

**CHANCERY COURT OF RUTHERFORD COUNTY,
TENNESSEE**

**HANDBOOK FOR
GUARDIANSHIP/CONSERVATORSHIP**

For more information visit our website at
www.rcchancery.com

Below is a link to a basic Conservatorship Training
Video:

<https://vimeo.com/163718403/22fa314257>

JOHN A. W. BRATCHER, CLERK AND MASTER
Revised: May 2017

CHANCERY COURT OF RUTHERFORD COUNTY, TENNESSEE

“SO NOW YOU ARE A GUARDIAN OR CONSERVATOR”

INFORMATION FOR GUARDIANS AND CONSERVATORS:

To help you perform your guardianship or conservatorship duties properly, described below are the general duties and obligations of a guardian or conservator. This document is **not** intended to be an exhaustive list of possible requirements or situations that you might encounter. Please consult your attorney for details.

1. Liability: If you fail to meet your obligations as a guardian or conservator, under the law, you may be personally liable. If in doubt, **consult your attorney**.

2. Evidence of Appointment: Your appointment as a conservator or guardian becomes effective upon the entry of an order appointing you, and the administration of the statutory oath in addition to the posting of any required bond. **The only effective evidence of your appointment are letters of guardianship or conservatorship duly issued by the Clerk and Master. (See T. C. A. §34-1-109. The order of appointment is not enough.)**

3. Locate, Collect, and Protect All Assets. Locate all bank and brokerage accounts. Be prepared to provide a certified copy of Letters of Conservatorship or Guardianship. Identify income which may include retirement benefits, Social Security benefits, rental income, income tax refunds, etc. Identify expenditures that must be paid such as house payments, rent, home maintenance, cost of care, medications, bond and insurance premiums, utilities, taxes, etc. If real estate exists, it may be wise to record your Letters of Conservatorship in the Register's Office in the county where the property is located. Notify the post office, creditors, utility companies, etc., if you want mail sent to your address. Verify coverage for health, property, auto, and life insurance. Confirm that premium payments are current. Obtain coverage if policies have lapsed.

4. Separate Funds: Checking accounts, saving accounts, and certificates of deposit should be in your name **as** guardian or conservator for the ward (the person for whom you are guardian or conservator). All of the ward's funds **must** be kept separate and apart from your own. **Do not deposit the Ward's money into your own account. If you are an attorney, do not deposit your Ward's money into your trust account.** Financial institutions that do not require you to present **Letters of Conservatorship or Letters of Guardianship**

instead of or in addition to the Order of Appointment, do not understand Tennessee Fiduciary law. Be careful. If you are guardian or conservator for more than one ward, be sure to keep separate accounts for each ward. (See T.C.A. Sec. 34-1-104 and 109.)

5. Inventory: Within sixty (60) days after your appointment as conservator or guardian, unless specifically waived by the Judge, you must file a sworn inventory containing a list of the property of the minor or disabled person, together with the approximate fair market value of each property and a list of the source, amount, and frequency of each item of income, pension, social security benefits, or other revenue. If the required information was included in the petition but not separately stated as an inventory, the inventory shall repeat the information provided in the petition and add any later discovered property or income sources. Forms for completing the inventory are provided by the Clerk and Master's Office in this Handbook. (See T. C. A. § 34-1-110)

6. Investments: A management plan must be included in the petition and be approved by the Court. A conservator or guardian is limited in its investments to the investments permitted by law. **Consult your attorney.** All funds held by a fiduciary shall be invested within forty-five (45) days of receipt of the funds unless otherwise allowed by the Court. The proposed guardian or ward must present an outline of the proposed management plan for the ward's property prior to appointment. If the proposed property management plan cannot be presented at the appointment hearing, the conservator or guardian shall submit the proposed property management plan to the Court for approval before any property is invested. **Consult your attorney.** Court permission must be obtained before changing the nature of the conservator's or guardian's investments. This does not mean if the change in the investment is of the same type such as changing from one certificate of deposit to another but changing the type of investment such as from a certificate of deposit to a savings bond. You must take possession of all of your ward's assets and determine which should be retained and which should be disposed of. The ward's funds should be invested to earn income, but may be invested only according to law. **Losses from unauthorized or imprudent investments may render you personally liable.** (See T. C. A. § 34-1-115 and 35-3-111)

7. Deviation from property management plan: **Except in certain enumerated circumstances, you may not sell, trade, lease, mortgage, transfer, or discard your ward's property without Court approval, even though the ward is your child or other relative.** (See T.C.A. §34-1-116).

8. Maintain Records: Complete and accurate records must be kept of all money or other assets received and disbursed by you as guardian or conservator. A running list of receipts and expenses may be helpful. You may wish to establish a manual checkbook or a spreadsheet on EXCEL, Quicken or similar financial software that reflects all income and expenditures with the estate. (See T. C. A. §34-1-111)

9. First Accounting: The first accounting must be filed within 30 days of the six (6) month anniversary of the date of entry of the order of appointment. This does NOT apply to Veterans' Guardians. (See T.C.A. § 34-1-111)

10. Annual Accounting: Each year you will also be required to file an accounting showing in detail all receipts and expenditures during the preceding year. (The first **annual** accounting will cover the first six months in addition to the second six months of the accounting year.) Each item must be explained, and accountings must be accompanied by verifications of banks or depositories confirming the assets on hand. **Failure to timely file accountings could result in removal of a guardian or conservator.** The accounting must be provided within sixty (60) days after each anniversary date of your appointment or any other end of an accounting period selected by the fiduciary not to exceed twelve (12) months. For VA cases, the accounting must be provided on the anniversary date of your appointment. See the Clerk and Master's Accounting Checklists for both Non-VA and VA cases in this Handbook for detailed accounting requirements. The VA as well as the Clerk and Master's office requires original or certified copies of bank statements with either copies of canceled checks or bank statements that provide the check number, date paid, and to whom the check cleared. Certified copies of bank account printouts will suffice in place of originals. (See T. C. A. § 34-1-111 and § 34-5-111).

11. Death of Ward: In the event the ward dies or you or the ward move from one address to another, you have a duty to **notify the Court in writing of such death or new address, as soon as possible.** (See T. C. A. § 34-3-108).

12. Bond: Bond premiums may be paid out of the estate **and must be obtained and filed with the Court before Letters of Conservatorship or Guardianship are issued.** You may reduce the costs by placing excess funds in restricted accounts in a financial institution subject to withdrawal only on Court order, or at the Court's discretion. Any agreement with a financial institution regarding a restricted account must be submitted in writing to the Court. Proof of bond must be filed with the Clerk and Master annually. (See T. C. A. § 34-1-108). Bonds are subject to increase or decrease after each year's accounting or at anytime upon order of this Court. If after thirty (30) days from the signing of the

Order Appointing, a bond is not posted or Letters have not been issued, the Conservator will be required to appear before the Clerk and Master within fifteen (15) days.

13. Waiving of Formal Accountings: In certain cases when assets will not be needed, or when there are no assets for the ward's support, the Court may order that no formal accountings will be required, or that only a copy of the Social Security Administration Representative Payee Report or an Annual Status Report be filed until the guardianship or conservatorship is terminated. **Consult your attorney.** (See T. C. A. § 34-1-111).

14. Ward's Care: If you are a guardian or conservator for an incompetent person, a most important duty will be to place your ward where he or she will receive care and treatment appropriate to his or her condition, and in the least restrictive environment. A Court order may be required. (See T. C. A. § 34-1-127).

15. Attorney Fees: You may use the ward's funds to pay for your attorney's services, in regard to the guardianship/conservatorship, after obtaining court approval. If your public ward has only very limited funds and/or receives public assistance (welfare), you may qualify for free legal aid. T.C.A. §34-1-113(a)

16. Conservator compensation: You may receive reasonable compensation for your services as a guardian or conservator. If you are an attorney, do not charge your ward attorney rates for non-legal work. You may charge only what a non-attorney assistant may charge. However, the Court shall set the actual compensation to be paid and no compensation shall be paid without **prior** court approval. (See T. C. A. §34-1-112).

17. Payments by the conservator or guardian: The conservator or guardian is entitled to pay from the property of the minor or disabled person the costs of any required medical examination, bond premium, court costs, taxes or governmental charges for which the minor or disabled person is obligated and such other expenses as the Court determines are necessary for the fiduciary. The fiduciary may also be entitled to pay other expenses from the property of the ward, but shall not do so without prior Court approval. Such fees may include attorney's fee, guardian ad litem fee, fees for income tax preparation and court accountings or investment management fees. (See T. C. A. §34-1-113).

18. Continuation of Service: Once a guardian or conservator has been appointed, he or she serves until relieved by order of the Court. Death or the reaching of the majority by the ward **does** automatically terminate the guardianship or conservatorship, but death or reaching the age of majority **does not** automatically terminate your responsibilities or jurisdiction of the Court until a final accounting has been approved and an Order has been entered closing the case and relieving the Conservator and Surety if there is a bond. **Consult your attorney.** (See T. C. A. §34-2-108 and §34-3-108).

19. Transferring the Guardianship/Conservatorship from or to this jurisdiction (court). There has been a recent change in the statutes governing transfers of cases from or to out-of-state jurisdictions. In-state transfers remain the same.

- a. A Tennessee Guardianship/Conservatorship established in a court of record in Tennessee is valid in any county in Tennessee; however, unless transferred when the ward moves, the reporting will be to the Court that established the Guardianship/Conservatorship. If you wish to transfer the case to another county in Tennessee see T.C.A. Sec. 34-1-117.
- b. A Guardianship/Conservatorship established in Tennessee and transferred to another state or established in another state and transferred to Tennessee is now governed by the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act codified in T.C.A. Sec. 34-8-101, et seq. There are two methods which can be used. (1) The Conservatorship/Guardianship can be transferred by following the procedure described in T.C.A. Sec. 34-8-301 and 302, or (2) it can be registered by following the procedure described at T.C.A. Sec. 34-8-401 and 402.

