

Kansas Judicial Council Bulletin

NOVEMBER, 1984

SPECIAL BULLETIN



ROBERT H. COBEAN

Chairman

Judicial Council Guardianship and Conservatorship Advisory Committee

GUARDIANSHIP AND CONSERVATORSHIP FORMS

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FOREWORD

Forms for guidance in the area of guardianship and conservatorship were published and printed in the Kansas Judicial Council Bulletin in January of 1966. Recent amendments to the Probate Code have made many of the forms published obsolete.

The task of revising and drafting forms was performed by a subcommittee of the Judicial Council Guardianship and Conservatorship Advisory Committee. The members of that subcommittee were: Robert H. Cobean of Wellington; Dr. Jim Lackey of Manhattan; Judge Samuel I. Mason of Fort Scott, and Representative Vic Miller of Topeka. After the forms were drafted they were sent to the remaining members of the full Guardianship and Conservatorship Advisory Committee for review. Those persons were: Senator Norma L. Daniels of Valley Center; Representative Joe Knopp of Manhattan; Judge Mary Schowengerdt of Topeka; Wayne Stratton of Topeka; Judge Joe H. Swinehart of Topeka, and David J. Waxse of Olathe. The forms were then considered and approved by the Judicial Council.

The members of the bench and bar should be thankful for the attention devoted to this project by Mr. Cobean and his Committee.

DAVID PRAGER, Chairman
Kansas Judicial Council

COMMENTARY ON FORMS ILLUSTRATIVE OF PROCEDURE
UNDER THE "ACT FOR OBTAINING A GUARDIAN OR CON-
SERVATOR, OR BOTH," AS AMENDED BY THE 1983 SESSION
OF THE KANSAS LEGISLATURE

On December 30, 1981, Ross O. Doyen, President of the Senate, requested that the Kansas Judicial Council review and study the then "ACT FOR OBTAINING A GUARDIAN OR CONSERVATOR, OR BOTH," as contained in K.S.A. 59-3001, *et seq.* Senator Doyen suggested as sources of information for such study the following:

"Kansas Advocacy and Preventive Services of the Developmentally Disabled, Inc.," and the

"Model Code on Guardianship and Conservatorship prepared by the Developmental Disabilities State Legislative Project of the American Bar Association Commission on the Mentally Disabled."

Also, about the same time a Legislative Interim Committee was given the same assignment. The 1983 amendments appearing in Chapters 191 and 192 of the 1983 Session Laws of Kansas are the combined work product of both the Judicial Council and the Legislative Interim Committee.

While not recommended to or adopted by the Kansas Legislature, the philosophy behind the American Bar Association suggested Model Code is best understood by its recommended "purpose" section which is as follows:

"Purpose. Recognizing that every individual has unique needs and differing abilities, the Legislature declares that it is the purpose of this act to promote the general welfare of all citizens by establishing a system which permits partially disabled, disabled persons and minors to participate as fully as possible in all decisions which affect them; which assists such persons in meeting the essential requirements for their physical health and safety, protecting their rights, managing their financial resources, and developing or regaining their abilities to the maximum extent possible; and which accomplishes these objectives through the use of the least restrictive alternatives."

While the 1983 amendments did not formally adopt a section denominated "purpose", the 1983 amendments did adopt definitions and the philosophy which are in keeping with the philosophy of the American Bar Association as suggested in the above "purpose."

The key section of the definitions is found in K.S.A. 59-3002 which now defines the person in need of assistance, as a disabled person instead of an incapacitated person.

The key sections of the amendments which have to do with the new philosophy are found in K.S.A. 59-3013 and 3014. K.S.A. 59-3013 provides:

“—If, upon the completion of the hearing, the court or jury finds by CLEAR AND CONVINCING EVIDENCE that the proposed ward or proposed conservatee is a disabled person—the court shall make a finding as to what extent the disabled person is able to, and should be permitted to, make decisions which affect that person and the court shall specifically set forth such findings of fact—.”

K.S.A. 59-3014(d) provides as follows:

“—If the Court, pursuant to K.S.A. 59-3013 and amendments thereto, has made a finding that a disabled person is able to and should be permitted to make some decisions which affect the person, a guardian shall be appointed and ‘Letters of Limited Guardianship’ shall specify which of the powers and duties of a guardian shall be assigned to the limited guardian. If the court, pursuant to K.S.A. 59-3013 and amendments thereto, has made a finding that a disabled person is unable to, and should not be permitted to, make any decisions which will affect the person of the disabled person, or if the ward is a minor, a guardian shall be appointed and the guardian shall be possessed of all the powers and duties of a guardian as set out in K.S.A. 59-3018 and amendments thereto. —If the court, pursuant to K.S.A. 59-3013 and amendments thereto has made a finding that a disabled person is able to and should be permitted to make some decisions which affect the person’s property, a limited conservator shall be appointed and the ‘Letters of Limited Conservatorship’ shall specify which of the powers and duties of a conservator shall be assigned to the limited conservator. If the court, pursuant to K.S.A. 59-3013 and amendments thereto, has made a finding that the disabled person is unable to make any decisions which affect the property of the disabled person, or the ward is a minor, a conservator shall be possessed of all powers and duties of a conservator as set out in K.S.A. 59-3019 and amendments thereto.—”

Observe that the concept of “Letters of Limited Guardianship” and “Letters of Limited Conservatorship” carry out the philosophy as announced in the American Bar Association “purpose” to accomplish guardianships and conservatorships “—THROUGH THE USE OF THE LEAST RESTRICTIVE ALTERNATIVES.”

While conservators have traditionally been required to file annual accountings as to the “estate” of the “disabled” person, 59-3029 now provides as follows:

“Except where expressly waived by the court, every guardian shall file annually with the court, on a form prescribed for this purpose by rule of the Supreme Court (Rule 109), a report on the condition

of the guardian's ward and of the estate which has been subject to the possession and control of the guardian—”

Not only does the code now require that guardianships and conservatorships be accomplished “—through the use of the least restrictive alternatives,” 59-3035 provides for periodic reviews to determine whether the “restrictive alternatives” should be increased, decreased, or terminated.

The forms which appear in this Judicial Council Bulletin have been revised to conform to the above-mentioned “purpose” in the enactment of the 1983 amendments to the “Act for Obtaining a Guardian or Conservator, or Both,” which amendments became effective July 1, 1983.

To assist the user of these forms, the following overview of the forms might be helpful.

The index to the Involuntary Guardianship and Conservatorship Forms has some forms indented while other forms are not indented. Those forms which are not indented are believed to be forms which, at the appropriate times, will be used in every Involuntary Guardianship and Conservatorship proceeding. The indented forms will not be used in every Involuntary Guardianship and Conservatorship, but only when special need arises.

The full caption is printed only on the original petition (Form 1001) in the Voluntary Conservatorship Forms for the reason Forms 1001-1016, inclusive, contemplate that all subsequent pleadings and orders will be filed in the county in which the original petition was filed. The same is true in the forms for Guardianship and Conservatorship of Minors, Forms 1201-1219, inclusive.

However, in the set of Involuntary Guardianship and Conservatorship Forms, Forms 1101-1146, inclusive, it is contemplated that in the proceedings there will be a change of place of hearing, pursuant to K.S.A. 59-3016 and Forms 1111, 1112 and 1113 so reflect, and the caption is printed in full on each of said forms to reflect the change of hearing pursuant to 59-3016. The caption is also printed in full on Form 1114 to reflect the change back to the county originally having jurisdiction. Forms 1130, 1131 and 1132 which relate to the emergency appointment of a guardian also have the full caption set out on each form.

K.S.A. 59-3010 requires certain mandatory preliminary orders, and K.S.A. 59-3011 authorizes certain discretionary orders. While these separate mandatory and discretionary preliminary

orders may be handled by separate petitions and separate journal entries, for simplicity, these forms contemplate that the original petitions, Forms 1101 and 1201, will ask for all mandatory and discretionary orders and that the journal entries, Forms 1102 and 1202, will incorporate all of the mandatory preliminary orders and such of the discretionary preliminary orders as are appropriate.

VOLUNTARY CONSERVATORSHIPS (CONSERVATORSHIPS ONLY)

The Forms 1001 to 1016, inclusive, In the Matter of the Conservatorship of Richard Roe, apply only to voluntary applications for the appointment of a conservator. (These forms cover a typical case from voluntary petition for conservatorship to discharge.)

The 1983 amendments were primarily applicable to involuntary proceedings for guardianships and conservatorships and only indirectly apply to Forms 1001 to 1016. However, K.S.A. 59-3029 and Supreme Court Rule 109 do apply and Forms 1001 and 1005 so reflect. Otherwise Forms 1001 to 1016, inclusive, differ from the corresponding Forms 101 to 114, January 1966 Kansas Judicial Council Bulletin, primarily to update the format of said forms to correspond with the format adopted for probate forms appearing in the November 1977 Kansas Judicial Council Bulletin.

MINORS (GUARDIANSHIPS OR CONSERVATORSHIPS OR BOTH)

The Forms 1201 to 1219, inclusive, In the Matter of the Guardianship and Conservatorship of Bill Young, a Minor, apply only to minors. (These forms cover a typical guardianship or conservatorship, or both, of a minor, from the initial petition to the final discharge.)

As mentioned in the preceding comments pertaining to “voluntary” applications for the appointment of a conservator, the 1983 amendments were primarily applicable to involuntary proceedings for guardianships and conservatorships and only indirectly apply to Forms 1201 to 1219, inclusive.

However, K.S.A. 59-3029 and Supreme Court Rule 109 also

apply to guardians' reports and conservators' accountings and Forms 1201, 1204, 1209 and 1210 so reflect. Otherwise, as in the case of voluntary conservatorships, Forms 1201 to 1219, inclusive, differ from the corresponding Forms 301 to 333, January 1966 Kansas Judicial Council Bulletin, primarily to update the format of said forms to correspond with the format adopted for probate forms appearing in the November 1977 Kansas Judicial Council Bulletin.

DISABLED (ADULT) PERSONS
(GUARDIANSHIPS OR CONSERVATORSHIPS OR BOTH)

The Forms 1101 to 1146, inclusive, In the Matter of the Guardianship and Conservatorship of John Doe, apply only to involuntary applications for appointment of guardian or conservator, or both, in which an adult is alleged and determined to be a disabled person. (These forms cover a typical guardianship or conservatorship, or both, of an adult disabled person from the initial petition to the final discharge.)

As above mentioned, K.S.A. 59-3029 and Supreme Court Rule 109, require an annual report of a guardian and an annual accounting of a conservator. Rule 109 provides that, "unless otherwise authorized by the District Court—the annual reporting period for the guardian and the annual accounting period for the conservator shall be the twelve (12) month period immediately preceding the anniversary date of the filing of the case." If the conservator is going to be required to file income tax returns on behalf of the conservatee, it will probably be in the best interests of the conservatorship to have annual accounting and reporting periods coincide with the income tax reporting period. Supreme Court Rule 109 makes this possible if properly brought to the attention of the Court. Forms 1101 and 1116 provide for asking and receiving this authorization from the District Court.

Forms 1116, 1120 and 1121 are designed to clearly show that "by clear and convincing evidence" the Court must find and order to what extent John Doe is a disabled person and to what extent John Doe shall be permitted to make decisions which affect his person and his estate and to what specific extent John Doe should not be permitted to make such decisions.

