telephone no.

a. conservator of all assets of the individual's estate.

b. limited conservator of the following assets: \_\_\_\_\_

\_\_\_\_\_. The individual retains title to all other assets in the estate.

c. special conservator with authority to proceed under MCL 700.5423(3) in order to dispose of real property.

Acceptance of appointment must be filed.  Bond at \$ \_\_\_\_\_ must be filed.

After qualification, the conservator shall comply with all relevant requirements under the law.

11. The conservator is not required to file an annual account.

12. **IT IS FURTHER ORDERED:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Attorney name (type or print) Bar no.

\_\_\_\_\_  
Address City State Zip Telephone no.

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<p align="center"><b>STATE OF MICHIGAN PROBATE COURT COUNTY CIRCUIT COURT - FAMILY DIVISION</b></p>	<p align="center"><b>ACCEPTANCE OF APPOINTMENT</b></p>	<p><b>FILE NO.</b></p>
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In the matter of \_\_\_\_\_

1. I have been appointed \_\_\_\_\_ of the person/estate.  
Type of fiduciary

2. I accept the appointment, submit to personal jurisdiction of the court, and agree to file reports and to perform all required duties.

3. For a period of \_\_\_\_\_ days from the date of my appointment I exclude from the scope of my responsibility the  
not to exceed 91 days

following real estate or ownership interest in a business entity: \_\_\_\_\_  
Describe real property or business interest

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

because I reasonably believe the real estate or other property owned by the business entity is or may be contaminated by a hazardous substance, or is or has been used in an activity directly or indirectly involving a hazardous substance that could result in liability to the estate or otherwise impair the value of property held by the estate.

_____	_____	_____	_____
Attorney name (type or print)	Bar no.	Date	Signature
_____	_____	_____	_____
Attorney address	_____	Name (type or print)	Address
_____	_____	_____	_____
City, state, zip	Telephone no.	City, state, zip	Telephone no.
_____	_____	_____	_____
_____	_____	Date of birth	_____

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<b>STATE OF MICHIGAN</b> <b>PROBATE COURT</b> <b>COUNTY</b> <b>CIRCUIT COURT - FAMILY DIVISION</b>	<b>LETTERS OF CONSERVATORSHIP</b>	<b>FILE NO.</b>
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Estate of \_\_\_\_\_

TO:

Name and address	Conservator's telephone no.
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You have been appointed  limited conservator  conservator of the estate and are granted power to take possession, collect, preserve, manage, and dispose of property of the estate according to law and to perform all acts permitted or required by statute, court rule, and orders of this court unless limited below.

- The conservator shall have authority with respect to all assets of the estate.
- Real estate or ownership interest in a business entity is excluded from your responsibilities in your acceptance of appointment.
- The conservator shall have authority with respect to the following assets only:

Restrictions:

The conservator shall not sell, mortgage, encumber, or otherwise dispose of any interest in real property without a prior court order of approval.

\_\_\_\_\_  
Date Judge Bar no.

\_\_\_\_\_  
Attorney name (type or print) Bar no.

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, state, zip Telephone no.

SEE NOTICE OF DUTIES ON SECOND PAGE

I certify that I have compared this copy with the original on file and that it is a correct copy of the original, and on this date, these letters are in full force and effect.

\_\_\_\_\_  
Date Deputy probate register

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## NOTICE TO CONSERVATOR OF CERTAIN DUTIES

AS REQUIRED BY LAW AND MICHIGAN COURT RULES, YOU ARE NOTIFIED:

You are required to file with this court the following written reports using the indicated form(s) at the indicated times. Forms are available at the court.

**INVENTORY:** As the conservator, you are required by law to prepare an inventory of the assets of the estate that you have been given authority over within 56 days from the date of your appointment. You must also provide a copy of the inventory to the protected individual if the individual can be located and if the minor is 14 years of age or older and to interested persons as specified in the Michigan Court Rules. You must also provide the name and address of each financial institution listed on your inventory at the time the inventory is presented to the court. The address for a financial institution shall be either that of the institution's main headquarters or the branch used most frequently by the conservator. (May use form PC 674, "Inventory, Conservatorship.")