20. Discharge of Conservator: The disabled person or any interested person may petition the court at any time for termination or modification of the conservatorship. If made by the disabled person, it may be communicated by any means including oral communication or informal letter. The Court may require a medical or psychological evaluation prior to a hearing on such a petition. (T.C.A. Sec. 34-3-108).

21. DO NOT STEAL – WE WILL PROSECUTE!

Some Highlights of the Revisions to Tennessee’s Conservatorship and Guardianship Law

Presented by: John Bratcher, Clerk and Master

May 14, 2013

(General Practice Tip: Attorneys will have to be more precise when petitioning the Court for the appointment of a fiduciary.)

- 1. T.C.A. § 34-1-104 (a). Letters of Conservatorship must recite the specific powers to be exercised by the conservator and the specific powers retained by the person with a disability; or have the order attached with the same information.**
- 2. T.C.A. §34-1-106 (b). Notice must be given to the “respondent, including any known residential provider, or with whom the respondent is living” in addition to next of kin.**
- 3. T.C.A. § 34-1-107(a)(1). Big Change. The Court is allowed and encouraged to appoint a Guardian Ad Litem (GAL) in almost all cases including ones where the respondent is represented by counsel.**
- 4. T.C.A. § 3-1-107(d)(1). The GAL owes a duty to the Court to investigate and make recommendations. He/she is not an advocate for the respondent or any other party.**
- 5. T.C.A. § 34-1-107(d)(2)(D). The GAL reports and recommends whether a fiduciary should be appointed and whether the proposed fiduciary is appropriate.**
- 6. T.C.A. § 34-1-107 (d)(3). The GAL must interview the respondent in person, review the sworn medical statements to verify that they contain a detailed description of the physical or mental conditions and how they may impair the respondent’s ability to function normally.**
- 7. T.C.A § 34-1-107 (d)(4). Big Change. The GAL shall investigate the nature and extent of the respondent’s property and the financial capabilities and integrity of the proposed fiduciary. The GAL is given broad powers to do this including checking credit reports, experience in managing assets, and plans for management of assets. The GAL shall inquire into whether the proposed fiduciary has borrowed funds or received any financial assistance from the respondent.**

8. **T.C.A. § 34-1-108 (c)(1). The GAL shall serve the respondent.**
9. **T.C.A. § 34-1-111(a). Big Change. The first accounting is due thirty (30) days after the six (6) month anniversary of appointment. Another will be still be due sixty (60) days after the 12 month anniversary date of appointment.**
10. **T.C.A. § 34-1-111(b). This section used to say that the court could extend the time for filing an accounting for good cause. It has been eliminated and now states that it shall be filed within sixty (60) days of the anniversary date of the appointment as conservator. No leeway here.**
11. **T.C.A. § 34-1-111(h). The annual report regarding the mental or physical condition of the ward cannot be waived.**
12. **T.C.A. § 34-1-111(i). Clarifies that a fiduciary who does not have authority over the ward's property does not have to submit financial accountings.**
13. **T.C.A. § 34-1-114. Watch out! In most circumstances the respondent can be charged for the costs of the litigation, but in most cases now the Court has been given the express authority to charge the petitioner or any other party at the Court's discretion.**
14. **T.C.A. § 34-1-129. Reiterates the necessity of the specific powers removed from the minor or person with a disability. It also makes it clear that the bond shall be posted before Letters of Conservatorship/Guardianship can be issued. The Letters can have attached the Order specifying the powers removed, and that unless all powers are removed the Clerk shall mark them "Limited." Theoretically, this could include most letters. (It could be in conflict with 34-1-104(a)(1), which says that "specific powers retained" shall be included in the letters.)**
15. **T.C.A. § 34-1-132. This is new. This outlines a new emergency procedure. In certain cases, the Court may appoint a certain limited kinds of persons as a conservator on an emergency basis for a period not to exceed sixty (60) days. An Attorney Ad Litem must be appointed also. Reasonable notice must be given unless there is a sworn petition that the respondent will be substantially harmed. If appointed without notice, notice must be given within 48 hours. A hearing must be held within five (5) days. The appointment of a fiduciary under this statute with or without notice is not a determination of the respondent's incapacity. The temporary may be removed by the Court at any time. A GAL may be appointed. Any report that the Court wants must be submitted. All other rules regarding the respondent's property apply. The time periods are mandatory not directory.**

16. **T.C.A. § 34-3-104(10).** This is a new. The petition for a GAL, Attorney Ad Litem, or conservator may include a request that they have specific experience or expertise in matters faced by the respondent.
17. **T.C.A. § 34-3-106.** Includes new enumerated rights of the respondent on the notice of service including the right to appeal the final decision with the assistance of an Attorney Ad Litem or adversary counsel, having an Attorney Ad Litem appointed to advocate the interests of the respondent, and to request a protective order to seal the respondent's health and financial information.
18. **T.C.A § 34-3-107.**Enumerates the powers removed from the respondent and those to be vested in the conservator. Check for yourself.
19. **T.C.A. § 34-3-108(c).** The ward can ask for the conservatorship to be ended in almost any way, even without writing. In that circumstance there must be a hearing, but the Court can order a physical or medical examination before the hearing.
20. **T.C.A. § 34-3-108(e).** This section is amended to clean up the very awkward method previously mandated regarding the Preliminary Final Accounting. You can now file the Preliminary Final Accounting with the receipts from the estate of the ward. This was done separately in the past. The new statute is MUCH better in this regard.

NEW GUARDIANSHIP/CONSERVATORSHIP FORMS INDEX

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IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

IN RE: _____
RESPONDENT

CASE NO. _____

**PETITION FOR APPOINTMENT OF CONSERVATOR
T.C.A. § 34-3-104**

**TO THE HONORABLE CHANCELLOR OF THE CHANCERY COURT OF
RUTHERFORD COUNTY, TENNESSEE:**

Comes now the Petitioner, [name of Petitioner], and files this petition for the appointment of a conservator of [name of Respondent], and would show to the Court as follows:

1. The name, date of birth, residence and mailing address of the Respondent is as follows:

Name: _____
Date of Birth: _____
Residence: _____
Mailing address: _____

2. Upon information and belief, the Petitioner avers that the Respondent is a person who by reason of advanced age and/or mental infirmity is unable to manage his/her own affairs. Specifically, [include case specific issues] more particularly described in the sworn medical examination report of his/her treating physician which is attached hereto.

3. The name, age, residence and mailing address, relationship of the Petitioner, and statement of any felony or misdemeanor convictions of the Petitioner, if any, is as follows:

Name: _____

Age: _____

Residence: _____

Mailing address: _____

Relationship to respondent: _____

A statement of any felony or misdemeanor convictions of the Petitioner, if any: _____

4. The Petitioner is seeking to have himself/herself appointed conservator of the Respondent. (In the event that the proposed conservator and the Petitioner are not the same person, then the name, age, mailing address, relationship to the Respondent, and statement of any felony or misdemeanor convictions, if any, should be included in this paragraph. Also, the proposed conservator should sign a statement acknowledging that he or she is aware of the petition being filed and his/her willingness to serve as conservator.)

5. The name, mailing address, and relationship of the closest relative(s) of the Respondent are as follows:

Name: _____

Mailing address: _____

Relationship to Respondent: _____

Or state that the Respondent has no living spouse or other relative of equal degree under the Tennessee law of intestate succession. (If one of the children of the Respondent is deceased, and has surviving children, then the surviving children, even though minors, should be listed since they are included

in the definition of “closest relatives of the Respondent” according to the Tennessee law of intestate succession.)

6. Describe the current residence of the proposed ward, the age of the ward, and what events or physical conditions have precipitated the filing of this Petition.

7. The Respondent’s treating physician is [doctor’s name and location] (or where appropriate a psychologist or senior psychological examiner.) A copy of [doctor’s, psychologist’s, or senior psychological examiner’s name] sworn medical examination report is attached to this petition (or will be filed before the hearing) and incorporated herein by reference. (If the Respondent has not been examined within ninety (90) days prior to the filing of the petition, or if he/she cannot be examined or refuses to be voluntarily examined, the Court shall order the Respondent to submit to an examination by a physician, who is identified in the petition as the Respondent’s physician, or where appropriate, a psychologist selected by the Court.)

8. A list of the assets of the Respondent is as follows: These may include, but are not limited to, any real property, personal property, vehicles, bank accounts, and investments.

9. A list of the source, amount, and frequency of Respondent’s income is as follows: These may include, but are not limited to, any social security, pension or retirement payments, annuity payments, disability payments, rental income, and interest on investments or dividends.

9. The list of the usual monthly expenses of the Respondent are as follows: These may include, but are not limited to, mortgage or rent payments, costs of care at nursing home, utility bills, groceries, taxes and insurance, clothing and incidentals, or past due medical bills.

10. Describe how the income and expenditures have been handled up to this point, either by the Respondent or someone acting on their behalf, and why this arrangement is no longer feasible.

11. Describe the specific rights being requested to be assumed by Petitioner, including control of assets and decision making capabilities and the specific powers to be retained by the person with the disability. Also included should be information regarding the living arrangements of the Respondent and any changes to that as requested, any changes in the current investment selections, and the proposed disposal of any assets and the reason therefore. A separate property management plan should be submitted for approval unless specifically waived by the Court.