If the Court finds that John Doe should not be permitted to make any decisions which affect his person or his estate, the

Court must so find and order (Form 1116) and the guardian and conservator shall be possessed of all the powers and duties of the guardian as set out in K.S.A. 59-3018 and all the rights and duties of a conservator as set out in K.S.A. 59-3019 and the letters of guardianship and conservatorship shall so state. (See Form 1120)

If the Court finds that John Doe should be permitted to make some decisions affecting his person and his estate, the Court must so order (Form 1116) and the guardian and conservator shall be possessed of only those powers and duties of a guardian and only those rights and duties of a conservator as shall be specifically set out in the dispositional order (Form 1116) and as also shall be specifically set out in the “Letters of Limited Guardianship and Limited Conservatorship.” (Form 1121)

The new concept of annual reports by the guardian may be found in the “Report on the Condition of Guardian’s Ward.” (Form 1123)

K.S.A. 59-3036(c) provides for the new concept of a standby guardian. See the following forms:

Form 1101, Paragraphs 10 and 4; Form 1116, Paragraphs 6 and C; Form 1133, Petition for Issuance of Letters to Standby Guardian; Form 1134, Order Authorizing Issuance of Letters to Standby Guardian; Form 1135, Oath; Form 1136, Letters.

While a standby guardian for a disabled person and a minor may be appointed at the time of the appointment of a guardian, there may be no need to issue letters to a standby guardian until the happening of one of the events listed in K.S.A. 59-3036(c). (See Forms 1133, 1134, 1135, 1136, 1211, 1212, 1213 and 1214.)

K.S.A. 59-3036 also provides for the emergency appointment of a guardian. Forms 1130, 1131, and 1132 are designed for use in such situations.

No forms are being suggested for use in proceedings such as sale of real estate, etc., and routine administration of a conservatorship for the reason that the procedure for the normal management and administration of a conservatorship, after the appointment of the conservator, was not affected by any of the 1983 amendments. For further suggestions see the “comment” at Form 1125.

It is the hope of the Judicial Council and the Judicial Council Advisory Committee on Guardianships and Conservatorships that the forms appearing in this Kansas Judicial Council Bulletin and particularly the “references” and “comments” appearing on

each form will be of value and assistance to the District Courts and the practicing attorneys of Kansas.

ROBERT H. COBEAN, Chairman
JUDICIAL COUNCIL ADVISORY COM-
MITTEE ON GUARDIANSHIPS AND
CONSERVATORSHIPS

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(1001)

In the District Court of Apache County, Kansas

In the Matter of the Conservatorship of

Richard Roe

No. _____

(Petition Pursuant to Chapter 59 of the Kansas Statutes Annotated)

Voluntary Petition for Conservatorship

The Petitioner, Richard Roe, alleges:

- I reside at and my present post office address is 227 Harvard Street, Hometown, Kansas.
- I am an 87 years of age.
- I am in need of the appointment of a conservator because: I am confined to the Happy Days Care Home and it is difficult to properly manage and care for my property which consists of real estate located in Apache County, Kansas and personal property having an approximate value of \$100,000.
- I am neither an adjudged disabled person nor a proposed ward or proposed conservatee.
- It is in my best interest that a conservator be appointed.
- I knowingly and voluntarily request the appointment of John Manager, Hometown, Kansas, who is a fit and proper person to be appointed as my conservator.
- Income tax returns will need to be filed on my behalf on a calendar year basis. It will be in my best interest for the court, pursuant to Supreme Court Rule 109, to authorize each annual accounting period to be for the 12 month period ending December 31 each year.

WHEREFORE, the Petitioner requests that the Court:

- Issue an order fixing the time and place of the hearing of this Petition;

B. Make a determination that the appointment of a conservator for Richard Roe is in my best interest;

C. Make a determination that I have knowingly and voluntarily requested the appointment of John Manager as my conservator; and,

D. Make a determination, pursuant to Supreme Court Rule No. 109, that it will be in my best interest to authorize each annual accounting period to be for the 12 month period ending December 31 of each year.

E. Appoint John Manager as my conservator.

RICHARD ROE

Petitioner

STATE OF KANSAS, }
COUNTY OF Apache } ss:

I, Richard Roe, of lawful age, being first duly sworn, upon oath, state:

I am the Petitioner above named; I have read the above and foregoing Voluntary Petition for Conservatorship and am familiar with the contents thereof, and all of the statements therein made are true.

RICHARD ROE

Petitioner

SUBSCRIBED AND SWORN TO before me this 1st day of July, 1983.

HELEN WATERS

Notary Public

My Appointment Expires:

December 15, 1983.

Reference: K.S.A. 59-103(a); 59-3007; 59-3029 and Supreme Court Rule No. 109.

Time: Whenever the Petitioner elects.

Comment: Because the statute requires the Petitioner to knowingly and voluntarily request the appointment of a conservator, mental disability should not be alleged.

(1002)

(Caption)

ORDER FOR HEARING

On this 1st day of July, 1983, it is ordered that the Voluntary Petition filed herein by Richard Roe for appointment of a conservator be heard on the 12th day of July, 1983, at 10^a m. by this Court in the Apache County Court House, Hometown, Kansas, and that notice of the time and place of the hearing be given to the following persons:

Jane Roe, Petitioner's Wife
227 Harvard Street
Hometown, Kansas

Tom Roe, Petitioner's Son
227 Harvard Street
Hometown, Kansas

John Manager, Proposed Conservator
376 Yale Road
Hometown, Kansas,

by mailing a copy of the notice to the above persons not less than seven days prior to the date of the hearing.

A. L. MANN

Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. Pleader

The Hometown State Bank Building
Hometown, Kansas 66648
(913) 555-0000

Reference: K.S.A. 59-3008

Time: When ordered by the Court.

Comment: In most cases the Court will hear the Petition immediately and forms 1002, 1003, and 1004 are not needed. It may, however, set it down for a later hearing and require notice.

(1003)

(Caption)

NOTICE OF HEARING

The State of Kansas to:

Jane Roe
227 Harvard Street
Hometown, Kansas

Tom Roe
227 Harvard Street
Hometown, Kansas

John Manager
376 Yale Road
Hometown, Kansas

You are hereby notified that a Petition has been filed in the above court by Richard Roe, a resident of Apache County, Kansas, praying for the appointment of John Manager as conservator for Richard Roe, and you are hereby required to file your written defenses thereto on or before the 12th day of July, 1983, at 10 a.m. of such day in the above court in the city of Hometown, at which time and place such cause will be heard.

Should you fail therein, judgment and decree will be entered in due course upon the Petition.

Dated July 1, 1983.

RICHARD ROE,

Petitioner

PLEADER, PLEADER & TRYOR
The Hometown State Bank
Hometown, Kansas 66648
Attorneys for Petitioner
(913) 555-0000

Reference: K.S.A. 59-3008; 59-2210

Time: When ordered by the Court

Comment: The giving of notice is discretionary with the Court. If notice is given, it should follow the general form prescribed by K.S.A. 59-2210.

(1004)

(Caption)

AFFIDAVIT OF SERVICE

I, W. B. Pleader, of lawful age, being first duly sworn on oath state:

I am the attorney for the Petitioner herein; that I served a copy of the attached notice by depositing the same in the United States mail, postage prepaid, on July 1, 1983, addressed to each of the following persons:

Jane Roe
227 Harvard Street
Hometown, Kansas

Tom Roe
227 Harvard Street
Hometown, Kansas

John Manager
376 Yale Road
Hometown, Kansas

W. B. PLEADER

SUBSCRIBED AND SWORN TO before me this 1st day of July, 1983.

HELEN WATERS

Notary Public

My Appointment Expires:

December, 15, 1983

Reference: K.S.A. 59-3008; 59-2211

Time: To be filed with and approved by the Court prior to the hearing.

Comment: The Affidavit of Service should comply with the Order of the Court as set out in Form 1002.

(1005)

(Caption)

**ORDER APPOINTING CONSERVATOR
ON VOLUNTARY PETITION**

Now on this 12th day of July, 1983, comes on for hearing the Voluntary Petition for Conservatorship filed by Richard Roe.

The Petitioner appears in person and by his attorney, W B. Pleader. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds that:

1. This hearing shall be held forthwith and without notice pursuant to K.S.A. 59-3008.
2. The allegations of the Petition are true.
3. The Petitioner is a resident of Apache County, Kansas.
4. It is in the best interest of the Petitioner that a conservator be appointed.
5. The Petitioner has knowingly and voluntarily requested that a Conservator be appointed for the Petitioner.
6. The Petitioner is neither an adjudged disabled person nor a proposed ward or proposed conservatee.
7. John Manager, the proposed conservator, is a fit and proper person to serve as such.
8. Pursuant to Supreme Court Rule No. 109, the annual accounting period for the conservatorship shall be the 12 month period ending December 31 of each year.

IT IS, THEREFORE, BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

A. The findings hereinabove made be and the same are hereby made a part of the Order and Decree of the Court.

B. John Manager be and is appointed conservator for Richard Roe and upon the filing of an Oath and Bond in the amount of \$15,000, Letters of Conservatorship shall be granted.

C. John Manager shall make an inventory pursuant to K.S.A. 59-1201 and shall file annual accountings pursuant to K.S.A. 59-3029.

D. The annual accounting period for the conservatorship shall be the 12 month period ending December 31 of each year.

A. L. MANN

Judge

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By: W. B. PLEADER

The Hometown State Bank 66648

Hometown, Kansas

Attorneys for Petitioner

(913) 555-0000

Reference: K.S.A. 59-3008; 59-1101; 59-1201; 59-3029; Supreme Court Rule No. 109.

Time: The Order Appointing Conservator On a Voluntary Petition should be filed at the conclusion of the hearing and upon the determination of the matter by the Court.

Comment: If the Court orders notice the findings should reflect compliance. See Forms 1002, 1003, and 1004. While this conservator is appointed and acting on the voluntary petition of the conservatee, the conservator has all the rights and duties of a conservator in an involuntary conservatorship, (see K.S.A. 59-3019) and the conservatee has all the limitations of a conservatee in an involuntary conservatorship. The conservatee in voluntary proceedings however, may require the termination of the conservatorship. (See, Form 1011 and K.S.A. 59-3028[c][4]). Alternatives to a voluntary conservatorship are a power of attorney, durable power of attorney and involuntary conservatorship.

(1006)

(Caption)

OATH OF CONSERVATOR

STATE OF KANSAS

COUNTY OF APACHE

} ss:

I, John Manager, do solemnly swear that I will faithfully and impartially and to the best of my ability discharge all of the duties of my trust according to law as the conservator for Richard Roe, and that I am acting on my own behalf and not on behalf of any bank or corporation not authorized to act as a fiduciary in this state. So help me God.

JOHN MANAGER

Conservator

SUBSCRIBED AND SWORN TO before me this 12th day of July, 1983.

HELEN WATERS

Notary Public

My Appointment Expires:

December 15, 1983

Reference: K.S.A. 59-1701; 59-1702; 59-3008

Time: The Oath must be filed prior to issuance of Letters of Conservatorship.

Comment: The Oath should conform to the statutory requirements.

(1007)

(Caption)

BOND OF CONSERVATOR

KNOW ALL PERSONS BY THESE PRESENTS:

That we, John Manager, as principal and N. M. Hanna, as surety, are held and firmly bound unto the State of Kansas in the sum of Fifteen Thousand Dollars (\$15,000) to the payment of which, well and truly to be made, we bind ourselves, our executors and administrator, firmly by these presents.

The condition of the above obligation is such that whereas, John Manager has been duly appointed by the District Court of Apache County, Kansas, as Conservator for Richard Roe.

Now if John Manager, the conservator, shall faithfully discharge all the duties of his trust according to law, then this obligation shall be void; otherwise it shall remain in full force and effect.

Dated and signed this 12th day of July, 1983.

JOHN MANAGER

Principal

N. M. HANNA

Surety

VERIFICATION OF SURETY

STATE OF KANSAS }
COUNTY OF APACHE } ss:

N. M. Hanna, being first duly sworn says he is worth over and above all liabilities and exemptions, the sum of Fifteen Thousand Dollars (15,000).