**ACCOUNTS:** As the conservator, you must file an annual account unless otherwise ordered by the court. An accounting must be filed within 56 days after the end of the accounting period. The accounting period ends on the anniversary date of the issuance of the letters of authority, unless the conservator selects another accounting period or unless the court orders otherwise. If you select another accounting period, notice of that selection shall be filed with the court. The accounting period may be a calendar year or a fiscal year ending on the last day of a month. You may use the same accounting period as that used for income tax reporting, and the first accounting period may be less than a year but not longer than a year. On filing, the account may be set for hearing or the hearing may be deferred to a later time. Unless otherwise ordered by the court, no accounting is required in a minor conservatorship where the assets are restricted or in a conservatorship where no assets have been received by the conservator. (Use form PC 583, PC 584, or PC 648, "Account.")

In addition, you must provide a copy of the account to the protected individual if the individual can be located and is 14 years of age or older, and to interested persons as specified in the Michigan Court Rules.

**CHANGE OF ADDRESS:** You are required to keep the court and interested persons informed in writing within 7 days of any change in your address.

**DEATH OF PROTECTED INDIVIDUAL:** If the protected individual dies during the conservatorship, you must give written notification to the court within 14 days of the individual's date of death. If accounts are required to be filed with the court, a final account must be filed within 56 days of the date of death.

**The inventory and all accounts must be served on the required persons at the same time they are filed with the court. After serving the required persons, you must promptly file a proof of service with the court.**

**ATTENTION: The above provisions are reporting duties only and are not the only duties required of you.** See MCL 700.5416 through 700.5433 for other duties of the conservator. Your failure to comply with the above reporting duties may require the court to appoint a special fiduciary in your place and to suspend your powers. This may result in your removal as fiduciary. The court is prohibited by statute from giving you legal advice.

**KEEP THIS NOTICE FOR FUTURE REFERENCE**

<b>STATE OF MICHIGAN PROBATE COURT COUNTY</b>  <b>CIRCUIT COURT - FAMILY DIVISION</b>	<b>INVENTORY (CONSERVATORSHIP)</b> <input type="checkbox"/> <b>AMENDED</b>	<b>FILE NO.</b>
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In the matter of \_\_\_\_\_

I, \_\_\_\_\_, am the conservator and submit the following as a complete and accurate inventory of all the assets of the estate, including the fair market valuations as of the date of qualification as conservator. I have listed on this inventory any property the protected individual owns jointly or in common with others, including the type of ownership.

<b>PERSONAL PROPERTY AND REAL PROPERTY DESCRIPTION</b> If the property listed below is owned by both the protected individual and others, specify the type of ownership in the description and check the box in the column "Total Value of Property. " Definitions and instructions for completing the inventory are on the other side of this form.	<b>TOTAL VALUE OF PROPERTY</b>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
<b>TOTAL ASSETS</b>	

I declare under the penalties of perjury that this inventory has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Attorney signature	Date
Attorney name (type or print)	Signature
Bar no.	Name (type or print)
Address	Address
City, state, zip	City, state, zip
Telephone no.	Telephone no.

Do not write below this line - For court use only

## DEFINITIONS:

- **Real property** means land, including a building or house that is built on the land.
- **Personal property** means everything that a person owns except real property. Personal property includes bank accounts and checking accounts.

## INSTRUCTIONS TO COMPLETE THE INVENTORY:

1. List all real and personal property in the column "**Personal Property and Real Property Description.**"
2. When listing real property, provide the legal description of the property and the name of any other owner.
  - a. If real property has been used to secure a loan (including an equity line of credit), show the nature and amount of the lien.
  - b. If the value of real property is determined by an appraisal, include the appraiser's name and address and a description of the property appraised.
  - c. Property that the protected individual owns jointly or in common with others must be listed along with the type of ownership. The court may require additional information to support the value of property that is stated in the inventory.
3. When listing personal property, provide enough detail to adequately determine the value. Some items should be listed separately and some items should be combined under one category. Provide the name and address of each financial institution listed. The address for a financial institution shall be either that of the institution's main headquarters or the branch used most frequently by the conservator.
  - a. Examples of items that should be listed and valued separately are:
    - Automobiles
    - Jewelry
    - Bank accounts
    - Antiques
    - Furniture
    - Any other individual item of high value (such as a fur coat)
    - Prepaid burial contracts
    - Life insurance (cash value)
    - Annuities
    - Mutual funds
    - Stocks and bonds
  - b. Examples of items that can be listed in categories are:
    - Household items such as dishes, flatware, curtains, linens, utensils, clothing, furnishings, etc. can be grouped into several categories or combined into one category.
    - Multiple copies or pieces of a specific item that have the same value such as stocks and bonds.
  - c. If personal property has been used to secure a loan, show the nature and amount of the lien.
  - d. If the value of personal property is determined by an appraisal, include the appraiser's name and address and a description of the property appraised.
  - e. Property that the protected individual owns jointly or in common with others must be listed along with the type of ownership. The court may require additional information to support the value of property that is stated in the inventory.