WHEREFORE, PREMISES CONSIDERED, PETITIONER PRAYS:

1. That proper notice and process be served upon the Respondent, [Respondent's name], by the guardian ad litem in accordance with T. C. A. §34-1-108, and that notice by certified (check T.C.A. on this) mail with return receipt requested be given to the closest relatives and upon the person or institution, if any, having care and custody of the Respondent or with whom the respondent is living in accordance with T. C. A. §34-1-106;

2. That this Court appoint a guardian ad litem to investigate the facts and report to the court as instructed by the statute and any order of the court; pursuant to T.C.A. § 34-1-107. The guardian as litem serves as an agent of the court, and is not an advocate for the respondent or any other party;

3. The Petitioner, pursuant to T.C.A. § 34-3-104 (10), requests a guardian ad litem with **specific experience or expertise** in this matter as it is warranted by the circumstances.

4. That at a hearing of this cause, the Court appoint the Petitioner as conservator of the person and property of the Respondent, [Respondent's name], upon furnishing bond in the amount of \$ _____; pursuant to T. C. A. § 34-1-105;

5. That this Court approve the property management plan and authorize the Petitioner to expend such funds from the Respondent's assets and income as may be appropriate under the circumstances; pursuant to T. C. A. §§ 34-1-110 and 34-1-115;

6. That the Petitioner have such other and further general relief to which he may be entitled.

[NAME OF PROPOSED CONSERVATOR]

ATTORNEY INFORMATION

**STATE OF TENNESSEE
COUNTY OF RUTHERFORD**

I, _____, state under oath that the facts set out in the foregoing petition are true to the best of my knowledge, information and belief.

[NAME OF PROPOSED CONSERVATOR]

SWORN TO AND SUBSCRIBED before me this the _____ day of _____, 20__.

NOTARY PUBLIC

My commission Expires:

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

IN RE: _____
MINOR / RESPONDENT

CASE NO. _____

**AFFIDAVIT OF PHYSICIAN
T.C.A. § 34-3-105**

**STATE OF TENNESSEE
COUNTY OF RUTHERFORD**

I, the undersigned physician (or psychologist or senior psychological examiner) state under oath as follows:

1. I am a duly licensed and practicing physician (or psychologist or senior psychological examiner) engaged in the active practice of medicine in Rutherford County, Tennessee.

2. I am personally familiar with the medical history and current condition of [Respondent's name], and have personally examined him/her within ninety (90) days hereof. His/her history, current condition, and a summary of his/her disability is explained more fully in the medical report which was prepared under my supervision and which is attached to this affidavit and incorporated herein by reference.

3. I am of the opinion that [Respondent's name] is a disabled person and is unable to manage his/her personal and financial affairs. I recommend that a conservator be appointed for those purposes.

This the ____ day of _____, 20____.

WALTER MATHAN, M. D.

SWORN TO AND SUBSCRIBED before me this the _____ day of
_____, 20_____.

NOTARY PUBLIC

My commission expires:

NOTE: T. C. A. §34-3-105 says that the affidavit may be signed by a “physician, or where appropriate, a psychologist, or senior psychological examiner.”

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

IN RE: _____
MINOR / RESPONDENT

CASE NO. _____

ORDER APPOINTING GUARDIAN AD LITEM

This cause came on to be heard upon the sworn petition of John Smith, Petitioner, filed herein for the appointment of a conservator of [NAME OF RESPONDENT]; upon affidavit of physician filed in this cause; upon statements of counsel representing the Petitioner; and upon the entire record in this cause,

From all of which it appearing to the Court that a guardian ad litem should be appointed as an agent of the Court to impartially investigate the facts and make a report and recommendation to the Court,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. That Alan Cardozo, a lawyer licensed to practice in the State of Tennessee, be and is hereby appointed guardian ad litem in this cause;
2. That the said guardian ad litem shall investigate the facts and report to the Court as instructed by statute (T.C.A §34-1-107), as well as make recommendations to the Court as to whether a fiduciary should be appointed for the respondent, whether the proposed fiduciary is the appropriate person to be appointed;
3. That the said guardian ad litem shall investigate the physical and mental capabilities of the respondent and shall include:

- (i) An in person interview with the respondent;
 - (ii) A review of the sworn report of the report of the physician, psychologist, or senior psychological examiner to verify that the sworn statement contains; (a) a detailed description of the respondent's physical or mental conditions or both that may render the respondent a person with a disability; and (b) a detailed description of how the respondent's physical or mental conditions or both may impair the respondent's ability to function normally.
4. That the said guardian ad litem shall investigate;
- (i) the nature and extent of the respondent's property;
 - (ii) the financial capabilities and integrity of the proposed fiduciary. In evaluating the financial capabilities and integrity of the proposed fiduciary, the guardian ad litem may take such actions as directed by the Court and as the guardian ad litem deems necessary, which may include but are not limited to:
 - (a) Obtaining and reviewing the proposed fiduciary's credit report;
 - (b) Inquiring into whether and to what extent the proposed fiduciary has previous experience in managing assets of the same or similar type and value of the respondent's assets;

- (c) Inquiring into how the proposed fiduciary plans to manage the respondent's assets;
- (d) Inquiring into if the proposed fiduciary has previously borrowed funds from the respondent or received any financial assistance or benefits from the respondent; and
- (e) Interview any persons with knowledge and review any documents pertinent to the financial capabilities and integrity of the proposed fiduciary.

5. That the said guardian ad litem be and is hereby granted access to the records of [NAME OF RESPONDENT] in any financial institution and to review any medical records pertaining to [NAME OF RESPONDENT]; and that the guardian ad litem shall be permitted to discuss the Respondent's physical and mental condition with any physician, psychologist, or other health care provider who may have pertinent information;

6. That the guardian ad litem owes a duty to the Court to impartially investigate to determine the facts and report the facts to the Court. The guardian ad litem is not an advocate for the Respondent; and

7. That the guardian ad litem shall make a written report to the Court at least three (3) days prior to the date set for hearing on the matter. The report shall specifically state whether the respondent wants to contest (i) the need for a fiduciary, (ii) merely the person to be the fiduciary, or (iii) neither. If the respondent wants to contest any portion of the proceeding and the guardian ad litem's opinion

is that there should be a fiduciary appointed, the guardian ad litem shall identify the adversary counsel or indicate there is none and request the appointment of an attorney ad litem. If the guardian ad litem recommends that a fiduciary should be appointed, he/she shall recommend whether the proposed fiduciary should be appointed or if someone else, identified by the guardian ad litem.

Enter this the ____ of _____, 20 ____.

CHANCELLOR

APPROVED:

Attorney for Petitioner

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

IN RE: _____ **CASE NO.** _____
MINOR / RESPONDENT

NOTICE OF HEARING
T.C.A. §§ 34-1-108 & 34-3-106

TO: _____

SERVICE: _____

ADDRESS: _____

You are notified that a Petition has been filed, a copy of which is attached, in which it is alleged that you are incapable of caring for yourself, disabled from managing your property, or both. The Petition seeks the appointment of a conservator for your person or property or both. The Court, being satisfied that there may be good cause for the exercise of jurisdiction as to the matters alleged in the Petition, has set a hearing on _____ at _____ o'clock _____ m. In the Courtroom of the Honorable _____, of this Court at Room 5D, Judicial Center, Murfreesboro, Tennessee. The Court may appoint a guardian ad litem to investigate these matters and make a report to the Court. The guardian ad litem is charged with asserting your best interests and making recommendations, consistent with law, as to what action should be taken in your best interests.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Court at my office on _____, 20____.

John Bratcher, Clerk and Master

BY: _____ D.C.

IMPORTANT

A list of your rights in connection with the above described hearing is printed on the reverse side of this Notice.

RETURN ON SERVICE OF SUMMONS

I hereby certify and return, that on the _____ day of _____, 20____, I served this summons together with the complaint herein as follows: _____

_____.

Guardian Ad Litem

Tennessee Code Annotated §34-3-106

THE RESPONDENT HAS THE RIGHT TO:

- (1) On demand by Respondent or the Guardian Ad Litem, a hearing on the issue of disability;
- (2) Present evidence and confront and cross-examine witnesses;
- (3) Appeal the final decision on the Petition with the assistance of an attorney or an Attorney Ad Litem or adversary counsel;
- (4) Attend any hearing;
- (5) Have an Attorney Ad Litem appointed to advocate the interests of the Respondent; and
- (6) Request a protective order placing under seal the respondent's health and financial information, including reports provided under §34-3-105(c).

*** The above Notice should appear on the reverse side of or attached to the Notice of Hearing; T.C.A. § 34-1-108.**

**IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO**

IN THE MATTER OF:

_____ **CASE NO.** _____
RESPONDENT.

NOTICE OF HEARING

**(To the closest relative or relatives of the respondent other than the petitioner and upon the person or institution, if any, having care and custody of the respondent or with whom the respondent is living.)
(T.C.A. § 34-1-106(b))**

TO: _____

You are notified that a Petition has been filed, a copy of which is attached, that seeks the appointment of a conservator for the person or property or both for the above named Respondent.

The Court, being satisfied that there may be good cause for the exercise of jurisdiction as to the matters alleged in the Petition, has set a hearing on _____, at _____ o'clock ____ m., in the courtroom of the Honorable _____, Judge of this Court, at Room 5D, Judicial Center, Murfreesboro, Tennessee.

You may be present at the hearing and give testimony in this matter, if you so desire.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Court at my office on _____, 20_____.

**JOHN A. W. BRATCHER
CLERK AND MASTER**

DEPUTY CLERK

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing NOTICE and PETITION has been sent by certified mail, return receipt requested, to

on this the _____ day of _____, 20_____.