N. M. HANNA

Surety

SUBSCRIBED AND SWORN To before me this 12th day of July, 1983.

A. L. MANN

Judge

(SEAL)

Reference: K.S.A. 59-3008; 59-1101; 59-1102.

Time: The bond must be filed and approved by the court before the issuance of Letters of Conservatorship.

(1008)

(Caption)

LETTERS OF CONSERVATORSHIP

KNOW ALL PERSONS BY THESE PRESENTS:

That John Manager, having been appointed and qualified as Conservator for Richard Roe, the said John Manager is hereby granted Letters of Conservatorship, with full power and authority in the premises, as provided by law.

IN TESTIMONY WHEREOF, I, the undersigned Judge of the District Court of Apache County, Kansas, have hereunto subscribed my name and affixed the seal of this Court this 12th day of July, 1983.

A. L. MANN

Judge

(SEAL)

Reference: K.S.A. 59-3008

Time: The bond must be filed and approved by the Court before the issuance of Letters of Conservatorship.

(1009)

(Caption)

INVENTORY AND VALUATION

See form 1122 as to form, reference, time, and comment.

(1010)

(Caption)

PETITION FOR COURT APPROVAL OF:
(ANNUAL) (FINAL) ACCOUNT OF CONSERVATOR
FOR THE PERIOD OF August 12, 1983, to August 12, 1984

COMES NOW the Petitioner, John Manager, and alleges that:

1. The Petitioner is a resident of Apache County, Kansas, and the Petitioner's address is 376 Yale Road, Hometown, Kansas.

2. Petitioner is the duly appointed, qualified and acting Conservator in the above captioned conservatorship.

3. The name, address, social security number, and date of birth of the Conservatee is:

Conservatee

Richard Roe

Address

227 Harvard StreetHometown, Kansas

Social Security Number

000-00-0000

Date of Birth

June 1, 1897

4. The Petitioner has heretofore filed annual accountings herein covering the period of time from appointment to _____, 19____; that a true account of the Conservatorship herein, covering a period of time from _____, 19____, to _____, 19____, is attached hereto, marked "Exhibit A", and made a part hereof.

5. The Petitioner has on file herein a surety bond in the sum of \$15,000 approved by the Court.

6. The Petitioner has performed valuable services herein as Conservator; the Petitioner has employed Bill Solicitor as attorney; the Petitioner should be allowed reasonable and necessary fees for Petitioner's services and the services of Petitioner's attorney the amounts set out as follows:

A. To the Conservator as compensation, the sum of \$ _____ and expenses in the sum of \$ _____;

B. To the Conservator as attorney's fees, the sum of \$ _____, and expenses in the sum of \$ _____.

WHEREFORE, the Petitioner prays that: the Petition be set for hearing; the (annual) (final) account be settled and allowed; the court find that the allowances requested for fiduciary's compensation and expenses and attorney's fees and expenses are reasonable and should be allowed; and the court make such further Orders as the court deems just and unreasonable.

JOHN MANAGER

Conservator

STATE OF KANSAS

} ss

COUNTY OF APACHE

I, John Manager, of lawful age, being first duly sworn, upon oath state:

I am the petitioner above named; I have read the above petition and all statements therein made are true.

JOHN MANAGER

SUBSCRIBED AND SWORN To before me this 1st day of September, 1984.

HELEN WATERS

Notary Public

My Appointment Expires:

December 15, 1987

Reference: K.S.A. 59-3019 through 59-3026; 50-3029; 59-3035; Supreme Court Rule No. 109.

Time: An annual accounting must be filed as provided in Supreme Court Rule No. 109.

Comment: K.S.A. 59-3035 requires a periodic review of the need for a conservatorship within three years from the appointment of a conservator, and each three years thereafter. (See form 1146).

(Caption)

(ANNUAL) (FINAL) ACCOUNTING

In the Conservatorship of _____, _____, 19____
to _____, 19____

Comes now, _____
Name _____ Address _____
City & Zip Code _____ Telephone Number _____

(guardian) (conservator) in the above entitled estate and submits the following (annual) (final) accounting in the conservatorship of

Name _____ Address, City & Zip Code _____
Date of Birth _____ Social Security Number _____ for the period from _____, 19____
to _____, 19____.

RECEIPTS

DATE	RECEIVED FROM	EXPLANATION	AMOUNT
	Balance Carried Forward		\$
		TOTAL RECEIPTS (Including balance carried forward).....	\$

DISBURSEMENTS

DATE	PAID TO	PURPOSE	AMOUNT
			\$
		TOTAL DISBURSEMENTS.....	\$

INVENTORY AND VALUATION**REAL ESTATE**

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Real Estate		\$ _____

STOCKS AND BONDS**(Corporate Stock)**

Item No.	Description	Unit Value	Valuation
1.	_____	_____	_____
2.	_____	_____	_____

BONDS

Item No.	Serial Number	Date of Purchase	Value at Maturity	Valuation
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
Total Stocks and Bonds				\$ _____

MORTGAGES, NOTES AND CASH

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Mortgages, Notes and Cash \$		_____

INSURANCE

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Insurance		\$ _____

JOINTLY OWNED PROPERTY

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Jointly Owned Property ..		\$ _____

MISCELLANEOUS PROPERTY

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Miscellaneous Property ...		\$ _____

RECAPITULATION

	Valuation
Real Estate	\$ _____
Stocks & Bonds	\$ _____
Mortgages, Notes & Cash	\$ _____
Insurance	\$ _____
Jointly Owned Property	\$ _____
Miscellaneous Property	\$ _____
Total Estate	\$ _____

Reference: K.S.A. 59-3029 and 59-3030. Supreme Court Rule No. 109.

Comment: The court may on its own motion and shall upon the petition of the conservator or any person interested in the conservatee or the conservatee's estate fix the time and place for the hearing of any account, notice of which shall be given to such persons and in such manner as the court shall direct. Whenever any funds have been received from the veterans' administration, notice by mail shall be given to the appropriate regional office.

(1011)

(Caption)

PETITION FOR TERMINATION OF CONSERVATORSHIP

The Petitioner, Richard Roe, alleges:

1. I reside at and my present address is 227 Harvard Road, Hometown, Kansas.
2. Upon my voluntary petition, John Manager, 376 Yale Road, Hometown, Kansas, was appointed by this Court as Conservator on July 12, 1983, and is still acting as such.
3. I no longer desire to have the Conservatorship continued.

WHEREFORE, the Petitioner requests that this Court terminate the Conservatorship; order a final accounting by the Conservator; fix the time and place of the hearing on a final accounting and order the giving of notice of such accounting.

RICHARD ROE

Petitioner

STATE OF KANSAS

COUNTY OF APACHE

} ss:

I, Richard Roe, of lawful age, being first duly sworn, upon oath state:

I am the Petitioner above named; I have read the above and foregoing Petition for Termination of Conservatorship and am familiar with the contents thereof and all the statements made therein are true.

RICHARD ROE

Petitioner

SUBSCRIBED AND SWORN To before me this 6th day of June, 1985.

HELEN WATERS

Notary Public

My Appointment Expires:

December 15, 1987

Reference: K.S.A. 59-3028(c).

Time: When conservator has been appointed upon a voluntary petition pursuant to K.S.A. 59-3008, the conservatee has the right to have the conservatorship terminated any time he or she desires. No reasons need be alleged.

Comment: This form is designed for termination of a voluntary conservatorship by a conservatee. In case of death, resignation, or disability of the conservator, see K.S.A. 59-3008.

(1012)

(Caption)

**ORDER CONFIRMING TERMINATION OF CONSERVATORSHIP;
ORDERING FINAL ACCOUNTING; FIXING TIME AND PLACE AND
ORDERING THE GIVING OF NOTICE OF FINAL ACCOUNTING**

On this 6th day of June, 1985, this matter is heard on the petition of Richard Roe for the termination of his Conservatorship.

Petitioner appears in person and by W. B. Pleader, his attorney.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds that:

1. This petition shall be heard forthwith and without notice pursuant to K.S.A. 59-3028(c).

2. On July 12, 1983, this Court appointed John Manager Conservator for Richard Roe pursuant to K.S.A. 59-3008, and that Richard Roe, the Conservatee, has filed a verified petition on this day stating that petitioner no longer desires to have the Conservatorship continued.

IT IS, THEREFORE, BY THE COURT CONSIDERED, ORDERED, AND ADJUDGED AND DECREED THAT:

A. The findings hereinabove made be and the same are hereby made a part of the Order and Decree of the Court.

B. The Conservatorship of Richard Roe was terminated as of June 6, 1985 upon the filing of a verified petition pursuant to K.S.A. 59-3028(C)(4).

C. John Manager, Conservator for Richard Roe, file his final accounting herein.

D. The hearing on the final accounting to be held on the 25th day of June, 1985, at 10a M. in the Apache County Courthouse, Hometown, Kansas.

E. Richard Roe give notice of the time and place of the hearing to John Manager, the Conservator for Richard Roe, 376 Yale Road, Hometown, Kansas, and to the Regional Director of the Social Security Administration, 4127 Princeton Avenue, Bigtown, Kansas, by mailing a copy of this notice to each of them not less than 15 days prior to the date of the hearing.

IT IS FURTHER ORDERED that this Order constitute the notice in this matter.

A. L. MANN

Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER AND TRYOR

By: W. B. Pleader

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Reference: K.S.A. 59-2208; 59-2211; 59-3028; 59-3029; 59-3030; 59-3031; 73-509.

Time: Upon the filing of a verified petition pursuant to K.S.A. 59-3028(C)(4).

Comment: When funds have been received from the Veterans' Administration, 15 days notice by mail should be given to the Regional Office having charge thereof. See K.S.A. 59-3030 and 73-509. Good practice should indicate that notice should be given to the Regional Office of the Social Security Administration when funds have been received through social security. Notice to others is at the Court's discretion.

For other conditions for which the voluntary conservatorship shall terminate, see K.S.A. 59-3028(C)(1), (2), and (3).

(1013)

(Caption)

AFFIDAVIT OF SERVICE

STATE OF KANSAS }
COUNTY OF APACHE } ss:

I, W. B. Pleader, of lawful age, being first duly sworn, upon oath, state:

I am the attorney for the Petitioner; I served a copy of the attached Order and Notice by depositing the same in the United States mail, postage prepaid, on the 6th day of June, 1985, addressed to the following persons:

Name

John Manager, Conservator

Address

376 Yale Road
Hometown, Kansas

Joe Smith, Regional Director
Social Security Administration

4127 Princeton Avenue
Bigtown, Kansas

W. B. PLEADER

Affiant

SUBSCRIBED AND SWORN To before me this 6th day of June, 1985.

HELEN WATERS

Notary Public

My Appointment Expires:

December 15, 1987

Reference: K.S.A. 59-2211; 59-3028

Time: Prior to hearing ordered by the Court terminating Conservatorship.

Comment: The Affidavit of Service should be approved by the Court to establish the fact that there has been full compliance with the giving of notice, as ordered by the Court.

(1014)

FINAL ACCOUNTING

See Form 1010 as to:

1. Form, and
2. Comment.

Reference: K.S.A. 59-3029

Time: When ordered by the Court.

(1015)

(Caption)

**ORDER ALLOWING FEES AND COSTS,
AND APPROVING FINAL ACCOUNTING**

On this 25th day of June, 1985, this matter comes on for hearing on the order of this Court entered on the 6th day of June, 1985, for the final accounting and discharge of John Manager, Conservator for Richard Roe.

