

# CONSERVATORSHIPS

- There are a variety of mandatory filings. Cover sheet has critical information – due dates and instructions depending on your case and case type (CA or CY)
- At [www.washtenawtrialcourt.org](http://www.washtenawtrialcourt.org) you can search cases and find links to forms and other information.

# DATES

- The date your letters of conservatorship were signed determines when different filings are due – e.g. the inventory and annual accounts.

Approved, SCAO JIS CODE: LET

STATE OF MICHIGAN PROBATE COURT COUNTY OF _____	LETTERS OF CONSERVATORSHIP	FILE NO. _____
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Estate of \_\_\_\_\_

TO:

limited conservator  
 You have been appointed  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 or otherwise dispose of the protected individual's principal dwelling, real property or interest in real property, or mortgage, pledge, or cause a lien to be placed on any such property without a prior 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 \_\_\_\_\_

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

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Do not write below this line - For court use only

MCL 700.5412, MCL 700.5417, MCL 700.5418, MCL 700.5423, MCL 700.5427, MCR 5.202, MCR 5.203, MCR 5.205, MCR 5.409

PC 645 (9/12) LETTERS OF CONSERVATORSHIP

# MINOR CONSERVATORSHIPS

(1<sup>ST</sup> MANDATORY FILING)

Proof of restricted account/verification of funds on deposit (PORA) form is due 28 days after your letters are signed. If you have no assets at that point, file the PORA when you first get control of the money. Verification of any 529 plan is due on the same schedule.

## MINOR CONSERVATORSHIP ANNUAL REQUIREMENTS

- PORA, corresponding financial statement dated within 30 days, and proof of service are due each year. If you withdrew money, you must file an account along with these. Due dates are the same for either.
- There is no filing fee for filing the PORA. There is a \$20 filing fee if you are filing an account, including a final account, or an amended account.
- For assets in a 529 plan, no PORA is required, but a statement from the plan must be filed along with proof of service. Same due date as for an account or PORA.

Please fill out the following form. You can save data typed into this form.



Approved, SCAO JIS CODE: PAR/VFD

<b>STATE OF MICHIGAN</b> <b>PROBATE COURT</b> <b>COUNTY</b> <b>CIRCUIT COURT - FAMILY DIVISION</b>	<b>PROOF OF RESTRICTED ACCOUNT AND</b> <b>ANNUAL VERIFICATION OF</b> <b>FUNDS ON DEPOSIT</b> <b>(CONSERVATORSHIP OF MINOR)</b>	<b>FILE NO.</b>  
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In the matter of \_\_\_\_\_, minor

USE NOTE: This form must be completed and filed with the court within 28 days of the conservator's qualification, or as otherwise ordered by the court, and annually thereafter.

Name of financial institution/insurance company/brokerage firm	
Address	Telephone no.
Name of authorized representative	Title

I certify that the estate funds of the minor are currently on deposit with us under a restricted account as follows:

Type of account	Account number	Balance
Account caption (include name of conservator)		

Attached is a copy of the corresponding financial institution's statement.\*

I further certify that

1. The funds, including accruals, shall not be released or withdrawn except by written order of this court.
2. Records have been marked to prohibit withdrawal except by written order of this court.
3. We are liable for funds released or withdrawn without written order of this court.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of authorized representative

\* For annual verification, the corresponding financial institution's statement must be dated within 30 days after the end of the annual accounting period.

# INVENTORY

(1<sup>ST</sup> MANDATORY FILING FOR CAs; 2<sup>ND</sup> FOR CYs)

- The inventory lists the ward's assets as of the date of the letters of authority.
- The inventory is due no later than 56 days after the letters are signed. A “proof of service” form must also be filed.

Please fill out the following form. You can save data typed into this form.

Document icons: Copy, Paste, Print, Save, Mail, Home, Back, Forward, Refresh, Zoom In, Zoom Out, Full Screen.