**JOHN A. W. BRATCHER
CLERK AND MASTER**

DEPUTY CLERK

T.C.A. § 34-1-106

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

IN RE: _____
MINOR / RESPONDENT

CASE NO. _____

**REPORT OF GUARDIAN AD LITEM
T.C.A. § 34-1-107(f)**

MAY IT PLEASE THE COURT:

Comes now Alan Cardozo, and would respectfully show to the Court as follows:

1. The Guardian Ad Litem was appointed by this Court on the _____ day of _____, 20____, to represent [NAME OF RESPONDENT], as a result of the petition filed herein by John Smith seeking to be appointed conservator of the person and estate of [NAME OF RESPONDENT].

2. I hereby verify that the said Respondent, closest relatives of the Respondent, and each other person required by statute to be served or notified was in fact served or notified of the pendency of the petition herein.

3. I have consulted with the Respondent in person, and I have explained to her the substance of the petition filed herein, the nature of the proceedings, her right to protest the petition, the identity of the proposed conservator, and her particular rights set forth in T. C. A. §34-3-106. I am of the

opinion that she does (or does not) understand the nature and importance of this proceeding.

4. As a result of the investigation which I have made, I am of the opinion that the Respondent does not want to contest the need for a conservator, nor does she object to the appointment of the conservator proposed in the petition filed herein. (If the Respondent wants to contest the need of the conservator, this is the appropriate point at which to make such opposition known. If the Respondent contests any portion of the proceeding, and if the Guardian Ad Litem is of the opinion that a fiduciary should be appointed, the Guardian Ad Litem should encourage the Respondent to obtain adversary counsel in the Report, or if there is none, request the appointment of an attorney ad litem.)

5. The Guardian Ad Litem has investigated the nature and extent of the property of the respondent's property and the financial capabilities and integrity of the proposed fiduciary. The Guardian Ad Litem is of the opinion that the proposed fiduciary has the financial capabilities and integrity to serve as conservator in this matter. (If the Guardian Ad Litem is not of that opinion, then the Guardian Ad Litem should indicate what changes should be considered.)

6. In addition to the financial information contained in the petition, the Guardian Ad Litem believes that it is appropriate to bring to the Court's attention the following:

(Insert here any assets, income, or necessary expenses of the Respondent which the Petitioner did not include in the Original Petition.)

RECOMMENDATION: In summary, the Guardian Ad Litem recommends to the Court that the Respondent, [NAME OF RESPONDENT], is in need of a conservator, and that the Petitioner is a fit and proper person to so serve.

Respectfully submitted,

**Alan Cardozo
Guardian Ad Litem**

CERTIFICATE OF SERVICE

I, Alan Cardozo, Guardian Ad Litem, certify that I have mailed a copy of the foregoing to the attorney of record for the Petitioner, John Smith, on this the _____ day of _____, 20____.

Alan Cardozo

IN THE CHANCERY COURT IN RUTHERFORD COUNTY, TENNESSEE

IN RE: _____ CASE NO. _____
MINOR / RESPONDENT

This order, without letters of conservatorship, is not effective evidence of conservatorship authority. (T.C.A. § 34-1-109 (a).)

**ORDER APPOINTING CONSERVATOR
T.C.A. §§ 34-3-107 & 34-1-129**

This cause came on to be heard upon the sworn Petition of John Smith, the Report of the Guardian Ad Litem, the medical report of (Name of Physician or Psychologist or Senior Psychological Examiner), the sworn testimony of the Petitioner and the Guardian Ad Litem on (Date) and representations of counsel, the Court finds the following:

- A. The Respondent has been properly served.
- B. All persons entitled to notice of this proceeding have been properly notified.
- C. The Respondent is a resident of Rutherford County, Tennessee.
- D. The Guardian Ad Litem has filed a report recommending appointment of a Fiduciary for the person and property of the respondent; appointment of the proposed Fiduciary.
- E. The Respondent is a disabled person; owns property requiring supervision; and should have a conservator appointed.
- F. The proposed Fiduciary is a fit and proper person to be named conservator of the person and property of the Respondent.

G. The property management plan proposed by the Fiduciary is acceptable and should be adopted.

(Optional: Add the following if the Court determines bond should be waived.)

H. It is in the best interests of the Respondent that bond for the Fiduciary be waived because (state the reason). (See T.C.A. § 34-1-105.)

Based on these findings, the Court Orders that:

1. On making the required bond, John Smith is appointed Conservator of the person and property of [NAME OF RESPONDENT], the Respondent, and Letters of Conservatorship shall be issued to evidence this appointment by the Clerk of the Court.

2. Bond is set in the penal sum of \$_____ (or bond is waived.)

3. The rights of the Respondent to be transferred to the Conservator are as follows:

(Enumerate the powers removed from the respondent and those to be vested in the Conservator. To the extent not specifically removed, the respondent shall retain and shall exercise all of the powers of a person without a disability.) T.C.A. §34-3-107

4. The Fiduciary is authorized to invest the Respondent's assets as described in and pay the expenses enumerated in the property management plan which is incorporated by reference herein.

5. The Fiduciary shall not spend the Respondent's assets or income for any purpose not enumerated in the property management plan, shall not sell any asset of the Respondent without prior Court approval and shall not change the investment of the Respondent's assets without prior Court approval except to the extent described in the approved property management plan.

6. The fee of the Guardian Ad Litem is set at \$_____.

7. The fee of the attorney(s) for the Petitioner is set at \$_____.

8. The fees of the Guardian Ad Litem and attorney(s) together with the cost of these proceedings shall be paid from the assets of the Respondent.

9. The costs of this cause should be taxed to the estate for which execution may issue if necessary.

(Add additional provisions as may be needed to deal with specific circumstances of the Respondent.)

Entered on this the _____ day of _____, 20_____.

CHANCELLOR/JUDGE

APPROVED FOR ENTRY:

Attorney for John Smith
1006 Exchange Building
Murfreesboro, TN 37130

Guardian Ad Litem

Address
Phone Number

LETTERS OF CONSERVATORSHIP ARE THE ONLY EFFECTIVE EVIDENCE OF APPOINTMENT. T.C.A. § 34-1-109 (a).

***** The Clerk & Master will prepare the Letters of Conservatorship after the Order Appointing is filed. The Letters are not generic and the specific rights removed from the Respondent and the authority granted to the Conservator will be specifically enumerated pursuant to the Order entered in each case. Below is one such example:**

**IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO**

LETTERS OF CONSERVATORSHIP

IN RE: [NAME OF RESPONDENT]

CASE NO. 10-0000CO

TO: JOHN SMITH

It appearing [NAME OF RESPONDENT], and the Court being satisfied as to your right to the conservatorship of said person, and your having qualified as directed by law, and the Court having ordered that Letters of Conservatorship be issued to you, you are therefore authorized and empowered to assume the following rights and obligations of the Respondent which are removed from **[NAME OF RESPONDENT]**:

- a) The right to do, sign or perform in the Respondent's name, place and stead any act, deed, matter or thing whatsoever, that ought to be done, signed or performed in the opinion of the Conservator for the person of the Respondent, including but not limited to healthcare decisions;
- b) The right to do, sign or perform in the Respondent's name, place and stead any act, deed, matter or thing whatsoever, that ought to be done, signed or performed assets in accordance with the Property Management Plan filed with the Court;
- c) The Fiduciary is authorized to invest the Respondent's assets as described in and pay the expenses enumerated in the Property Management Plan which is incorporated by reference herein;
- d) The Fiduciary shall not spend the Respondent's assets or income for any purpose not enumerated in the Property Management Plan, shall not sell any asset of the Respondent without prior Court approval and shall not change the investment of the Respondent's

assets without prior Court approval except to the extent described in the approved Property Management Plan.

You shall faithfully perform all the duties required of you by law in relation to said conservatorship, including submitting to the Court annually an annual accounting. Herein fail not.

Witness, **JOHN A. W. BRATCHER**, Clerk and Master, at office, this the _____ day of _____, 20_____.

**JOHN A. W. BRATCHER
CLERK AND MASTER**

By: DEPUTY CLERK & MASTER

I do solemnly swear that I will honestly and faithfully carry out the duties of Conservator of [Name of Respondent], to the best of my ability, and I shall spend the assets of the Ward only as approved by the Court and I shall file an annual accounting with the Court annually. I further acknowledge receipt of the Conservatorship Handbook.

John Smith

Subscribed and sworn to before me this the _____ day of _____, 20_____.

**JOHN A. W. BRATCHER
CLERK AND MASTER**

By: DEPUTY CLERK & MASTER

**STATE OF TENNESSEE
COUNTY OF RUTHERFORD**

I, **JOHN A. W. BRATCHER**, Clerk and Master of said County, do hereby certify that the foregoing is a full, true and perfect copy of **LETTERS OF CONSERVATORSHIP**, issued to **JOHN SMITH**, Conservator of **[NAME OF**

RESPONDENT]. And that the said **JOHN SMITH** is now the duly qualified and acting Conservator of said person.

Witness my hand and official seal, at this office, this the _____ day of _____, 20_____.