Richard Roe appears in person and by W. B. Pleader his attorney. John Manager, Conservator, appears in person and by his attorney, Bill Solicitor.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the Court finds that:

1. The accounting of the Conservator filed herein is true and correct and should be settled and allowed.
2. The Conservator has in his possession the following personal property, to-wit:

3. The following fees should be allowed and taxed as part of the costs herein:

4. The following additional costs should be allowed:

5. The above fees and costs are hereby assessed against the estate of Richard Roe.

It Is, THEREFORE, BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

A. The findings hereinabove made be and the same are hereby made a part of the Order and Decree of this Court.

B. The above fees and costs be paid.

C. The acts, proceedings and accounts of the Conservator are hereby approved, settled and allowed.

D. The Conservator pay the balance then in his hands, to-wit, \$_____ to Richard Roe and deliver to Richard Roe all the other property.

A. L. MANN

Judge

(SEAL)

APPROVED BY:

By Bill Solicitor

Bill Solicitor

485 Plaza

Hometown, Kansas

Attorney for Conservator

(913) 555-8888

By W. B. Pleader

Pleader, Pleader & Tryor

The Hometown State Bank Building

Attorney for Richard Roe

Hometown, Kansas 66648

(913) 555-0000

Reference: K.S.A. 59-3031

Time: At the hearing terminating the Conservatorship.

Comment: The statute requires a showing of the remaining personal property. A receipt from Richard Roe showing that he has received his property should be filed as should a receipt from John Manager for the Conservator's fees and from Bill Solicitor for his attorney's fees.

(1016)
(Caption)

ORDER OF DISCHARGE

Now on this 28th day of June, 1985, comes John Manager, conservator of the estate of Richard Roe, and files his receipts showing that he fully complied with the Order Allowing Fees and Costs and Approving Final Accounting entered herein and the court finds that he should be discharged.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that John Manager be and is hereby finally discharged as conservator of the estate of Richard Roe and that he [and the surety on his bond] is [are] hereby released from any and all further liability.

A. L. MANN

Judge

(SEAL)

SUBMITTED BY:

By Bill Solicitor

Bill Solicitor

485 Plaza

Hometown, Kansas 66648

Attorney for Conservator

Reference: K.S.A. 59-3031

Time: Whenever the receipts are filed and all orders of the court have been complied with in all respects.

INVOLUNTARY GUARDIANSHIP AND CONSERVATORSHIP FORMS

<i>Title</i>	<i>Form No.</i>
Petition for Appointment of a <u>Guardian and Conservator and Standby Guardian</u>	1101
Preliminary Orders	1102
Notice and Order for Service	1103
Petition for (Continuance) (Advancement)	1104
Waiver of Notice of (Continuance) (Advancement)	1105
Order of (Continuance) (Advancement)	1106
Report of Mental Evaluation	1107
Petition for Change of Place of Hearing	1108
Waiver of Notice of Hearing	1109
Order Changing the Place of Hearing	1110
Preliminary Orders	1111
Notice and Order for Service	1112
Findings of Fact and Order of Transmittal	1113
Order for Hearing	1114
Notice and Order for Service	1115
Adjudication and Dispositional Order Appointing <u>Guardian and Conser-</u> <u>vator</u>	1116
Order of Dismissal	1117
Oath of <u>Guardian and Conservator</u>	1118
Bond of Conservator	1119
Letters of <u>Guardianship and Conservatorship</u>	1120
Letters of <u>Limited Guardianship and Limited Conservatorship</u>	1121
Inventory and Valuation	1122
(Annual) (Final) Report on the Condition of the Guardian's Ward	1123
(Annual) (Final) Accounting	1124
Forms for the Administration of the Conservatorship	1125
Petition for Transfer of Venue and Approval of Accounting	1126
Order for Hearing	1127
Notice and Order for Service	1128
Order Transferring Venue and Approving Accounting	1129
Petition for Emergency Appointment of a Guardian	1130
Notice of Hearing and Order for Service	1131
Order for Emergency Appointment of a Guardian	1132
Petition for Issuance of Letters to Standby Guardian	1133
Order Authorizing Issuance of Letters to Standby Guardian	1134
Oath	1135
Letters of Guardianship	1136
Petition for Restoration to Capacity	1137
Preliminary Orders	1138
Notice and Order for Service	1139
Order of Restoration to Capacity; Terminating <u>Guardianship and</u> <u>Conservatorship</u> ; Ordering Final Accounting; Fixing Time and	
Place of Hearing and Notice of Hearing on Final Account-	
ing; and Notice of Accounting	1140
Order of Denial	1141

Final Accounting	1142
Order Allowing Fees and Costs and Approving Final Accounting	1143
Receipt	1144
Order of Discharge	1145
Journal Entry of Findings of Periodic Review	1146

(1101)

In the District Court of Apache County, Kansas

In the Matter of the Guardianship and
Conservatorship of John Doe
(Petition Pursuant to Chapter 59 of the Kansas Statutes Annotated)

}
No. _____

Petition for Appointment of a
Guardian and Conservator and Standby Guardian

The Petitioner, Jim White, alleges:

1. I reside at and my present address is 796 Main Street, Hometown, Kansas.
2. I believe that John Doe is a disabled person.
3. The proposed ward and proposed conservatee is John Doe and John Doe's residence and present address is 127 Main Street, Hometown, Kansas. John Doe's age is approximately 75 years.
4. The names and addresses of the nearest relatives of the proposed ward and proposed conservatee are: John Doe's spouse, Mary Ann Doe, who resides at 127 Main Street, Hometown, Kansas (not known and the petitioner has made diligent inquiry to learn the names of such relatives).
5. The general character and probable value of the proposed ward and proposed conservatee's estate is:

Type	Estimated Value	Probable Annual Income
Real Estate	_____	_____
Personal Property	_____	_____
Social Security	_____	_____

6. John Doe is not presently under the custody and control of any person but is presently a patient at Hometown General Hospital, 1100 Main Street, Hometown, Kansas.
7. The truth of this petition may be proved by:
Mary Ann Doe, 127 Main Street, Hometown, Kansas
Dr. Ralph Jones, 247 "P" Street, Hometown, Kansas
Bill Red, 1427 14th Street, Hometown, Kansas
8. John Doe is in need of a guardian and conservator because he lacks the capacity to meet essential requirements for his physical health or safety and lacks the capacity to manage his financial resources.
9. John Manager, Hometown, Kansas, who is not related to John Doe, is a fit and proper person to be appointed guardian and conservator of John Doe.
10. Joe Keepcare, Hometown, Kansas, who is not related to John Doe, is a fit and proper person to be appointed standby guardian of John Doe pursuant to K.S.A. 59-3036(c).
11. Income tax returns will need to be filed on the conservatee's behalf on a calendar year basis. It will be in the best interest of the ward and conservatee for the court, pursuant to Supreme Court Rule No. 109, to authorize each annual accounting and reporting period to be for the 12 month period ending December 31 of each year.

WHEREFORE, the Petitioner requests that the Court:

1. Determine by clear and convincing evidence that John Doe is a disabled person.

2. Appoint John Manager as guardian and conservator of John Doe.
3. Appoint Joe Keepcare as standby guardian.
4. Issue the following:
 - (a) An order fixing the time and place of the hearing on the petition.
 - (b) [An order that John Doe appear at the time and place of the hearing] or [An order that the presence of John Doe is not required because it would be injurious to his welfare].
 - (c) An order appointing an attorney to represent John Doe at all stages of the proceedings.
 - (d) An order that John Doe shall appear at a time that is in his best interest to consult with the court appointed attorney.
 - (e) Notice in the manner provided by K.S.A. 59-3012 and acts amendatory thereof.
 - (f) An order that John Doe submit himself for a mental evaluation and undergo the evaluation at the Apache County Mental Health Center.
 - [(g) An order for investigation of the character, family relationships and past conduct of John Doe; whether or not John Doe is likely to injure himself or others; the character and past conduct of John Manager the proposed guardian and proposed conservator; the character and past conduct of Joe Keepcare the proposed standby guardian; the nature and extent of the property and income of John Doe and other pertinent factors].
 - (h) Make any other orders that are necessary or in the best interest of John Doe.
5. Make a determination, pursuant to Supreme Court Rule No. 109, that it will be in the best interest of the ward and conservatee to authorize each annual accounting and reporting period to be for the 12 month period ending December 31 of each year.

JIM WHITE
Petitioner

STATE OF KANSAS

COUNTY OF Apache

} SS:

I, Jim White, of lawful age, being first duly sworn, upon oath state:

I am the petitioner above named; I have read the above and foregoing petition for the appointment of a guardian and conservator and standby guardian; I am familiar with the contents thereof; and, all the statements therein made are true.

JIM WHITE

SUBSCRIBED AND SWORN TO before me this 8th day of February, 1984.

HELEN WATERS
Notary Public

My Appointment Expires:

December 7, 1985.

Reference: K.S.A. 1983 Supp. 59-3009; 59-3010; 59-3011; 59-3013; 59-3014; 59-3036(c) and Supreme Court Rule No. 109.

Comment: This form may be altered to request only the appointment of a guardian, or only the appointment of a conservator by omitting language that does not apply in the specific case.

If a limited guardianship or limited conservatorship is desired the request may be made in the petition. However, K.S.A. 59-3013 requires in every case the court make a finding as to what extent the disabled person is able to, and should be permitted to make decisions which affect that person. (See form 1116).

Any order of investigation is a discretionary order. The request for an order for investigation may be made by separate petition subsequent to the filing of the principal petition.

This petition has been drafted to contain an optional request for a standby guardian pursuant to K.S.A. 59-3036(c). Also note that paragraph 3(g) of the prayer in this form includes investigation of the proposed standby guardian.

If it is desired to have an annual fiscal accounting or reporting period that coincides with an income tax reporting period, the petition should contain paragraph 11 of the allegations and paragraph 4 of the requests.

(1102)

(Caption)

PRELIMINARY ORDERS

On this 8th day of February, 1984, there is filed herein the petition of Jim White for the appointment of a guardian and conservator and standby guardian for John Doe and for the issuance of various preliminary orders.

The petitioner appears in person and by attorney, W. B. Pleader.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds that the following orders should be issued:

1. The petition of Jim White for the appointment of a guardian and conservator and standby guardian for John Doe shall be heard on the 18th day of February 1984, at 10 a.m. by this court in the Hometown General Hospital, Hometown, Apache County, Kansas.

2. [John Doe shall appear at such time and place for the hearing] or [The presence of John Doe at the hearing is not required because it would be injurious to his welfare];

3. A. B. Defender, a qualified practicing attorney of Apache County, is appointed to represent John Doe at all stages of proceedings herein;

4. John Doe shall appear at Room 203 of the Hometown General Hospital on the 9th day of February, 1984, at 10 a.m. to consult with A. B. Defender, his court-appointed attorney;

5. Notice of the hearing shall be given as provided by K.S.A. 59-3012 by Bill Red, Sheriff of Apache County, Kansas.

6. John Doe shall submit himself on the 10th day of February, 1984, at 10 a.m. for a mental evaluation and undergo such evaluation at the Apache County Community Mental Health Clinic, 1121 Main Street, Hometown, Kansas and if the Apache County Community Mental Health Clinic undertakes to perform such mental evaluation it shall report the results, in writing, to this court on or before the 14th day of February, 1984. The report shall state that the examiner has made an examination of the proposed ward and proposed conservatee and shall state the results of the examination on the issue of whether the proposed ward and proposed conservatee is a disabled person;

[7. Pursuant to K.S.A. 59-3011 Jane Smith shall conduct an investigation of the character of John Manager and Joe Keepcare and an investigation of the family relationships, past conduct, the danger of injury to oneself and others, the nature and extent of property and income, and other pertinent factors concerning the person and environment of John Doe and report the results of such investigation to this court on or before the 14th day of February, 1984].

It Is So ORDERED.