<b>STATE OF MICHIGAN PROBATE COURT COUNTY CIRCUIT COURT - FAMILY DIVISION</b>	<b>PROOF OF SERVICE</b>	<b>FILE NO.</b>
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In the matter of \_\_\_\_\_

1. Titles of the papers served or mailed: \_\_\_\_\_

2. I served by  first-class mail  registered mail (copy of return receipt attached)  certified mail (copy of return receipt attached) the papers described above on:

Name	Complete address of service	Date

3. I served by **personal service** the papers described above on:

Name	Complete address of service	Date and Time

4. After diligent search and inquiry, I have been unable to find and serve the following interested persons. I have served these persons by publication. Attached are copies of form PC 617.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee		
\$		\$		
Incorrect address fee	Miles traveled	Fee	<b>TOTAL FEE</b>	
\$		\$	\$	

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

Do not write below this line - For court use only



2. a. Balance on hand from last account, or value of inventory, if first account ..... \$ \_\_\_\_\_
- b. Enter Total Column 1, Income, Gain, and Other Receipts, from the other side of this form ..... \$ \_\_\_\_\_
- c. **Subtotal** (Add line 2.a to line 2.b and enter the amount here.) ..... \$ \_\_\_\_\_
- d. Enter Total Column 2, Expenses, Losses, and Other Disbursements, from the other side of this form \$ \_\_\_\_\_
- e. Balance of assets on hand (Subtract line 2.d from line 2.c and enter the amount here.) ..... \$ \_\_\_\_\_  
This line must equal the last line in item 3. (Itemize assets below.)

3. The balance of assets on hand are as follows:

<b>ITEMIZED ASSETS REMAINING AT END OF ACCOUNTING PERIOD</b>	
	\$
Total balance on hand. This line must equal the last line in item 2.	\$

**NOTE:** In guardianships and conservatorships, except as provided by MCR 5.409(C)(4), you must present to the court copies of corresponding financial institution statements or you must file with the court a verification of funds on deposit, either of which must reflect the value of all liquid assets held by a financial institution dated within 30 days after the end of the accounting period.

4. The interested persons, addresses, and their representatives are identical to those appearing on the initial application/petition, except as follows: (For each person whose address changed, list the name and new address; attach separate sheet if necessary.)

5. This account lists all income and other receipts and expenses and other disbursements that have come to my knowledge.
6.  This account is not being filed with the court.
7.  My fiduciary fees incurred during this accounting period (including fees that have already been approved and/or paid for this accounting period) are \$ \_\_\_\_\_. Attached is a written description of the services performed.
8.  Attorney fees incurred during this accounting period (including fees that have already been approved and/or paid for this accounting period) are \$ \_\_\_\_\_. Attached is a written description of the services performed.

I declare under the penalties of perjury that this account has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

	Date
Attorney signature	Fiduciary signature
Attorney name (type or print) <span style="float: right;">Bar no.</span>	Fiduciary name (type or print)
Address	Address
City, state, zip <span style="float: right;">Telephone no.</span>	City, state, zip <span style="float: right;">Telephone no.</span>

**NOTE:** If the decedent died before October 1, 1993, you must attach proof of inheritance tax paid. If the decedent died between October 1, 1993 and December 31, 2004, you must attach proof of estate tax paid. If the decedent died on or after January 1, 2005, there is no Michigan estate tax or inheritance tax.

(For accounts that must be filed with the court.)

**NOTICE TO INTERESTED PERSONS**

1. You must bring to the court's attention any objection you have to this account. The court will not review the account otherwise.
2. You have the right to review proofs of income and disbursements at a time reasonably convenient to the fiduciary and yourself.
3. You may object to all or part of an accounting by filing a written objection with the court before the court allows the account. You must pay a \$20.00 filing fee to the court when you file the objection. (See MCR 5.310[C].)
4. If an objection is filed and is not otherwise resolved, the court will conduct a hearing on the objection.
5. You must serve the objection on the fiduciary or his/her attorney.