**JOHN A. W. BRATCHER
CLERK AND MASTER**

By: DEPUTY CLERK & MASTER

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

IN RE: _____
MINOR / RESPONDENT

CASE NO. _____

Fiduciary

INVENTORY
T.C.A. § 34-1-110

The undersigned Guardian or Conservator, under oath, submits the following inventory of the estate of the minor or disabled person for whom I have been appointed:

1. The following is a list of the Property:

DESCRIPTION OF ASSET

FAIR MARKET VALUE

| | |
|--|--|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

2. The following is a list of the source, amount and frequency of each item of income, pension, social security benefit or other revenue of the minor or disabled person:

INVENTORY OF INCOME

SOURCE

AMOUNT

FREQUENCY

| | | |
|--|--|--|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Guardian/Conservator

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

IN RE: _____
MINOR / RESPONDENT

CASE NO. _____

**PETITION FOR APPOINTMENT OF GUARDIAN
T.C.A. § 34-2-104**

**TO THE HONORABLE CHANCELLOR OF THE CHANCERY COURT OF
RUTHERFORD COUNTY, TENNESSEE:**

Comes now, the Petitioner, John Smith, and files this petition for the appointment of a guardian of William Smith, minor, and would respectfully show to the Court as follows:

1. The name, date of birth, residence, and mailing address of the minor

Respondent are as follows:

- (a) William Smith
- (b) June 17, 1990
- (c) Rutherford County, Tennessee
- (d) 1440 Madison Avenue, Murfreesboro, TN 37130

2. The name, age, residence, mailing address, and relationship of the

Petitioner are as follows:

- (a) John Smith – 45 years old
- (b) Rutherford County, Tennessee
- (c) 1440 Madison Avenue, Murfreesboro, TN 37130
- (d) Petitioner is the father of the minor child

3. The Petitioner requests that he be appointed guardian of the person and estate of the said minor Respondent. (If the proposed guardian is different from the Petitioner, the name, age, mailing address, and relationship of the proposed

guardian should be inserted here. Also, a statement signed by the proposed guardian acknowledging awareness of the petition and willingness to serve should be attached to the petition. (See T. C. A. §34-2-104.)

4. The minor Respondent has no other living parent or siblings. (If applicable, the name, mailing address and relationship of the closest relatives of the minor and the name and mailing address of the present custodian of the minor who should be notified of the proceedings would be included here.)

5. On September 15, 1992, Susan Smith, mother of the minor Respondent, died. The said Susan Smith had named the minor Respondent as primary beneficiary on her \$100,000.00 group insurance policy issued through her employer, First Flag Bank. Further, as a result of the death of Susan Smith, the minor Respondent is to receive \$533.00 per month from the Social Security Administration. The minor Respondent has no other real or personal assets.

6. The Petitioner requests that he be allowed to invest the insurance proceeds of \$100,000.00 in a 5-year certificate of deposit with First Flag Bank paying seven percent (7%) per annum. The Petitioner further requests that he be allowed to apply the entire Social Security payment to the needs of the minor Respondent, and that the Petitioner be relieved from accounting for such Social Security payments pursuant to T. C. A. §34-1-111.

7. The Petitioner proposes that he be allowed to enter into an agreement with First Flag Bank, which agreement will be filed with the Court, in which First Flag Bank agrees that it will not permit Petitioner to withdraw the principal without Court

approval. Therefore, pursuant to T. C. A. §34-1-105, the Petitioner requests that bond be waived.

WHEREFORE, PREMISES CONSIDERED, PETITIONER PRAYS:

1. That proper process issue and be served upon the Respondent, William Smith, pursuant to T. C. A. §34-1-106, and pursuant to Rule 4.04 of the Tennessee Rules of Civil Procedure;

2. That this court waive the appointment of a guardian ad litem for William Smith, minor, because the Petitioner, John Smith, is the parent of William Smith, minor; (See T.C.A. § 34-1-107 (a) (2).)

3. That at a hearing of this cause this Court appoint John Smith, Guardian of the person and property of William Smith, minor;

4. That bond be waived pursuant to T. C. A. §34-1-105;

5. That the proposed plan of management of the minor's property as set out in this petition be approved;

6. That the Petitioner as guardian be allowed to apply the full amount of the Social Security income to the needs of William Smith, minor; and

7. That the Petitioner have such other and further general relief to which he may be entitled.

JOHN SMITH

APPROVED FOR ENTRY:

ARTHUR ALLEN
Attorney for Petitioner
130 North Court
Murfreesboro, TN 37130
(615) 523-2311

#781600

STATE OF TENNESSEE
COUNTY OF RUTHERFORD

I, John Smith, after having first been duly sworn, state that the foregoing facts and statements contained herein are true and correct to the best of my knowledge and belief.

JOHN SMITH

Sworn and subscribed to before me this the _____ day of _____, 20_____.

Notary Public

My Commission expires:

NOTE: T. C. A. §34-1-106 provides that the petition for the appointment of a fiduciary shall be served in accordance with the Tennessee Rules of Civil Procedure. Rule 4.04 requires that service upon an unmarried infant or an incompetent person shall be made by delivering a copy of the summons and complaint to his resident guardian or parent, or if none, to the person having control of the individual.

T. C. A. §34-1-107 provides that if at least one of the Petitioners is not the parent of the minor for whom a guardian is sought, or if the minor has not attained the age of fourteen (14) years, the Court shall appoint a guardian ad litem. The Court may waive the appointment of a guardian ad litem if the Court determines such waiver is in the best interests of the minor or disabled person. The order appointing the guardian ad litem shall be in the same form in the case of the appointment of a conservator.

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
NOTICE TO NEXT OF KIN
T.C.A. § 34-2-104(4) & T.C.A. § 34-1-106

IN RE: _____ **CASE NO.** _____
MINOR / RESPONDENT

TO: _____

You are hereby notified that a hearing on the petition for the appointment of a guardian for _____, a minor, a copy of which is enclosed with this notice, will be held in the Chancery Court of Rutherford County, Tennessee, Division _____, at the Judicial Building, 20 Public Square North, Murfreesboro, Tennessee, on the _____ day of _____, 20_____, at _____.

Given under my hand and seal of said Court, at my office, Murfreesboro, Tennessee, on this the _____ day of _____, 20_____.

JOHN A. W. BRATCHER
CLERK AND MASTER

BY: _____
DEPUTY CLERK AND MASTER

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

IN RE: _____ **CASE NO.** _____
MINOR / RESPONDENT

This order, without letters of guardianship is not effective evidence of guardianship authority. T.C.A. § 34-1-109 (a).

ORDER APPOINTING GUARDIAN

This cause came on to be heard upon the sworn petition of John Smith, upon the testimony of John Smith in open Court, and upon the entire record of this cause, from all of which it appears to the Court that John Smith is the parent and natural guardian of the minor Respondent, William Smith, a minor born June 17, 2000. The minor Respondent's Social Security number is 000-00-0000. The minor Respondent lives with the Petitioner in Rutherford County, Tennessee.

It further appears to the Court that the minor Respondent's mother, Susan Smith, died on September 15, 2012. As a result of her death, the minor Respondent is to receive the sum of \$100,000.00 from a group insurance policy issued to the decedent, Susan Smith, through her employer, First Flag Bank. Further, the minor Respondent is to receive the sum of \$533.00 per month from the Social Security Administration.

It further appears to the Court that the Petitioner, John Smith, is a fit and proper person to serve as the guardian of the person and property of the minor Respondent.

It further appears to the Court that the Petitioner has proposed to invest the insurance proceeds of \$100,000.00 in a 5-year certificate of deposit with First

Flag Bank bearing interest at the rate of seven percent (7%) per annum. Further, the Petitioner has requested that he be allowed to apply the entire Social Security payment of \$533.00 per month to the needs of the Respondent.

It further appears to the Court that this property management plan is reasonable and should be approved. Further, the Petitioner should be prohibited from selling any of the minor Respondent's property without Court approval.

It further appears to the Court that the Petitioner and First Flag Bank have entered into a written agreement which has been filed with this Court in which First Flag Bank has agreed it will not permit the Petitioner as fiduciary to withdraw the principal under its control without Court approval. Therefore, the Court finds that bond should be waived in this cause.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED:

1. That John Smith be and he is hereby appointed Guardian without bond of William Smith, minor;
2. That the proposed property management plan be and the same is hereby approved;
3. That the Petitioner be and is hereby authorized to apply the total sum which he receives from Social Security Administration towards the needs of William Smith, minor, and that the Petitioner shall not be required to account for such Social Security income.

4. The costs of this cause are charged to the estate for which execution may issue if necessary.

Enter this the ____ day of _____, 20____.

CHANCELLOR/JUDGE

APPROVED FOR ENTRY:

**ARTHUR ALLEN, #781700
Attorney for Petitioner
130 North Court
Murfreesboro, TN 37130
(615) 523-2311**

***** The Clerk & Master will prepare the Letters of Guardianship after the Order Appointing is filed. The Letters are not generic and the specific rights removed from the Respondent and the authority granted to the Conservator will be specifically enumerated pursuant to the Order entered in each case. Below is one such example:**

LETTERS OF GUARDIANSHIP

**STATE OF TENNESSEE
COUNTY OF RUTHERFORD**

IN RE: WILLIAM SMITH

CASE NO.: XX-XXXXCO

**TO: JOHN SMITH
RUTHERFORD COUNTY, TENNESSEE**

You are to invest the insurance proceeds of \$100,000.00 in a 5-year certificate of deposit with First Flag Bank bearing interest at the rate of seven percent (7%) per annum, apply the entire Social Security payment of \$533.00 per month to the needs of the respondent. The Petitioner will follow the property management plan entered by this Court. The Petitioner is prohibited from selling any of the minor Respondent's property without Court approval. The will not withdraw principal from the account at First Flag Bank without Court approval.

You are to perform all the duties required of you by law in relation to said guardianship including the filing of an annual accounting, inventory, and status report; the filing of a property management plan within thirty (30) days; the filing of a final accounting when the guardianship is terminated pursuant to statute, and to deliver and pay to the person lawfully authorized to receive the same, the residue of the said estate, including the profits arising therefrom, herein fail not.