A. L. MANN

Judge

(SEAL)

Reference: K.S.A. 59-3010; 59-3011; 59-3012, and 59-3013.

Comment: Paragraphs 1, 2, 3, 4, 5 and 6 of this Form 1102 provide for the six mandatory orders pursuant to K.S.A. 59-3010(a).

Paragraph 7 of this Form 1102 provides for an investigation and is one of the three discretionary orders pursuant to K.S.A. 59-3011(a)(1). For the other two discretionary orders, providing for continuance or advancement, pursuant to K.S.A. 59-3011(a)(2) and (3) see Forms 1104, 1105, and 1106.

The order to serve the notice contemplated in paragraph 5 of this Form 1102 may be directed to any of those persons named in K.S.A. 59-3012(a)(2), but it may be preferred that the doctor serve the proposed ward and proposed conservatee. If the proposed ward and proposed conservatee is in a psychiatric hospital, notice by mail shall be given to the head of the hospital pursuant to 59-3012(b).

The proposed ward and proposed conservatee must consult with the court appointed attorney prior to mental evaluation, unless an order of protective custody provided for in 59-2912 has been issued and detention of the proposed ward or proposed conservatee thereunder is in a place outside the jurisdiction of the court.

Since pursuant to K.S.A. 59-3010(a)(6) only an institution within the Department of Social and Rehabilitation Services can be required to evaluate any proposed ward or proposed conservatee, the court may not require private facilities to conduct the evaluation. The statute provides, however, that the court is to order the examiner who agrees to make the mental evaluation to submit to the court its report, in writing, at least three days prior to the date of the hearing provided for in K.S.A. 59-3013. Consequently, when such an order is directed to a private facility, it should be in the form of an Order to Report, rather than an Order to Evaluate and Report.

(1103)

(Caption)

NOTICE AND ORDER FOR SERVICE

To:

1. John Doe, Hometown General Hospital, Hometown, Kansas.
2. A. B. Defender, Hometown State Bank, Hometown, Kansas.
3. Mary Ann Doe, 127 Main Street, Hometown, Kansas.
4. Joe Keepcare, RR #1, Hometown, Kansas.

You and each of you are hereby notified of the following matters:

A. A verified petition alleging that John Doe is a disabled person and requesting that this court appoint a guardian and conservator has been filed in this court by Jim White, petitioner.

B. This petition will be heard on the 18th day of February, 1984, at 10 a.m. by this court in the Hometown General Hospital, Hometown, Apache County, Kansas, and that John Doe is ordered to be present at such hearing.

C. A. B. Defender, qualified practicing attorney of Apache County, has been appointed to represent John Doe at all stages of the proceedings and that John Doe and A. B. Defender are ordered to meet in Room 203 of the Hometown General Hospital on the 9th day of February, 1984, at 10 a.m.

D. John Doe has the right pursuant to K.S.A. 59-3013, to request, in writing, a hearing on the petition before a jury, if such request is filed not later than 48 hours prior to the time of the hearing.

E. John Doe is ordered to submit himself on the 10th day of February, 1984, at 10 a.m. for mental evaluation and undergo such evaluation at the Apache County Mental Health Clinic.

F. Ralph Jones, M.D., 247 "P" Street, Hometown, Kansas, is hereby ordered to make service of this notice by delivering a copy to John Doe personally and make due return thereof.

G. Bill Red, Sheriff of Apache County, Kansas, is hereby ordered to make service of this notice by delivering a copy to A. B. Defender personally and to serve a copy of this notice on Mary Ann Doe and Joe Keepcare and make due return thereof.

In witness whereof, I have set my hand and seal this 8th day of February, 1984.

A. L. MANN

Judge

(SEAL)

RETURN

Ralph Jones, M.D., says: I served this notice on:

John Doe by delivering a copy to him personally on the 8th day of February, 1984, at Hometown General Hospital, Hometown, Kansas.

RALPH JONES, M.D.

RETURN

Bill Red, Sheriff of Apache County, Kansas, says: I served this notice on:

1. A. B. Defender by delivering a copy to him personally on the 8th day of February, 1984, at Hometown State Bank Building, Hometown, Kansas.

2. Mary Ann Doe by leaving a copy at her usual place of residence, 127 Main Street, Hometown, Kansas, on the 9th day of February, 1984.

3. Joe Keepcare by leaving a copy at his usual place of residence, RR #1, Hometown, Kansas on the 9th day of February, 1984.

BILL RED

Sheriff

Reference: K.S.A. 59-3010, 59-3012, and 59-3013.

Time: Not earlier than seven days or later than 14 days after the date of the filing of the petition.

Comment: This order and notice are included together for simplicity and efficiency. Note that it is the court, not the petitioner, that gives notice. The order to serve this notice may be directed to any of those named in K.S.A. 59-3012(a)(2), but it may be preferred that the doctor serve the proposed ward and conservatee. If the proposed ward and conservatee is in a psychiatric hospital, notice, by mail, shall be given to the head of the hospital pursuant to K.S.A. 59-3012(b).

Since pursuant to K.S.A. 59-3010(a)(6) only an institution within the Department of Social and Rehabilitation Services can be required to evaluate any proposed ward or proposed conservatee, the court may not require private facilities to conduct the evaluation. The statute provides, however, that the court is to order the examiner who agrees to make the mental evaluation to submit to the court its report, in writing, at least three days prior to the date of the hearing provided for in K.S.A. 59-3013. Consequently, when such an order is directed to a private facility, it should be in the form of an Order to Report, rather than an Order to Evaluate and Report.

(1104)

(Caption)

PETITION FOR (CONTINUANCE) (ADVANCEMENT)

Comes now _____ and alleges:

That I am the _____ in the above captioned matter and the court should grant an order of (continuance) (advancement) because _____.

WHEREFORE I request that the court issue an order of (continuance) (advancement) in the above captioned matter.

State of Kansas

County of Apache

ss:

I, _____, of lawful age, being first duly sworn, upon oath state:
I have read the above and foregoing Petition for (Continuance) (Advancement) and I am familiar with the contents thereof; and, all the statements therein made are true.
Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public

My Appointment Expires:

Reference: K.S.A. 59-3011.

Comment: The above form is intended to be used for either a Petition of Continuance or a Petition of Advancement.

A continuance may be granted to either the petitioner or the proposed ward or proposed conservatee. An order for advancement may only be requested by the proposed ward, proposed conservatee, or the attorney of the proposed ward or proposed conservatee.

(1105)

WAIVER OF NOTICE OF (CONTINUANCE) (ADVANCEMENT)

Comes now _____ whose address and residence is _____, who is _____ and enters an appearance herein, waives notice of hearing on the Petition for (Continuance) (Advancement) and consents that the petition may be set for immediate hearing without further notice.

Dated and signed this _____ day of _____, 19____.

State of Kansas

County of _____

} ss:

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____.

NEVA WRIGHT

Notary Public

Reference: K.S.A. 59-2208, 59-3011 and 59-3012.

(1106)

(Caption)

ORDER OF (CONTINUANCE) (ADVANCEMENT)

On this _____ day of _____, 19____, this matter is heard on the Petition of _____ for an order of (continuance) (advancement).

Petitioner appears _____. (John Doe appears _____.)

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds that:

1. Notice of the time and place of hearing by publication or otherwise is not necessary or required by law.
2. The allegations of the petition are true.

3. The hearing of this matter should be (continued) (advanced) and the matter should be heard on the ____ day of _____, 19____, at ____m. in the _____.

(4. A copy of this order forthwith should be served upon _____, by _____.)

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

A. The findings hereinabove made be and the same are hereby made a part of the order and decree of the court.

B. The hearing of this matter is (continued) (advanced) and will be heard on the ____ day of _____, 19____, at ____m. in the _____.

(C. A copy of this order be served upon _____, by _____.)

A. L. MANN

Judge

(SEAL)

Approved:

A. B. DEFENDER

A. B. DEFENDER

Hometown State Bank Building

Hometown, Kansas 66625

(913) 555-5555

Attorney for John Doe

Reference: K.S.A. 59-3011 and 59-3012.

Comment: See comment under form 1103.

(1107)

(Caption)

REPORT OF MENTAL EVALUATION

We have examined the above named person and make this report: (Here set forth the facts found by the mental evaluation on the issue of whether the proposed ward or proposed conservatee is a disabled person. Attach separate sheets if necessary.)

Date: February 13, 1984

Apach County Community
Mental Health Center

By Ray Dupre, M.D.

Psychiatrist

Reference: K.S.A. 59-3010.

Comment: Although the proposed ward or proposed conservatee is ordered to be evaluated by the mental health center, the person making the actual evaluation should sign the report as that person may need to be called as a witness.

(1108)

(Caption)

PETITION FOR CHANGE OF PLACE OF HEARING

The Petitioner, Jim White, alleges that:

- (1) I reside at and my present address is 796 Main Street, Hometown, Kansas.
- (2) I filed the petition for the appointment of a guardian and conservator and standby guardian in the above matter.
- (3) The petition was filed in the county of residence of the proposed ward and proposed conservatee.
- (4) The proposed ward and proposed conservatee is presently a patient receiving care or treatment at the Strong Psychiatric Hospital, Metropolis, Kanza County, Kansas.
- (5) It would be in the best interest of the proposed ward and proposed conservatee to have the hearing on this matter changed to the district court of Kanza County, Kansas.

WHEREFORE, the petitioner requests that this court change the place of the hearing in this matter from the district court of Apache County, Kansas, to the district court of Kanza County, Kansas.

JIM WHITE

Petitioner

State of Kansas

}

ss

County of Apache

I, Jim White, of lawful age, being first duly sworn, upon oath state:

I am the Petitioner above named; I have read the above and foregoing Petition for Change of Place of Hearing; I am familiar with the contents thereof; and all the statements therein made are true.

Subscribed and sworn to before me this 14th day of February, 1984.

HELEN H. WATERS

Notary Public

(SEAL)

My Commission Expires:

December 7, 1985

Reference: K.S.A. 59-3016.

Comment: This form illustrates only one of the grounds for change of the place of the hearing. It is only the place of hearing, not venue, that is or may be changed. See K.S.A. 59-3016.

In many instances the order changing the place of the hearing will be on the court's own motion. In such cases no petition will be needed and only the order similar to form 1110 will be used.

(1109)

(Caption)

WAIVER OF NOTICE OF HEARING

See Form 1105 as to:
Form, and
Reference.

(1110)

(Caption)

ORDER CHANGING THE PLACE OF HEARING

On this 14th day of February, 1984, this matter comes on for hearing on the petition of Jim White for change of the place of hearing.

Petitioner appears in person and by his attorney, W. B. Pleader. John Doe appears by his counsel, A. B. Defender.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds that:

1. Apache County is the residence of John Doe.
2. John Doe is presently being detained in the Strong Psychiatric Hospital in Metropolis, Kanza County, Kansas, under an order of referral issued by this court on the 11th day of February, 1984, pursuant to K.S.A. 59-2918; and

3. It would be in the best interest of John Doe to have the place of hearing of this matter changed to the district court of Kanza County, Kansas.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

(A) The findings hereinabove made be and the same are hereby made a part of the order and decree of the court;

(B) The place of the hearing of this matter is hereby changed to the district court of Kanza County, Kansas;

(C) A certified copy of all pleadings and orders in this matter shall be transmitted to the district court of Kanza County, Kansas; and

(D) Upon the completion of the hearing the district court of Kanza County, Kansas shall forthwith transmit a certified copy of all pleadings, findings of fact and a statement of costs to the district court of Apache County, Kansas.

A. L. MANN*Judge*

(SEAL)

Reference: K.S.A. 59-3016.