Approved, SCAO JIS CODE: INV

STATE OF MICHIGAN PROBATE COURT COUNTY OF <input style="width: 80%;" type="text"/>	INVENTORY (CONSERVATORSHIP) <input type="checkbox"/> AMENDED	FILE NO. <input style="width: 90%;" type="text"/>
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**USE NOTE:** The conservator must serve this completed inventory on all interested persons as required by Michigan Court Rules 5.105 and 5.125. Then the conservator must complete a proof of service (form PC 564) and file it and this inventory with the court.

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.

PERSONAL PROPERTY AND REAL PROPERTY DESCRIPTION <small>If the property 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." If the property has been used to secure a loan, show the nature and amount of the lien. Definitions and instructions for completing the inventory are on the other side.</small>	LIEN AMOUNT	TOTAL VALUE OF PROPERTY (without reduction for lien)
<b>TOTAL ASSETS</b>		0.00

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.

## INVENTORY, CONT.

- Read the instructions on the form and the instructions with the form (page 2).
- When referring to real estate, provide the legal description. Use either a recent appraised fair market value, recent sale price, double the SEV, etc.



# INVENTORY, CONTINUED

Some things can be combined into categories (e.g. “kitchenware” or “furniture”.) High ticket items should be listed separately (e.g. cars, prepaid funeral contracts). Financial accounts should each be listed.

If the ward has no assets yet, file an inventory listing that he or she has no assets. File an amended inventory when the money comes in (and check the “amended” box at the top of the form).

# ANNUAL ACCOUNTS

## (NEXT MANDATORY FILING)

- The accounting period runs from the date or anniversary of the date your letters of conservatorship were signed to exactly one year following. Deadline for submission is 56 days after the end of the accounting period.
- For example, if your letters were signed on March 24, 2015, your accounting period is from March 24 to March 24 each year, beginning in 2016. Your account is due no later than 56 days after the end of the accounting period. (In this example, it is due every year between March 24 and May 19.)



## ACCOUNTS, CONT.

- You may break categories of income (e.g. social security for the year) and expenses (e.g. rent for the year, food, toiletries, social security income, etc.) into account-long chunks.
- If you were required to post a bond, payment of bond premium should be reflected as an expense, as should the \$20 account filing fee.
- Include loans or gifts to the ward in the “income” category.

# SUPPORTING DOCUMENTATION

- You must submit billing statements from attorneys, guardians, and/or yourself with service description.
- Unless requested by the Court, you should not submit other receipts.
- You must submit a single statement from each financial account that is dated within 30 days of the end of the accounting period. (We do not require statements for the whole year.)
- If money is in a restricted account, you must submit a PORA. (Adults use the “minor conservatorship” version of the form. )
- Proof of service and a \$20 filing fee are required

# FINAL ACCOUNTS

- If someone new is appointed C or if the C ends, you must file a final account. Reporting period runs from the end of the previous accounting period to the date your conservatorship ended (due to the ward's majority, death, court order replacing you).
- For CA cases, you simply use the annual account form and check the "final" box at the top. The Court will likely require that you give the assets to the ward, new conservator or a personal representative and that you submit proof of the transfer before you are discharged.

## FINAL ACCOUNTS - MINORS

- For minor conservatorships, there is a specific final account form.
- At age 18, after the final account is approved, the Judge will lift the restrictions so that the ward may receive his or her money. The ward must file a receipt with 7 days of receiving his or her money.

# FINAL ACCOUNTS - MINORS

Approved, SCAO JIS CODE: FAC

STATE OF MICHIGAN PROBATE COURT COUNTY _____ CIRCUIT COURT - FAMILY DIVISION	MINOR CONSERVATORSHIP - FINAL ACCOUNT, WAIVER AND CONSENT, AND ORDER	FILE NO. _____
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In the matter of \_\_\_\_\_, minor

**FINAL ACCOUNT**

1. I, \_\_\_\_\_, am the conservator of the estate of the minor named above. The following is my final account from \_\_\_\_\_ to \_\_\_\_\_.