**WITNESS, JOHN A. W. BRATCHER, Clerk and Master, at office, this ____
day of _____ 20__.**

**JOHN A. W. BRATCHER
CLERK AND MASTER**

By: Deputy Clerk & Master

I do solemnly swear that I will timely file each required inventory and accounting, spend the assets of **WILLIAM SMITH** only as approved by the Court, and

honestly and faithfully carry out all of the duties of conservator of **WILLIAM SMITH**, to the best of my ability. I further acknowledge receipt of the Guardianship/Conservatorship Handbook.

JOHN SMITH

**STATE OF TENNESSEE
COUNTY OF RUTHERFORD**

Subscribed and sworn to before me this the _____ day of _____, 20_____.

**JOHN A. W. BRATCHER
CLERK AND MASTER**

By: DEPUTY CLERK & MASTER

**STATE OF TENNESSEE
COUNTY OF RUTHERFORD**

I, **JOHN A. W. BRATCHER**, Clerk and Master of said County, do hereby certify that the foregoing is a full, true and perfect copy of **LETTERS OF GUARDIANSHIP**, issued to **JOHN SMITH**, Guardian of **WILLIAM SMITH**. And that the said **JOHN SMITH** is now the duly qualified and acting Guardian of said person.

Witness my hand and official seal, at this office, this the _____ day of _____, 20_____.

**JOHN A. W. BRATCHER
CLERK AND MASTER**

By: DEPUTY CLERK & MASTER

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

IN RE: _____

CASE NO: _____

ANNUAL STATUS REPORT

Comes now, _____, the duly appointed and qualified Conservator
of _____, and would respectfully show the Court the following:

The Ward, _____, resides at _____

Describe any funds received on behalf of Ward this year: _____

Describe disbursement of said funds: _____

Describe the current condition of the Ward: _____

Describe any changes which have occurred this year with regard to the Ward: _____

Respectfully submitted on this the ____ day of _____, 20____.

Conservator

Conservator

**IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO**

**NOTICE TO FILE ACCOUNTING
T.C.A. § 34-1-111(e)**

TO: _____, CONSERVATOR.

**IN RE: _____ CASE NO. _____
MINOR / RESPONDENT**

As conservator in the above-styled case, you are required by T. C. A. §34-1-111, to file an annual accounting. A recent review of our files indicates that we have not received the accounting for the period of _____.

This is to provide notice pursuant to T. C. A. §34-1-111(e), that this accounting must be filed within thirty (30) days of the date of mailing of this letter.

Enclosed for your convenience are blank forms which may be used for preparation of the accounting. It will also be necessary to submit the original of each bank statement, brokerage statement, or other document reporting any financial information. You must also submit the original of each cancelled check written on the fiduciary account and a copy of any United States and Tennessee income tax returns filed on behalf of the ward.

If no United States or Tennessee income tax return is due, you must include a statement in the accounting that no such return is due. You must also include information from the Internal Revenue Code or Tennessee Code Annotated exempting you from filing said income tax return. If no income tax return is required, then you must list the gross income of the minor or disabled person for the accounting person.

If a bond is required, proof of the bond must be submitted annually.

The accounting must also include a statement concerning the physical or mental condition of the disabled person. This statement must demonstrate the need for the continuation of your services. This statement can be your own. Medical verification is not required.

Sincerely,

**JOHN A. W. BRATCHER
CLERK AND MASTER**

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing NOTICE has been mailed via the United States Postal Service to:

Joe Smith, Esq.
Attorney for the Conservator
111 Main Street
Murfreesboro, TN 37130

Jane Smith, Esq.
Guardian Ad Litem
111 Main Street
Murfreesboro, TN 37130

This the _____ day of _____, 20_____.

Deputy Clerk and Master

**IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO**

IN RE: _____ **CASE NO.** _____
MINOR / RESPONDENT

**REPORT OF CLERK AND MASTER
NON V.A. CASE**

Comes your Clerk and Master and reports that he has reviewed the annual accounting of John Smith, conservator of [Name of Respondent], for the period of January 1, 2009 to December 31, 2009, together are all the documents required by T. C. A. §34-1-111, and all appear to be regular and proper. Your Clerk and Master recommends that the accounting be approved.

Respectfully submitted on this the _____ day of _____, 20____.

John A. W. Bratcher, Clerk and Master

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing **REPORT** has been mailed via the United States Postal Service to:

This the _____ day of _____, 20__.

Deputy Clerk

**IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO**

IN RE: _____ **CASE NO.** _____
MINOR / RESPONDENT

ORDER APPROVING ANNUAL ACCOUNTING
NON V.A. CASE

This cause came on to be heard before the Honorable Chancellor/Judge, on the _____ day of _____, 20____ on the annual accounting John Smith, conservator of [Name of Respondent], for the period of January 1, 2009 to December 31, 2009, together with all the record in this cause, and it appearing that the accounting should be approved,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1. The annual accounting of John Smith is hereby approved; and
2. The costs of this cause are charged to the estate for which execution may issue.

ENTER THIS THE _____ DAY OF _____ 20____.

CHANCELLOR/JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing REPORT has been mailed via the United States Postal Service to:

This the _____ day of _____, 20__.

Deputy Clerk

**IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO**

| | | |
|----------------------------|---|---------------|
| IN RE: [NAME OF RESONDENT] |) | |
| |) | Case #: _____ |
| |) | VA #: _____ |
| |) | |

**REPORT OF THE CLERK AND MASTER
V.A. CASE**

Comes your Clerk and Master and reports that he has reviewed the annual accounting, for Bank of Tennessee, TN, Guardian of [Name of Respondent], for the period of January 1, 2009 to December 31, 2009, together with all the documents required by T.C.A. § 34-5-111, and all appear to be regular and proper. The Department of Veterans Affairs has waived its right to a notice of hearing in this matter and has no objection to the approval of the accounting. Your Clerk and Master recommends the approval of this accounting together with the statutory guardianship fee of \$1,000.00 in addition to the attorney's fee for Fred Swenson in the amount of \$500.00.

Respectfully submitted, this the _____ day of _____, 20____.

John A. W. Bratcher, Clerk and Master

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing **REPORT** has been mailed via the United States Postal Service to:

This the _____ day of _____, 20____.

Deputy Clerk

**IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO**

| | | |
|-----------------------------|------------------|------------------------------|
| IN RE: [NAME OF RESPONDENT] |)))) | Case #: _____ VA #: _____ |
|-----------------------------|------------------|------------------------------|

**ORDER APPROVING REPORT OF THE CLERK AND MASTER
V.A. CASE**

This cause came on to be heard on this the ____ day of _____, 2009, before the Honorable Chancellor/Judge, on the report of the Clerk and Master on the annual accounting of the guardian in this matter, Bank of Tennessee, TN, for the period of January 1, 2009 to December 31, 2009, and all appearing to be regular and proper and it further appearing that the statutory guardianship fee of \$1,000.00 together with the guardian's attorney fee for, Fred Swenson, in the amount of \$500.00 should be approved.

It is hereby Ordered, Adjudged, and Decreed that:

1. The annual accounting of Bank of Tennessee, TN is hereby approved;
2. The statutory guardianship fee of \$1,000.00 is hereby approved;
3. The attorney's fee for Fred Swenson in the amount of \$500.00 is hereby approved; and
4. The costs of this cause are charged to the estate for which execution may issue if necessary.

Enter this the _____ day of _____, 20____.

Chancellor/Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing **ORDER** has been mailed via the United States Postal Service to:

This the _____ day of _____, 20__.

Deputy Clerk

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

IN RE: _____ **CASE NO.** _____
MINOR / RESPONDENT

NOTICE TO APPEAR
T.C.A. § 34-1-111(e)

Whereas it appears of record in this Court that _____,
3718 North Walnut Street, Murfreesboro, Tennessee 37130, has failed to file the
annual accounting(s) for the period of November,2007, through November, 2008,
as conservator of the estate of Respondent as required by T. C. A. §34-1-111.
You are hereby notified that said _____ shall appear
before me at my office, Room 5D, Rutherford County Judicial Center, in
Murfreesboro, at _____ a.m. on the _____ day of
_____, 20_____, then and there to file such
accounting pursuant to statute. Failure to appear will result in your being
summoned to appear before the Court and show cause why you should not be
held in contempt.

Witness, John A. W. Bratcher, Clerk and Master of the Chancery Court of
Rutherford County, Tennessee, at office, in the city of Murfreesboro, this the
_____ day of _____, 20_____.

JOHN A. W. BRATCHER
CLERK AND MASTER

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing **NOTICE TO APPEAR** has been sent by certified mail to Conservator/Guardian, 3718 North Walnut Street, Murfreesboro, Tennessee 37130, on this the ____ day of _____, 20_____.

DEPUTY CLERK AND MASTER

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

IN RE: [NAME OF RESPONDENT] CASE NO. _____

**REPORT OF THE CLERK AND MASTER
ON FAILURE TO REPORT ANNUAL ACCOUNTING
T.C.A. § 34-1-111(e)**

To the Honorable Chancellor/Judge: The Clerk and Master respectfully reports to the Court that he issued notice commanding _____, Conservator/Guardian for [Name of Respondent], to appear and render the annual accounting in this cause on the _____ day of _____, 20____. Notice to Appear was executed pursuant to Rule 5 of the Tennessee Rules of Civil Procedure.

Said _____ has failed to appear and to obey the said Notice to Appear, and your Clerk and Master respectfully moves the Court to issue an order requiring said Conservator to appear before this Court and show cause why said _____ should not be held in contempt and for such other relief and instructions as the Court may deem proper.