Comment: This form follows the request set out in the petition. If the court orders the change of the place of the hearing on its own motion, appropriate language should be used. A change in the place of hearing is not a change in venue.

(1111)

In the District Court of Kanza, County, KansasIn the Matter of the Guardianship and }Conservatorship of John Doe

No. _____

PRELIMINARY ORDERS

See form 1102, as to form, reference and comment.

Additional Reference: K.S.A. 59-3016.*Additional Comment:* The mandatory orders need not include the order for mental evaluation if the report of a mental evaluation is a part of the record transmitted.

(1112)

In the District Court of Kanza, County, KansasIn the Matter of the Guardianship and }Conservatorship of John Doe

No. _____

NOTICE AND ORDER FOR SERVICE

See form 1103, as to form, reference and comment.

Additional Reference: K.S.A. 59-3016.*Time:* Not earlier than seven days nor later than 14 days after the order changing place of hearing.

(1113)

In the District Court of Kanza County, KansasIn the Matter of the Guardianship and }Conservatorship of John Doe

No. _____

FINDINGS OF FACT AND ORDER OF TRANSMITTAL

On this 25th day of February 1984, this matter is heard on the petition of Jim White for the appointment of a guardian and conservator for John Doe.Petitioner appears in person and by his attorney W. B. Pleader. John Doe appears in person and by his attorney, D. C. Barrister.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court makes the following findings of fact:

1. Notice of this hearing has been given as required by law and the order of this court and proof has been duly filed herein and is hereby approved.

2. (Here insert appropriate finding or findings from form 1116, paragraph 5 and 6, or a finding that John Doe is not a disabled person.)

3. The following fees are allowed and taxed as a part of the costs herein:

The following additional costs are hereby allowed:

4. Pursuant to K.S.A. 59-3016 this court shall transmit a statement of any court costs incurred and a certified copy of all pleadings and findings of fact to the district court of Apache County, Kansas, the court having venue in this matter.

IT IS THEREFORE, BY THE COURT, CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

A. The findings hereinabove made be, and the same are hereby made a part of the order and decree of the court.

B. Pursuant to K.S.A. 59-3016 this court shall transmit a statement of any court costs incurred and a certified copy of all pleadings and findings of fact to the district court of Apache County, Kansas.

E. F. GOOD

Judge

(SEAL)

Reference: K.S.A. 59-3016.

Comment: If the hearing is held to a jury, the findings should so reflect. The court holding the hearing does not enter the dispositional order, but merely returns the findings of fact to the court having venue.

(1114)

In the District Court of Apache County, Kansas

In the Matter of the Guardianship and

Conservatorship of John Doe

}

No. _____

ORDER FOR HEARING

Now on this 28th day of February, 1984, the court finds that there was heretofore filed with this court on the 28th day of February, 1984, the certified copy of the pleadings and findings of fact made February 25, 1984, by the district court of Kanza County, Kansas, the court to which the above mentioned matter was referred for hearing.

The court further finds that the Petition for Appointment of a Guardian and Conservator and Standby Guardian filed by Jim White should be heard on the 10th day of March, 1984, at 10 a. m. in this court and that notice of the time and place of hearing shall be given by Bill Red, Sheriff of Apache County, Kansas to: John Doe; A. B. Defender; Mary Ann Doe; Jim White and Joe Keepcare.

IT IS SO ORDERED.

A. L. MANN

Judge

(SEAL)

SUBMITTED BY:

Pleader, Pleader & Tryor

By W. B. Pleader

The Hometown State Bank

Hometown, Kansas 66648

Telephone (913) 555-0000

Attorneys for Petitioner

Reference: K.S.A. 59-3012 and 59-3016.

Comment: The time and place of the hearing is at the court's discretion.

(1115)

(Caption)

NOTICE AND ORDER FOR SERVICE

The State of Kansas to:

1. John Doe, Hometown General Hospital, Hometown, Kansas.
2. A. B. Defender, Hometown State Bank, Hometown, Kansas.
3. Mary Ann Doe, 127 Main Street, Hometown, Kansas
4. Jim White, 796 Main Street, Hometown, Kansas
5. Joe Keepcare, RR #1, Hometown, Kansas.

You and each of you are hereby notified of the following matters:

A. A Petition has been filed in this court by Jim White, alleging that John Doe is a disabled person and requesting that Jim White be appointed guardian and conservator for John Doe and Joe Keepcare be appointed standby guardian.

B. Ralph Jones, M.D., 247 "P" Street, Hometown, Kansas, is hereby ordered to make service of this notice by delivering a copy to John Doe personally and make due return thereof.

C. Bill Red, Sheriff of Apache County, Kansas, is hereby ordered to make service of this notice by delivering a copy to A. B. Defender personally and to serve a copy of this notice on Mary Ann Doe, Jim White and Joe Keepcare and make due return thereof.

D. You are hereby required to file your written defenses thereto on or before the 10th day of March, 1984, at 10 a.m. of said day, in said court, in the city of Hometown, in Apache, County, Kansas at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon the Petition.

A. L. MANN

Judge

(SEAL)

PLEADER, PLEADER & TRYOR

The Hometown State Bank

Hometown, Kansas 66648

Telephone (913) 555-0000

Attorneys for Petitioner

.....

RETURN

Ralph Jones, M.D., says: I served this notice on:
John Doe by delivering a copy to him personally on the 8th day of February, 1984, at Hometown General Hospital, Hometown, Kansas

RALPH JONES, M.D.

RETURN

Bill Red, Sheriff of Apache County, Kansas, says: I served this notice on:
 1. A. B. Defender by delivering a copy to him personally on the 8th day of February, 1984, at Hometown State Bank Building, Hometown, Kansas.
 2. Mary Ann Doe by leaving a copy at her usual place of residence, 127 Main Street, Hometown, Kansas, on the 9th day of February, 1984.
 3. Jim White by leaving a copy at his usual place of residence, 796 Main Street, Hometown, Kansas, on the 9th day of February, 1984.
 4. Joe Keepcare by leaving a copy at his usual place of residence, RR #1, Hometown, Kansas on the 9th day of February, 1984.

BILL RED

Sheriff

Reference: K.S.A. 59-3010; 59-3012 and 59-3013.

Comment: If the proposed ward and proposed conservatee is in a psychiatric hospital, notice should be given to the head of the hospital.

(1116)

(Caption)

ADJUDICATION AND DISPOSITIONAL ORDER
APPOINTING GUARDIAN AND CONSERVATOR AND STANDBY GUARDIAN

On this 10th day of March, 1984, this matter is heard on the petition of Jim White for the appointment of a guardian and conservator and standby guardian for John Doe.

Petitioner appears in person and by his attorney, W. B. Pleader. John Doe appears in person and by his attorney A. B. Defender.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds that:

1. Notice of this hearing has been given as required by law and the order of this court and proof has been duly filed herein and is hereby approved.
2. The allegations of the petition are true.
3. A jury trial is not requested.
4. John Doe's estate is of the following character and value:

<u>Type</u>	<u>Estimated Value</u>	<u>Probable Annual Inventory</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

5. [By clear and convincing evidence, John Doe, is a disabled person and lacks the capacity to meet essential requirements for physical health or safety; should not be permitted to make any decisions which affect his person; and that the Guardian herein appointed shall be possessed of all the powers and duties of a Guardian as set out in K.S.A. 59-3018 and the Letters of Guardianship to be issued herein shall so state.]

or

[By clear and convincing evidence, John Doe, is a disabled person and lacks the capacity to meet essential requirements for physical health and safety but is able to, and should be permitted to make decisions which affect his person, except the following:

which excepted powers and duties herein specifically set out shall also specifically be set forth in Letters of Limited Guardianship to be issued herein and which specified powers and duties shall be possessed by the Limited Guardian appointed herein.]

6. [By clear and convincing evidence, John Doe is a disabled person and lacks the capacity to manage his financial resources; should not be permitted to make any decisions which affect his estate; and the Conservator herein appointed shall be possessed of all the rights and duties of a Conservator as set out in K.S.A. 59-3019 and the Letters of Conservatorship to be issued herein shall so state.]

or

[By clear and convincing evidence, John Doe is a disabled person and lacks the capacity to manage his financial resources, but is able to and should be permitted to make decisions which affect his estate, except the following:

which excepted rights and duties herein specifically set out shall also specifically be set forth in Letters of Limited Conservatorship to be issued herein and which specified rights and duties shall be possessed by the Limited Conservator appointed herein.]

7. John Manager is a fit and proper person to be appointed (limited) (guardian) (conservator) (guardian and conservator) for John Doe.

8. Joe Keepcare is a fit and proper person to be appointed standby guardian for John Doe.

9. The following fees are allowed as a part of the costs herein:

The following additional costs are hereby allowed:

Costs herein shall be taxed to _____.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

A. The findings hereinabove made be and the same are hereby made a part of the order and decree of the court.

B. John Manager is appointed (limited) guardian of and (limited) conservator for John Doe and that upon the filing of an oath as (limited) guardian and (limited) conservator, and upon filing a bond in the amount of _____, Letters of (Limited) (Guardianship) (Conservatorship) (Guardianship and Conservatorship) issue to him.

C. Joe Keepcare is appointed standby guardian for John Doe.

D. The annual accounting period of the conservator and the annual reporting period of the guardian shall be the 12 month period ending December 31 of each year.

A. L. MANN

Judge

(SEAL)

Reference: K.S.A. 59-3013, 59-3014, 59-3016, 59-3018, 59-3019, 59-3036, 59-1101, and Supreme Court Rule No. 109.

Comment: The guardian and conservator may be different persons. If the hearing was before a jury appropriate findings should be made. An order fixing fees and costs may be entered at this time pursuant to K.S.A. 59-3032. If the judge does not find that John Doe is a disabled person see Form 1117, Order of Dismissal.

In every case in which the court finds that the proposed ward or the proposed conservatee is a disabled person in need of a guardian or conservator, or both, the court shall make findings as to what extent the disabled person is able to and should be permitted to make decisions which affect that person.

If, pursuant to K.S.A. 59-3013, the court finds that the proposed ward is a disabled person and is unable to and should not be permitted to make decisions which affect such person, the court should appoint a guardian pursuant to 59-3014, possessed of all the powers and duties of a guardian as set out in K.S.A. 59-3018 and issue letters of guardianship so providing. (See paragraph 5 of this form.)

If, pursuant to K.S.A. 59-3013, the court finds that the proposed ward is a disabled person but is able to and should be permitted to make some decisions which affect such person, the court should appoint a limited guardian, and pursuant to 59-3014, issue "Letters of Limited Guardianship" specifying which of the powers and duties set out in K.S.A. 59-3018 the guardian shall be assigned as limited guardian. (See alternate paragraph 5 of this form).

If, pursuant to K.S.A. 59-3013, the court finds that the proposed conservatee is a disabled person and pursuant to K.S.A. 59-3014 is unable to and should not be permitted to make decisions which affect such person's property, the court should appoint a conservator possessed of all the rights and duties of a conservator as set out in K.S.A. 59-3019 and issue Letters of Guardianship so providing. (See paragraph 6 of this form.)

If, pursuant to K.S.A. 59-3013, the court finds that the proposed conservatee is a disabled person, but is able to and should be permitted to make some decisions which affect such person's property, the court should appoint a limited conservator and pursuant to K.S.A. 59-3014 issue "Letters of Limited Conservatorship" specifying which of the rights and duties set out in K.S.A. 59-3019 the conservator shall be assigned as the limited conservator. (See alternate paragraph 6 of this form).

The petition may request, and the court may grant, an annual fiscal accounting period or other reporting period other than the twelve-month period immediately preceding the anniversary date of the filing of the case.

(1117)

(Caption)

ORDER OF DISMISSAL

On this 10th day of March 1984, this matter is heard on the petition of Jim White for the appointment of a Guardian and Conservator and Standby Guardian for John Doe.