<b>STATE OF MICHIGAN PROBATE COURT COUNTY CIRCUIT COURT - FAMILY DIVISION</b>	<b>PROOF OF SERVICE</b>	<b>FILE NO.</b>
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In the matter of \_\_\_\_\_

1. Titles of the papers served or mailed: \_\_\_\_\_

2. I served by  first-class mail  registered mail (copy of return receipt attached)  certified mail (copy of return receipt attached) the papers described above on:

Name	Complete address of service	Date

3. I served by **personal service** the papers described above on:

Name	Complete address of service	Date and Time

4. After diligent search and inquiry, I have been unable to find and serve the following interested persons. I have served these persons by publication. Attached are copies of form PC 617.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee		
\$		\$		
Incorrect address fee	Miles traveled	Fee	<b>TOTAL FEE</b>	
\$		\$		

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

Do not write below this line - For court use only

## ACCOUNT OF FIDUCIARY

### Instruction Sheet

A Conservator must make a complete, itemized accounting of his/her transactions to the Court once per year (or more often if the Court directs). The account shows all receipts, expenses (disbursements) and property remaining for their ward.

The annual account form is available from the Probate Court or from any attorney. Some accountants also have the form. The first account is due twelve months from the date of the issuance of the Letters of Authority and then annually thereafter. Failure to file an annual account can result in suspension of powers as Conservator or contempt of court.

### Petition to Allow Account

Please fill out the Petition to Allow Account(s) with the name of the ward at the top following "Estate of". If you are requesting reimbursement for fees, those amounts should be entered in #3. In #5, please list what time of account you are filing. You must date and sign the form; print your name and address and submit it with the account. If an attorney did not assist you with filing the account leave that section on the bottom left blank.

### Completion of Account Form

Use a blue pen or type the account. **DO NOT USE PENCIL.**

The name of the ward or decedent is entered following "Estate of".

1. Your name goes here as Conservator, Guardian or Personal Representative of the estate. On your first account the dates should be from the day you were appointing as Conservator; the second blank should be a year from the date of your appointment. Each accounting thereafter should be for one year.

If you wish to change your account date, you must write to the Court and request the date you want your accounting to end. The court can only change this date once.

#### **COLUMN 1. INCOME AND OTHER RECEIPTS**

You may summarize what income your ward received for the year. Some common categories for receipts (income) are: social security, pensions, interest on bank accounts/investments. This column must be totaled at the bottom. It is best if you use an adding machine to do this – please send in your adding machine tape to the Court. Also, please add increases in real estate to this column.

#### **COLUMN 2. EXPENSES AND OTHER DISBURSEMENTS**

You may summarize what expenses your ward received for the year. Common categories for expenses (disbursements) are: nursing home/foster care home, medical, clothing, dental. This column must be totaled at the bottom. It is best if you use an adding machine to do this – please send in your adding machine tape to the Court.

For all of the expenses you list, you must send in cancelled checks (please copy the front and back of the check) or paid receipts. Also include corresponding bank statements for the 12 month period. Once the Court has verified that the expenses match what you have recorded on your account, you may request that the receipts be returned to you.



In the blank you will have to decide how much you should charge per hour. Most time this depends on how much money is in your ward's accounts.

7/30/07	Mileage to take ward to grocery store 10 miles @ .225/mile	\$2.25
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9. If an attorney charges you for services, they must attach an itemized description such as the one above for whatever work they do.

**BE SURE TO SIGN AND DATE THE ACCOUNT FORM.** If you do not, it will be returned to you. Please include your address and phone number in case there are questions about the account. Please leave us a **DAYTIME** phone number

After completing this form, the interested parties (defined previously) are entitled to a copy of your accounting. You must fill out a proof of service to prove to the Judge that you mailed the account to them. If you do not receive this form with your accounting, please call the Court so we can mail one to you.

You must have your account allowed by the Court each year. Waivers and consents can be filed in lieu of a Court hearing. If you need to set a Court hearing, please call the Court for a notice of hearing and proof of service form. You (or your attorney) are responsible for sending notice to all the interested parties if there is a Court hearing.

Return all forms, the account, receipts, etc. to:

**Ottawa County Probate Court  
12120 Fillmore Street  
West Olive, MI 49460**

If you have questions regarding your account, you may call (616) 786-4110. Court staff can only give procedural advice. They cannot give legal advice, nor can they complete your accounting for you. If you need assistance, please contact an attorney or an accountant who can help you fill out the account form.