Respectfully submitted on this the ____ day of _____, 20____,

**JOHN A. W. BRATCHER
CLERK AND MASTER**

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing REPORT has been mailed to Conservator/Guardian, and other parties on _____ day of _____,20____.

DEPUTY CLERK AND MASTER

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

IN RE: [NAME OF RESPONDENT] CASE NO. _____

ORDER TO SHOW CAUSE
T.C.A. § 34-1-111(e)

It appearing to the Court from the Report of the Clerk and Master filed herein on the _____ day of _____, 20_____, that _____ has failed to appear and obey the Notice to Appear commanding him/her to appear in front of the Clerk and Master of this Court to file the annual accounting in this cause on _____, 20_____, and from all of which it appears that he/she should appear and show cause why he/she should not render the annual accountings in this cause and why he/she should not be judged in contempt of this Court.

IT IS, THEREFORE, ORDERED that the Clerk and Master is hereby ordered to issue a citation against _____ to appear before this Court at _____ a.m. on _____, 20_____, and show cause why he/she should not file said annual accountings and also show cause why he/she should not be held in contempt of this Honorable Court for failure to do so.

IT IS, FURTHER, ORDERED that the Clerk and Master give notice of the Citation to show cause to _____, surety on the bond in this cause.

This the ____ day of _____, 20____.

Chancellor/Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing ORDER has been mailed to Conservator/Guardian, and other parties on the ____ day of _____, 20____

DEPUTY CLERK AND MASTER

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

IN RE: GUARDIANSHIP/CONSERVATORSHIP

CASE NO. _____

CITATION TO SHOW CAUSE
T.C.A. § 34-1-111(e) & (g)

TO THE SHERIFF OF RUTHERFORD COUNTY, TENNESSEE:

You are hereby commanded to summon _____
to appear before the Chancery Court of Rutherford County, the Honorable
Chancellor/Judge, presiding on the _____ day of
_____, 20____, at _____ a.m. to show cause why
_____, conservator of the estate of
_____, should not be adjudged in contempt of
Court for his/her failure to file his/her accounting according to law.

Herein fail not and have you then and there this writ with a showing how
you have executed same.

Witness, John A. W. Bratcher, Clerk and Master, at office in Murfreesboro,
Rutherford County, Tennessee, this the _____ day of _____,
20____.

**JOHN A. W. BRATCHER
CLERK AND MASTER**

BY: DEPUTY CLERK AND MASTER

SHERIFF'S RETURN: _____

DATE: _____

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

AT MURFREESBORO

T.C.A. § 34-1-111

T.C.A. § 34-1-130

IN RE: _____ CASE NO. _____
MINOR / RESPONDENT

ACCOUNTING DATES: _____ TO _____
(ANNUAL, INTERIM, FINAL)

AS _____ OF THE ESTATE OF
(CONSERVATOR/GUARDIAN)

_____.

THE UNDERSIGNED FIDUCIARY WOULD RESPECTFULLY STATE THAT
HE IS CHARGEABLE WITH THE FOLLOWING INCOME BELONGING TO
SAID ESTATE.

| DATE | FROM WHOM RECEIVED | AMOUNT |
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TOTAL RECEIPTS _____

YOUR FIDUCIARY ASKS CREDIT FOR THE FOLLOWING ITEMIZED EXPENDITURES*

EXPENDITURES

DATE CHECK NO. TO WHOM WRITTEN AMOUNT

| DATE | CHECK NO. | TO WHOM WRITTEN | AMOUNT |
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TOTAL EXPENDITURES _____

***NOTE: DO NOT SHOW TRANFERS BETWEEN ACCOUNTS AS EXPENDITURES. ITEMS MAY BE CUMULATIVE.**

SUMMARY

**MONEY ON HAND AT START OF
ACCOUNTING PERIOD** \$ _____

**MONEY RECEIVED DURING
ACCOUNTING PERIOD** \$ _____

TOTAL \$ _____

**MONEY DISBURSED DURING
ACCOUNTING PERIOD** \$ _____

**BALANCE OF MONEY ON HAND AT END OF
ACCOUNTING PERIOD** \$ _____

**ASSETS ON HAND TO REFLECT ABOVE BALANCE:
CD'S, STOCKS, BONDS, BANK ACCOUNTS**

| TYPE | FINANCIAL INSTITUTION | AMOUNT |
|------|-----------------------|--------|
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**STATE OF TENNESSEE
COUNTY OF RUTHERFORD**

I, _____, solemnly swear that the foregoing accounting of the estate of _____ exhibits a full, true and just statement of each and every asset of said estate with which I should be charged, and to the expenditures to which I am entitled, to the best of my knowledge and belief, so help me God.

CONSERVATOR/GUARDIAN

Subscribed and sworn to before me, this the _____ day of _____, 20____.

**CLERK OF THE COURT
OR NOTARY PUBLIC**

STATEMENT FROM CORPORATE SURETY

TO THE CLERK OF THE COURT:

We, _____ pursuant
(Name of Corporate Surety)

to T. C. A. §34-1-111 (d), hereby submit the following statement.

That we are surety on the bond of _____
(Name of Fiduciary)

as _____ for
(Conservator/Guardian)

(Respondent/Minor)

and that the bond is presently in the amount of \$ _____.

**We further state that said bond is in force for the next annual period,
and will remain in effect until Surety is discharged by Court Order.**

This the _____ day of _____, 20_____.

(Name of Corporate Surety)

By: _____
Attorney in Fact

Address: _____

**STATEMENT OF FIDUCIARY AS TO
PHYSICAL OR MENTAL CONDITION OF THE DISABLED PERSON
T.C.A. § 34-1-111(c)(2)**

IN RE: _____ **CASE NO.** _____
MINOR / RESPONDENT

Comes now, _____, the duly appointed and qualified Conservator of _____, and would respectfully show unto the Court the following:

That the ward, _____
continues to need a Conservator due to _____

(Specify physical or mental condition of the disabled person)

That the ward is presently residing at the following address:

This statement is furnished to demonstrate to the Court the need, or lack of need, for the continuation of the fiduciary's services.

This the _____ day of _____, 20_____.

(Conservator)

Address: _____

**IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO
T.C.A. § 34-1-111(c)(1)(C)**

IN RE: _____ **CASE NO.** _____
MINOR / RESPONDENT

**STATEMENT AS TO FILING OF UNITED STATES
OR TENNESSEE INCOME TAX RETURN**

**TO THE CHANCELLOR OF THE CHANCERY COURT OF RUTHERFORD
COUNTY, TENNESSEE:**

This Guardianship or Conservatorship is not required to file either a federal or state tax return for the period _____ of this accounting because the taxable income for its most recent taxable year was within the exemption provided by Internal Revenue Code and T. C. A. §67-2-104. The gross income for the last year was \$ _____.

Dated this the _____ day of _____, 20_____.

Guardian or Conservator

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

IN RE: _____
MINOR / RESPONDENT

CASE NO. _____

Fiduciary

PROPERTY MANAGEMENT PLAN

This plan must be amended when circumstances warrant. The Conservator shall review the plan annually when accountings are due for filing and make the necessary changes on an Amended Property Management Plan to be submitted with the annual accounting.

I, _____, the Conservator of the Property and Person for the Respondent, _____, submit the following Property Management Plan pursuant to Tennessee Code Annotated § 34-1-115:

1. *WARD'S NAME* is currently residing at _____. It is anticipated that *WARD'S NAME* will have to remain in the long term care facility at _____. _____ charges approximately \$ _____ a day.
2. The inventory of the assets and income of *WARD'S NAME* are as follows:

ASSETS

VALUE

(a) _____ Bank checking account number _____
Balance on _____\$ _____

(It is suggested that you attempt to operate from only 1 account).

(b) _____ Investment Account Number _____
(contains IRA & Investment Account)
Balance on _____ \$ _____

(c) Real Estate at _____,
Murfreesboro, TN..... \$ _____

(d) Continue Listing Ward's Assets along with value, company name, and account number. Remember to include items such as vehicles, jewelry, other bank accounts, investment accounts, annuities, CD's, Stocks and Bonds, Pre-Burial Plans, security deposits, household goods of value, safety deposit box contents, interests in businesses, Life Insurance policies etc.

All changes to the investment accounts require Court approval and an Amended Property Management Plan must be filed once a Court order is entered allowing changes.

INCOME:

| <u>Source</u> | <u>Amount</u> | <u>Frequency</u> |
|--|---------------|------------------|
| (a) Social Security Administration | \$ _____ | Monthly |
| (b) Thrift Savings Plan | \$ _____ | Monthly |
| (c) U. S. Treasury | \$ _____ | Monthly |
| (d) Fed Ex Corp. | \$ _____ | Monthly |
| (e) Rent from property at _____ Dr. | \$ _____ | Monthly |
| (f) Promissory Note with _____ | \$ _____ | Monthly |
| (g) Continue listing other sources of income such as alimony, rental income, court settlements, etc. | | |
| Total Monthly Income: | \$ _____ | |

3. The residence at _____ is owned solely by _____ and is unencumbered.

4. EXPENSES:

| <u>To</u> | <u>Amount</u> | <u>Frequency</u> |
|--------------------------------|---------------|------------------|
| (a.) House Payment | \$ _____ | Monthly |
| (b.) Allowance (cash/personal) | \$ _____ | Monthly |
| (c.) Caregiver | \$ _____ | Weekly |
| (d.) Cable/internet/phone | \$ _____ | Monthly |
| (e.) Clothing | \$ _____ | Quarterly |

(f.) Continue listing the Ward's expenses with details of to whom paid, amount, and frequency. Remember to include items such as vehicle payments and insurance, burial policy payments, cell phone, membership dues, credit card or loan payments, food/groceries, entertainment, gifts (birthdays/holidays), insurance, known medical or prescription expenses, pet/animal expenses, professional services (accountant), taxes, tithes/donations, vacation expenses, etc.