Petitioner appears in person and by his attorney, W. B. Pleader. John Doe appears in person and by his attorney, A. B. Defender.

The court finds that John Doe is not a disabled person.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED, that this matter is dismissed, and the costs thereof including a fee in the amount of \$ _____ to A. B. Defender are hereby assessed against Apache County, Kansas.

Judge

(SEAL)

Reference: K.S.A. 59-3013, 59-3016 and 59-3032.

Comment: If the hearing was held with a jury, the findings should so show.

(1118)

(Caption)

OATH OF GUARDIAN AND CONSERVATOR

STATE OF KANSAS, APACHE COUNTY, SS:

I, John Manager, do solemnly swear that I will faithfully and impartially and to the best of my ability discharge all the duties of my trust according to law as guardian of and conservator for John Doe, and that I am acting [on my own behalf] [on behalf of a nonprofit corporate guardian certified in accordance with K.S.A. 59-3037], and not on behalf of any bank or corporation organized and having its principal place of business outside this State.

JOHN MANAGER

Subscribed and sworn to before me this 11th day of March, 1984.

A. L. MANN

Judge

(SEAL)

Reference: K.S.A. 59-3014, 59-1702, and 59-3037.

Comment: This form of oath is that prescribed for any Kansas fiduciary, see K.S.A. 59-1702.

(1119)

(Caption)

BOND OF CONSERVATOR

KNOW ALL PERSONS BY THESE PRESENTS:

That we, John Manager as principal and N. M. Hanna as surety, are held and firmly bound unto the State of Kansas in the sum of fifteen thousand and no/100 dollars (\$15,000) to the payment of which, well and truly to be made, we bind ourselves, our executors, and administrators, firmly by these presents.

The condition of the above obligation is such that John Manager has been duly appointed by the district court of Apache County, Kansas, as conservator (with letters of limited conservatorship) for John Doe, if John Manager, the conservator, shall faithfully discharge all the duties of his trust according to law, then this obligation shall be void; otherwise remain in full force and effect.

Dated and signed by us, this 11th day of March, 1984.

JOHN MANAGER

N. M. HANNA

VERIFICATION OF SURETY

STATE OF KANSAS, APACHE COUNTY, SS.:

N. M. Hanna, being duly sworn, says he is worth over and above all liabilities and exemptions the sum of \$15,000.

N. M. HANNA

Subscribed and sworn to before me this 11th day of March, 1984.

A. L. MANN

Judge

(SEAL)

The above bond taken and approved by me this 11th day of March, 1984.

A. L. MANN

Judge

(SEAL)

Reference: K.S.A. 59-3014, 59-1101, and 59-1102.

Comment: This same form should be used by a conservator who is issued Letters of Limited Conservatorship.

If there is no property K.S.A. 59-3014(d) allows the court to waive the filing of bond.

(1120)

(Caption)

LETTERS OF GUARDIANSHIP AND CONSERVATORSHIP

KNOW ALL PERSONS BY THESE PRESENTS:

That John Manager, having been appointed and having qualified as guardian and conservator for John Doe, is hereby granted Letters of Guardianship and Conservatorship.

The following powers and duties of a guardian, as set out in K.S.A. 59-3018 and amendments thereto are hereby assigned to John Manager:

Full power and authority in the premises, including all the powers and duties of a guardian.

The following rights and duties of a conservator, as set out in K.S.A. 59-3019 and amendments thereto are hereby assigned to John Manager:

Full power and authority in the premises, including all the rights and duties of a conservator.

IN TESTIMONY WHEREOF, I, the undersigned, judge of the district court of Apache County, Kansas, have hereunto subscribed my name and affixed the seal of this court this 11th day of March, 1984.

A. L. MANN*Judge*

(SEAL)

Reference: K.S.A. 59-3014, 59-3018, and 59-3019.

Comment: See form 1121 for Letters of Limited Guardianship and Limited Conservatorship.

(1121)

(Caption)

**LETTERS OF LIMITED GUARDIANSHIP
AND LIMITED CONSERVATORSHIP**

KNOW ALL PERSONS BY THESE PRESENTS:

That John Manager having been appointed and having qualified as guardian and conservator for John Doe, is hereby granted Letters of Limited Guardianship and Limited Conservatorship.

Only the following powers and duties of a guardian, as set out in K.S.A. 59-3018 and amendments thereto are hereby assigned to John Manager:

(Here list powers and duties assigned in the adjudication and dispositional order)

Only the following rights and duties of a conservator, as set out in K.S.A. 59-3019 and amendments thereto are hereby assigned to John Manager:

(Here list rights and duties assigned in the adjudication and dispositional order)

IN TESTIMONY WHEREOF, I, the undersigned, judge of the district court of Apache County, Kansas, have hereunto subscribed my name and affixed the seal of this court this 11th day of March, 1984.

A. L. MANN

Judge

Reference: K.S.A. 59-3014, 59-3018, and 59-3019.

Comment: Letters of Guardianship and Conservatorship with full powers are found at form 1120.

(1122)

(Caption)

INVENTORY AND VALUATION

State of Kansas }
County of Apache } ss:

I, John Manager, being first duly sworn, on my oath state:

I am the Conservator in the Conservatorship of John Doe, the following is a full, true and correct inventory and valuation of all real and tangible personal property located within the State of Kansas and the intangible personal property, wheresoever located, owned by John Doe, which has come into my possession or of which I have knowledge.

WITNESS MY HAND at Hometown, Kansas, this 12th day of August, 1984.

JOHN MANAGER

Conservator

SUBSCRIBED AND SWORN to before me this 1st day of July, 1984.

HELEN WATERS

Notary Public

My Appointment Expires:

December 15, 1985

INVENTORY AND VALUATION**REAL ESTATE**

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Real Estate		\$ _____

STOCKS AND BONDS**(Corporate Stock)**

Item No.	Description	Unit Value	Valuation
1.	_____	_____	_____
2.	_____	_____	_____

BONDS

Item No.	Serial Number	Date of Purchase	Value at Maturity	Valuation
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
Total Stocks and Bonds				\$ _____

MORTGAGES, NOTES AND CASH

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Mortgages, Notes and Cash \$		_____

INSURANCE

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Insurance		\$ _____

JOINTLY OWNED PROPERTY

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Jointly Owned Property ..		\$ _____

MISCELLANEOUS PROPERTY

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Miscellaneous Property ...		\$ _____

RECAPITULATION

	Valuation
Real Estate	\$ _____
Stocks & Bonds	\$ _____
Mortgages, Notes & Cash	\$ _____
Insurance	\$ _____
Jointly Owned Property	\$ _____
Miscellaneous Property	\$ _____
Total Estate	\$ _____

Reference: Supreme Court Rule No. 109; K.S.A. 59-3029, 59-1201 et seq. and 59-3029.

Time: The Inventory must be filed within 30 days from the date of the issuance of Letters of Conservatorship.

Comment: Later discovered assets must be inventoried, and the inventory must be filed within 30 days thereafter.

(1123)

(Caption)

(ANNUAL) (FINAL) REPORT ON THE CONDITION OF THE GUARDIAN'S WARD

From _____, 19____ to _____, 19____

Comes now, _____

Name

Address

City & Zip Code

Telephone Number

guardian in the above entitled estate and submits the following (annual) (final) report on the condition of:

Name

Date of Birth

Social Security Number

1. That the ward resided at the following places during the reporting period:

(address)

(type of residence)

(length of stay)

2. That the approximate number of times the guardian has had contact with the ward, and the nature of such contacts and the date the ward was last seen by the guardian are as follows:

3. A summary of the medical, social, educational, vocational and other professional services received by the ward during the reporting period is as follows:
4. If the ward is institutionalized, the results of an investigation into the nature and appropriateness of the ward's care and treatment are as follows:
5. Changes in the mental or physical condition of the ward observed by the guardian are:
6. Any major problems relating to the guardianship which have arisen during the reporting period are:
7. The opinion of the guardian as to the need for the continuation of the guardianship and whether it is necessary to increase or decrease the powers of the guardian is:
8. Compensation requested and expenses incurred by the guardian are:
9. Other information required by the court is:

Guardian

STATE OF KANSAS }
COUNTY OF _____ } ss:

_____ of lawful age, being first duly sworn on _____
oath states that: _____ is the guardian above named; that
_____ has read the above (annual) (final) Report on the
Condition of the Guardian's Ward; that _____ knows the
content thereof, and that all the statements made therein are true.

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public

My Appointment Expires:

Reference: Supreme Court Rule No. 109 and K.S.A. 59-3029.

Comment: This form has been taken verbatim from Supreme Court Rule No. 109.

(1124)

(Caption)

(ANNUAL) (FINAL) ACCOUNTING

In the Conservatorship of _____, _____, 19____
to _____, 19 ____

Comes now, _____
Name Address

City & Zip Code Telephone Number

(guardian) (conservator) in the above entitled estate and submits the following (annual) (final) accounting in the conservatorship of

Name Address, City & Zip Code

_____ for the period from _____, 19____
Date of Birth Social Security Number
to _____, 19 ____ .

RECEIPTS

DATE	RECEIVED FROM	EXPLANATION	AMOUNT
	Balance Carried Forward		\$
		TOTAL RECEIPTS (Including balance carried forward).....	\$

DISBURSEMENTS

DATE	PAID TO	PURPOSE	AMOUNT
			\$
		TOTAL DISBURSEMENTS.....	\$

INVENTORY AND VALUATION REAL ESTATE

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Real Estate		\$ _____

STOCKS AND BONDS (Corporate Stock)

Item No.	Description	Unit Value	Valuation
1.	_____	_____	_____
2.	_____	_____	_____

BONDS

Item No.	Serial Number	Date of Purchase	Value at Maturity	Valuation
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
Total Stocks and Bonds				\$ _____

MORTGAGES, NOTES AND CASH

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Mortgages, Notes and Cash \$		_____

INSURANCE

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Insurance		\$ _____

JOINTLY OWNED PROPERTY

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Jointly Owned Property ..		\$ _____

MISCELLANEOUS PROPERTY

Item No.	Description	Valuation
1.	_____	\$ _____
2.	_____	\$ _____
Total Miscellaneous Property . . .		\$ _____

RECAPITULATION

	Valuation
Real Estate	\$ _____
Stocks & Bonds	\$ _____
Mortgages, Notes & Cash	\$ _____
Insurance	\$ _____
Jointly Owned Property	\$ _____
Miscellaneous Property	\$ _____
Total Estate	\$ _____

STATE OF KANSAS }
COUNTY OF _____ } ss:

_____ of lawful age, being first duly sworn on _____ oath states that:
_____ is the conservator above named; _____ has read
the above (annual) (final) accounting; _____ knows the content thereof,
and all the statements made therein are true.

Subscribed and sworn to before me this _____ day of _____, 19 _____

Notary Public

My Appointment Expires:

Reference: Supreme Court Rule No. 109, K.S.A. 59-3029 and 59-3030.

Comment: The court may on its own motion and shall upon the petition of the conservator or any person interested in the conservatee or the conservatee's estate fix the time and place for the hearing of any account, notice of which shall be given to such persons and in such manner as the court shall direct. Whenever any funds have been received from the veterans' administration, notice by mail shall be given to the appropriate regional office.

(1125)

(Caption)

FORMS FOR THE ADMINISTRATION OF THE CONSERVATORSHIP

Reference: K.S.A. 59-3019 through 59-3026, and 59-3029 through 59-3031.

Comment: The amendments to the Act for Obtaining a Guardian or Conservator or Both have not materially changed the procedure for administration of a conservatorship. Consequently, the attorney may continue to use present forms for such matters as the sale of real or personal property, partition, investments, allowance of demands, etc.