INCOME	DISBURSEMENTS
Balance on hand from last account, or value of inventory if first accounting \$ _____	_____ \$ _____
Interest earned ..... \$ _____	_____ \$ _____
_____ \$ _____	_____ \$ _____
_____ \$ _____	_____ \$ _____
Total receipts ..... \$ <u>0.00</u>	Total disbursements ..... \$ <u>0.00</u>
Subtract total disbursements ..... \$ _____	
Balance of remaining assets* ..... \$ <u>0.00</u>	

ITEMIZED REMAINING ASSETS	
_____	\$ _____
_____	\$ _____
_____	\$ _____
Balance of remaining assets ("same amount as above)	\$ <u>0.00</u>

2. The protected individual became 18 years of age on \_\_\_\_\_ Date \_\_\_\_\_

(PLEASE SEE OTHER SIDE)

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Do not write below this line - For court use only

MCL 702.5418, MCL 700.5431,  
PC 648 (3/02) MINOR CONSERVATORSHIP - FINAL ACCOUNT, WAIVER AND CONSENT, AND ORDER MCR 3.409(C)

3. I REQUEST that this final account (and all accounts previously filed by me but not yet allowed) be approved and allowed and that the remainder of the assets be ordered turned over to the protected individual and that the conservatorship be terminated.

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

Attorney signature \_\_\_\_\_ Date \_\_\_\_\_  
 Name (type or print) \_\_\_\_\_ Bar no. \_\_\_\_\_ Signature of conservator \_\_\_\_\_  
 Address \_\_\_\_\_ Address \_\_\_\_\_  
 City, state, zip \_\_\_\_\_ Telephone no. \_\_\_\_\_ City, state, zip \_\_\_\_\_ Telephone no. \_\_\_\_\_

**NOTICE TO PROTECTED INDIVIDUAL**

The above itemization is a final accounting of your property that was managed by the petitioner while you were a minor. It shows both income and disbursements made by the petitioner. There may have been previous accounts filed with the court that have not been allowed but you should have received a copy of each such account.

- You are entitled to have a copy of this final account and each prior account that has not been allowed.
- The court might not audit this account or any prior account.
- You have the right to review proofs of income and disbursements at a time reasonably convenient to the petitioner and you.
- You may object to all or part of this or any other account not yet allowed by filing an objection with the court. If you want to object, do not sign the waiver and consent below.
- If you file an objection and it cannot be resolved with the petitioner, the court will hold a hearing to determine the objection.

**WAIVER AND CONSENT**

I am interested in this estate as the protected individual. I have received a copy of the final account of the conservator and any previous accounts filed and not yet allowed. I waive notice of the hearing and consent to the allowance of the account(s).

Date \_\_\_\_\_  
 Signature of protected individual \_\_\_\_\_ Address \_\_\_\_\_  
 Name (type or print) \_\_\_\_\_ City, state, zip \_\_\_\_\_

**ORDER**

**THE COURT FINDS:**

- \_\_\_\_\_, conservator of the estate, has filed a petition requesting the allowance of the final account and any accounts previously filed and not yet allowed.
- Notice of hearing was waived by the protected individual, and she has consented to the allowance of the account(s).
- The account(s) are correct and ought to be allowed.

**IT IS ORDERED:**

- The final account and all previous accounts are approved and allowed.
- Any restrictions on the assets are removed and the remaining assets shall be turned over to \_\_\_\_\_  
 Name of protected individual (type or print) \_\_\_\_\_
- A receipt for the remaining assets shall be signed by the protected individual and filed with the court within 7 days of this order at which time the conservatorship is terminated, the conservator is discharged and the bond, if any, is cancelled.
- There are no assets. The conservatorship is terminated, the conservator is discharged and the bond, if any, is cancelled.

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



## PROOF OF SERVICE

- Certain (“interested”) people are entitled to a copy of your inventory and account(s)/PORAs, petitions, etc. You must prove to the Court that you gave them a copy by filing proof of service along with the account or inventory.
- Among others, a guardian of the ward, presumptive heirs of the ward, and the ward if 14 or older are entitled to copies of filings.