5. Describe the status of the Ward's Personal property in this section. Is it held by family members? Remains in real property while the Ward is residing in a nursing facility? Is all property at the nursing facility with the Ward? If Ward owns a vehicle, where is the vehicle currently located?

The sale or disposal of any personal property must be Court approved. Documentation regarding the sale and an amended Inventory and Property Management Plan must be filed reporting the changes.

6. If this is an Amended Property Management Plan, detail any revisions/changes made since the last Court approved Property Management Plan in this section. (Explanations of closing/opening of new accounts, increase or decrease in expenses or income, changes in investments, etc.)

I, _____, Conservator for Respondent, _____,
solemnly swear and affirm that the statements provided herein are true and correct to the
best of my knowledge and belief.

Respectfully submitted, this _____ day of _____, 20____.

Conservator

Sworn to and subscribed before me, this the _____ day of _____, 20____.

Notary Public/Deputy Clerk

Commission Expires: _____

**This Property Management Plan is approved this the _____ day of
_____, 20____.**

Chancellor/Judge

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

IN RE: _____
MINOR / RESPONDENT

CASE NO. _____

**ELECTION OF ACCOUNTING YEAR
T.C.A. § 34-1-111(a)**

The undersigned was appointed Conservator for the above named respondent by order of this Court entered _____.

Your Conservator is presently filing an annual accounting ending _____ (month / day / year).

Your Conservator elects and requests the Court to allow the filing of the annual accounting on the basis of a year ending _____ (month / day / year).

Conservator

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

IN RE: _____
MINOR / RESPONDENT

CASE NO. _____

**RECEIPT FOR DOCUMENTATION
UNDER T. C. A. §34-1-111**

I, _____ for the above named
Guardian / Conservator

_____, hereby acknowledge receipt of the
Minor / Respondent

following:

_____ The original of each bank statement, brokerage statement or
other document reporting any financial information.

_____ The original of each cancelled check written on the fiduciary
account.

_____ Copies of United States and/or Tennessee Income Tax Returns.

This the _____ day of _____, 20_____.

Guardian / Conservator

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
CLERK AND MASTER'S ACCOUNTING CHECKLIST

IN RE: _____
MINOR / RESPONDENT

CASE NO. _____

CONSERVATOR / GUARDIAN

DATE DUE _____

AUTHORITY: T. C. A. §34-1-111
REGULAR (NON-V. A.)

- _____ 1. Original or certified copy of each bank statement. Certified copies of bank printouts will suffice.
- _____ 2. Brokerage statement
- _____ 3. Other documents reporting any financial information List.

(A.)

(B.)

(C.)

(D.)

- _____ 4. Original of each check
- _____ 5. Copy of U. S. Tax Return or the code section evidencing the availability of the claimed exemption
- _____ 6. Copy of Tennessee Income Tax Return or the code evidencing the availability of the claimed exemption
- _____ 7. Statement from Corporate Surety (Bond)
- _____ 8. Sufficiency of Bond
- _____ 9. Statement of continuing need for Conservator
- _____ 10. Accounting waived by Court
- _____ 11. Report to Court
- _____ 12. Order approving accounting
- _____ 13. Notice to Parties or Attorneys
- _____ 14. Return of documents
- _____ 15. Receipt for return of documents

LATE ACCOUNTING

- _____ 1. Notice to appear before Clerk and Master
- A. Date sent by Certified Mail _____
 - B. Date for appearance _____
- _____ 2. Show Cause Order
- A. Date signed by Chancellor _____
 - B. Date sent by Certified Mail or delivered to the Sheriff _____
 - C. Court Date _____
 - D. Date Served _____

JOHN A. W. BRATCHER
CLERK AND MASTER

DATE

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE

CLERK AND MASTER'S ACCOUNTING CHECKLIST

V. A.

IN RE: _____ CASE NO. _____
MINOR / RESPONDENT

CONSERVATOR / GUARDIAN

DATE DUE: _____

AUTHORITY: T. C. A. §34-5-101
T. C. A. §34-5-111(d)

- _____ 1. V. A. Form 27-4706, _____
- _____ 2. Securities or Investments Review
- _____ 3. Certified copy sent to V. A. by Guardian
- _____ 4. Hearing waived by V. A.
- _____ 5. Hearing waived by all others entitled to notice
- _____ 6. Hearing set within 30 days if no waiver
Date _____
- _____ 7. Guardian is accountable for property derived from sources other than V. A.
 - _____ (a). Original or certified copies (printout or actual) of each bank statement
 - _____ (b). Brokerage statement
 - _____ (c). Other documents reporting any financial information. List.
 - (1).
 - (2).
 - (3).
 - _____ (d). Original of each check if provided by bank, if not, a certified printout will suffice.
 - _____ (e). Copy of U. S. Tax Return or the code section evidencing the availability of the claimed exemption

- _____ (f). Copy of Tennessee Income Tax Return or the code section evidencing the availability of the claimed exemption
- _____ (g). Statement from Corporate Surety (Bond)
- _____ (h). Sufficiency of Bond
Amount required \$ _____
- _____ (i). Statement of continuing need for Conservator/Guardian
- _____ (j). Accounting waived by Court
- _____ (k). Report to Court
- _____ (l). Order approving accounting
- _____ (m). Notice to Parties or Attorneys
- _____ (n). Return of documents

LATE ACCOUNTING

- _____ 1. Notice to appear before Clerk and Master
 - A. Date sent by Certified Mail _____
 - B. Date for appearance _____

- _____ 2. Show Cause Order
 - A. Date signed by Chancellor _____
 - B. Date sent by Certified Mail or delivered to the Sheriff _____
 - C. Court Date _____
 - D. Date Served _____

**JOHN A. W. BRATCHER
CLERK AND MASTER**

DATE

**IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO**

IN RE: _____ **CASE NO.** _____
MINOR / RESPONDENT

REPORT OF THE CLERK AND MASTER

Comes your Clerk and Master and reports that the ward, _____, died on _____ in Murfreesboro, Tennessee. The guardian, _____, filed a **preliminary final accounting** on _____, for the period _____ to _____ together with the final receipts, and all appearing to be regular and proper, your Clerk and Master recommends that the preliminary final accounting be approved together with the guardian's fee of \$_____ and the legal fees of the guardian's attorney, _____, in the amount of \$_____, and it further appearing that there is no objection to the approval of the preliminary final accounting, that the final receipts from estate of the deceased have been filed, and this guardianship should be closed.

Respectfully submitted this _____ day of _____
20____.

John A. W. Bratcher, Clerk and Master

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing REPORT has been mailed via the United States Postal Service to:

This the _____ day of _____, 20__.

Deputy Clerk

**IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO**

IN RE: _____)
 MINOR / RESPONDENT CASE NO. _____

ORDER APPROVING PRELIMINARY FINAL ACCOUNTING
T.C.A. § 34-3-108

This cause came on to be heard before the Honorable Chancellor/Judge, on the ____ day of _____, 20__ on the Report of the Clerk and Master on the preliminary final accounting of _____, and it appearing that the ward _____, passed away _____, and further appearing that the preliminary final accounting should be approved and that the conservatorship fee of \$_____ for _____ together with the conservator's attorney's fees of \$_____ for _____, and it appearing that the final receipts have been filed on _____ and it further appearing that the conservatorship should be closed,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1. The preliminary final accounting of _____ is hereby approved;
2. The final receipts are approved;
3. The statutory conservator's fee of \$_____ is hereby approved;
4. The conservator's attorney's fee of \$_____ for _____
is hereby approved;
5. The case shall be closed;

6. _____ shall be relieved of further responsibility in this matter, and
7. The costs of this cause are charged to the estate for which execution may issue.

ENTER THIS THE _____ DAY OF _____ 20____.

CHANCELLOR/JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing ORDER has been mailed via the United States Postal Service to:

This the _____ day of _____, 20__.

Deputy Clerk

**IN THE CHANCERY COURT ON RUTHFORD COUNTY, TENNESSEE
AT MURFREESBORO**

IN RE: _____ **CASE NO.** _____
MINOR / RESPONDENT

REPORT OF THE CLERK AND MASTER

Comes your Clerk and Master and reports that he has received the receipt for the final distribution from the former ward, _____, and the preliminary final accounting having been filed and all appearing be regular and proper, your Clerk and Master recommends that the preliminary final accounting be approved and that the case be closed.

Respectfully submitted on the _____ day of _____ 20____.

**John A. W. Bratcher,
Clerk and Master**

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing REPORT has been mailed via the United States Postal Service to:

This the _____ day of _____, 20__.

Deputy Clerk

**IN THE CHANCERY COURT ON RUTHFORD COUNTY, TENNESSEE
AT MURFREESBORO**

IN RE: _____ **CASE NO.** _____
MINOR / RESPONDENT

ORDER TO CLOSE CONSERVATORSHIP

This cause came on to be heard on the ____ day of _____ 20____
before the Honorable Chancellor/Judge, upon the Report of the Clerk and Master
that he had received the final receipt for final distribution of the funds in this
matter, the ward having passed away and the preliminary final account having
been filed and approved.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1. The final accounting of the conservator is approved;
2. This conservatorship case is closed;
3. The Surety , _____, is released from all further obligations in this
matter; and
4. The costs of this cause are charged to the estate for which execution may
issue.

Enter this the ____ day of _____ 20____.

Chancellor/Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing ORDER has been mailed via the United States Postal Service to:

This the _____ day of _____, 20____.

Deputy Clerk