STATE OF MICHIGAN PROBATE COURT COUNTY OF _____	PROOF OF SERVICE	FILE NO. _____
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In the matter of \_\_\_\_\_

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

2. According to court rule, 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. According to court rule, 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	_____		Date
\$ _____	\$ _____			_____
Incorrect address fee	Miles traveled Fee	TOTAL FEE	Signature	
\$ _____	\$ _____	\$ 0.00	_____	
			Name (type or print)	
			_____	

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

# RESOURCES FOR FORMS

- Forms can be found at the State Court Administrative Office (SCAO) website.  
<http://courts.mi.gov/administration/scao/forms>
- Some forms can be found at [www.washtenawtrialcourt.org](http://www.washtenawtrialcourt.org)
- I google “michigan scao pc [form number]”
- Copy the forms in your bundle.

## EXPIRATION OF LETTERS - CA CASES

Your letters of authority may have an expiration date. The Court will provide certified letters with extensions in one-year increments upon request and payment of \$12. Generally, the request for extended letters will be granted only if a correct account is not overdue.

# REVIEW HEARINGS

- No less than every three years in CA cases.
- After three accounts in CY cases (not 3 PORAs)
- Your notice may say that you can be excused from appearing.

# CYs - PC 673

- There is no filing fee for petitioning to withdraw money from a minor's restricted account.

Approved, SCAO		JIS CODE, PUF
STATE OF MICHIGAN PROBATE COURT COUNTY OF _____	PETITION AND ORDER TO USE FUNDS (CONSERVATORSHIP)	FILE NO. _____

In the matter of \_\_\_\_\_

**PETITION**

1. I, \_\_\_\_\_, am conservator of the estate.  
Name \_\_\_\_\_

2. 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.)  
\_\_\_\_\_

3. As of \_\_\_\_\_, the ward's total assets are \$ \_\_\_\_\_.  
Date \_\_\_\_\_

4. I REQUEST permission to withdraw \$ \_\_\_\_\_ of the ward's money from \_\_\_\_\_  
to be used as follows for the benefit of the ward: \_\_\_\_\_ Account no. and name of financial institution \_\_\_\_\_

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.

Date \_\_\_\_\_

Attorney signature _____ Name (type or print) _____ Bar no. _____ Address _____ City, state, zip _____ Telephone no. _____	Petitioner signature _____ Petitioner name (type or print) _____ Address _____ City, state, zip _____ Telephone no. _____
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**ORDER**

**IT IS ORDERED:**  
 5. The petition is denied.

6. The petition is granted. The conservator is authorized to withdraw \$ \_\_\_\_\_ from the account stated in the petition. If access to these funds was restricted, access to the remainder of the funds is still restricted. Receipts or proof that the money was spent for the requested purpose shall be filed with this court by \_\_\_\_\_.  
Date \_\_\_\_\_

7. Other: \_\_\_\_\_  
Date \_\_\_\_\_ Judge \_\_\_\_\_ Bar no. \_\_\_\_\_

I certify that I have compared this copy with the original on file in this court and that it is a correct copy of the original.  
Date \_\_\_\_\_ Deputy register \_\_\_\_\_

**Instructions to Financial Institution:** Do not accept any document other than a certified copy of this order with the court seal. Please retain this certified copy.

**USE NOTE:** If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

# MISCELLANEOUS

- You must petition to be able to sell ward's real estate.
- You need to be in control of the ward's money. In your judgment, it is permissible for wards to have an "allowance".
- Expenses are reviewed for "reasonableness" in light of the ward's assets.
- You may not mingle "conserved" assets with anyone else's.
- Notify the Court immediately (within 7 days) if you move and within 14 days if the ward moves.

# FOR HELP!

- Probate Court Clerk's office -- (734) 222-3072 (We can't give legal advice but we can schedule a 20-minute free session with an attorney)
- Legal Resource Center – (734) 994-0160
- Washtenaw County Bar lawyer referral service – (734) 996-3229 (\$30 for 30 minutes)
- [www.michiganlegalhelp.org](http://www.michiganlegalhelp.org)