The forms contained in the November 1977 Kansas Judicial Council Bulletin may be of help.

(1126)

(Caption)

PETITION FOR TRANSFER OF VENUE AND APPROVAL OF ACCOUNTING

The Petitioner, John Manager, alleges:

- (1) I reside at and my present address is 1726 Louisiana Street, Village, Kansas.
- (2) I am the duly appointed, qualified, and acting guardian of and conservator for John Doe.
- (3) John Doe is now a resident of Village, Blackfoot County, Kansas.
- (4) It would be in the best interest of John Doe to have the venue in this matter transferred to the district court of Blackfoot County, Kansas.
- (5) I attach hereto a true and correct accounting of my receipts and disbursements since my last accounting.

WHEREFORE, the petitioner requests that this court transfer the venue in this matter from the district court of Apache County, Kansas, to the district court of Blackfoot County, Kansas, and settle and allow this accounting.

JOHN MANAGER

Petitioner

STATE OF KANSAS }

COUNTY OF APACHE }

ss:

I, John Manager, of lawful age, being first duly sworn upon oath state:

I am the petitioner above named, I have read the above Petition For a Transfer of Venue; I am familiar with the contents thereof; and, all of the statements therein made are true.

JOHN MANAGER

Subscribed and sworn to before me this 6th day of June, 1984.

HELEN H. WATERS

Notary Public

(SEAL)

My Commission Expires:

December 7, 1985

Reference: K.S.A. 59-3017.

Comment: For the form of accounting follow substantially the form set out in Supreme Court Rule No. 109 (see form 1124). A supplemental accounting at the date of the hearing may be necessary since K.S.A. 59-3017 provides for an accounting "to and including the time of hearing."

(1127)

(Caption)

ORDER FOR HEARING

Now on this 6th day of June, 1984, it is ordered that the Petition for Transfer of Venue and Approval of Accounting filed by John Manager, should be heard on the 17th day of June, 1984, at 10 a.m. by this court in the courthouse at Hometown, Apache County Kansas.

A. L. MANN

Judge

(SEAL)

SUBMITTED BY:

L. M. Counsel

101 W. 1st Street

Hometown, Kansas 66648

(913) 555-1111

Attorney for Guardian and Conservator

Reference: K.S.A. 59-3017.

Time: No time is specified in the statute. Presumably, the court will set the hearing at a time to allow reasonable notice to be given.

(1128)

(Caption)

NOTICE AND ORDER FOR SERVICE

See form 1115 as to form.

Reference: K.S.A. 59-3017 and 73-509.

Comment: Notice is to be given to such persons and in such manner as the court shall direct. Good practice would indicate that notice should be given to the regional office of the Social Security Administration when social security funds are being received.

(1129)

(Caption)

ORDER TRANSFERRING VENUE AND APPROVING ACCOUNTING

On this 17th day of June, 1984, this matter is heard on the petition of John Manager for transfer of venue and approval of accounting.

Petitioner appears in person and by his attorney, I. M. Counsel. John Doe appears by his attorney, A. B. Defender.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds that:

1. Notice of this hearing has been given as required by law and the order of this court and proof has been duly filed herein and is hereby approved;

2. John Doe is a resident of Village, Blackfoot County, Kansas.

3. It would be in the best interest of John Doe to have the venue in this matter transferred to the district court of Blackfoot County, Kansas.

4. The accounting the conservator filed herein is true and correct and should be settled and allowed;

5. The venue in this matter should be transferred to the district court of Blackfoot County, Kansas.

6. The Court further finds that the following fees should be allowed and taxed as part of the costs herein:

The following additional costs should be allowed:

7. The above costs are hereby assessed against the estate of John Doe.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that:

A. The findings hereinabove made be and the same are hereby made a part of the order and decree of the court;

B. The above fees and costs be paid;

C. The acts, proceedings, and accounts of the conservator are hereby approved, settled and allowed;

D. The venue of this matter is hereby transferred to the district court of Blackfoot County, Kansas, and

E. The original file in this matter be transmitted to the district court of Blackfoot County, Kansas.

A. L. MANN

Judge

(SEAL)

Reference: K.S.A. 59-3017.

Comment: If the petitioner is not also the conservator, the accounting will be filed subsequently. In such cases appropriate changes should be made in this form. The court should make and retain a true copy of the essential files, not previously recorded. See 59-3017.

(1130)

IN THE DISTRICT COURT OF Apache COUNTY, KANSAS

IN THE MATTER OF THE GUARDIANSHIP

}

OF Mary Green

No. _____

PETITION FOR EMERGENCY APPOINTMENT OF A GUARDIAN

Comes now, Bob Green and alleges that:

1. His residence and address is 1010 East 10th Street, Hometown, Kansas.
2. He is an adult interested in the welfare of Mary Green, who is the proposed ward in a petition filed pursuant to K.S.A. 59-3009 on March 10, 1984, in this court, and assigned case no. 12345.
3. It appears that there is an imminent danger that the physical health or safety of the proposed ward will be seriously impaired unless immediate action is taken.
4. The facts and reasons supporting the request for an emergency guardian are: Mary Green is presently at her home in rural Apache County, Kansas. She has locked and barricaded herself in the cellar of her home for the past three days and has only come out once for a drink of water. She has refused to come out to eat and has refused to come out to take medicine for a diabetic condition.
5. The names and addresses of the individuals and entities entitled to notice, in addition to the Petitioner, are:

Mary Green, RR #1, Hometown, Kansas

A. B. Defender, Hometown State Bank, Hometown, Kansas.

WHEREFORE, the Petitioner requests that the court:

1. Appoint Bob Green guardian of Mary Green in the manner prescribed in K.S.A. 59-3014 and amendments thereto.

2. Assign to Bob Green the following duties and powers:
(Here list only those duties and powers necessary to protect against the imminent danger shown)
3. Order that the emergency appointment remain in effect until the conclusion of the hearing conducted under K.S.A. 59-3013 and any amendments thereto.

BOB GREEN

Petitioner

STATE OF KANSAS }

COUNTY OF APACHE }

ss:

I, Bob Green, of lawful age, being first duly sworn, upon oath state:

I am the Petitioner above named; I have read the above and foregoing Petition for Emergency Appointment of a Guardian and I am familiar with the contents thereof; and, all the statements made are true.

BOB GREEN

SUBSCRIBED AND SWORN TO before me this 14th day of March, 1984.

HELEN WATERS

Notary Public

My Appointment Expires:

December 7, 1985

Reference: K.S.A. 59-3036.

Time: Petition may be filed any time during pendency of a proceeding initiated under 59-3009.

Comment: K.S.A. 59-3036 sets forth two situations in which the emergency appointment of a guardian is contemplated. This form [59-3036(a)] deals with the situation in which, after the filing of a petition, there appears to be an imminent danger to the physical health or safety of a proposed ward. Forms have not been provided for the situation under 59-3036(b), where an appointed guardian is not effectively performing such person's duties. This form, and forms 1131 and 1132 can be modified for use under that subsection.

(1131)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSASIN THE MATTER OF THE GUARDIANSHIP }OF MARY GREEN

No. _____

NOTICE OF HEARING AND ORDER FOR SERVICE

To: Mary Green, RR #1, Hometown, KansasA. B. Defender, Hometown State Bank, Hometown, Kansas,

You and each of you are hereby notified of the following matters:

- A. A verified Petition for Emergency Appointment of a Guardian for Mary Green has been filed in this court by Bob Green.
- B. This petition will be heard forthwith, and Mary Green is orderd to be present at such hearing.
- C. Bill Red, Sheriff of Apache County, Kansas, is hereby ordered to make service of this notice by delivering a copy to Mary Green, and A. B. Defender personally, and make due return thereof.

In witness whereof, I have set my hand and seal this 14th day of March, 1984.A. L. MANN*Judge*

(SEAL)

RETURN

Bill Red, Sheriff of Apache County, Kansas, says: I served this notice on:

1. Mary Green, by delivering a copy to her personally on the 14th day of March, 1984 at her home.
2. A. B. Defender, by delivering a copy to him personally on the 14th day of March, 1984, at his office.

BILL RED*Sheriff**Reference:* K.S.A. 59-3036.*Time:* No more than 48 hours after petition for an emergency appointment has been filed.*Comment:* Notice shall be given in the manner directed by the court.

(1132)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSASIN THE MATTER OF THE GUARDIANSHIP }OF MARY GREEN

No. _____

ORDER FOR EMERGENCY APPOINTMENT OF GUARDIAN

On this 14th day of March, 1984, this matter is heard on the petition of Bob Green for emergency appointment of a guardian for Mary Green.

Petitioner appears in person. Mary Green appears in person and by her attorney A. B. Defender. After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds that:

1. Notice of this hearing has been given as required by law and the order of this court and proof has been duly filed herein and is hereby approved.
2. The allegations of the petition are true.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

- A. The findings hereinabove made be and the same are hereby made a part of the order and decree of the court.
- B. Pursuant to K.S.A. 59-3036, Bob Green is appointed guardian of Mary Green.
- C. The following duties and powers are assigned to Bob Green;
(Here list only those powers and duties necessary to protect against the imminent danger shown).
- D. The emergency appointment shall remain in effect until the conclusion of the hearing conducted under K.S.A. 59-3013 and any amendments thereto.

A. L. MANN

Judge

(SEAL)

Reference: K.S.A. 59-3036.

Time: The hearing shall be held no more than 48 hours after the petition has been filed.

(1133)

(Caption)

PETITION FOR ISSUANCE OF LETTERS TO STANDBY GUARDIAN

The Petitioner Joe Keepcare, alleges:

1. I reside and my present address is 909 East 9th Street, Hometown, Kansas.
2. I was appointed as standby guardian of John Doe by order of this court dated March 10, 1984.
3. John Manager, guardian of John Doe, will be temporarily absent for a period of 60 days beginning May 1, 1985.
4. I should not be required to submit a report pursuant to K.S.A. 59-3029 because the absence of the guardian is temporary.

5. I am a fit and proper person to exercise all of the duties and powers assigned to John Manager until John Manager returns.

WHEREFORE, the Petitioner requests that the court designate standby guardian Joe Keepcare as guardian for John Doe during the temporary absence of John Manager and issue letters of guardianship to Joe Keepcare.

JOE KEEP CARE

Petitioner

State of Kansas

County of Apache

}

ss:

I, Joe Keepcare of lawful age, being first duly sworn, upon oath state:

I am the petitioner above named; I have read the above and foregoing Petition for Issuance of Letters to Standby Guardian; I am familiar with the contents thereof; and, all the statements therein made are true.

JOE KEEP CARE

SUBSCRIBED AND SWORN TO before me this ____ day of _____, 1985.

HELEN WATERS

Notary Public

(SEAL)

My Appointment Expires:

December 7, 1985

Reference: K.S.A. 59-3036(c).

Comment: This form will need to be altered if the standby guardian is appointed due to resignation, disability, or death of the guardian.

(1134)

(Caption)

ORDER AUTHORIZING ISSUANCE OF LETTERS TO STANDBY GUARDIAN

Now on this ____ day of _____, 1985, this matter is heard on the Petition of Joe Keepcare for Issuance of Letters to Standby Guardian.

Petitioner appears in person. There are no other appearances.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds that:

1. Notice of this hearing is not required by law or this court.
2. The allegations of the petition are true.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

(A) The findings hereinabove made be and the same are hereby made a part of the order and decree of the court.

(B) Letters of Guardianship be issued to Joe Keepcare, authorizing him to exercise all of the powers and duties assigned to John Manager, until John Manager returns.

(C) Joe Keepcare not be required to submit a report pursuant to K.S.A. 59-3029.

A. L. MANN

Judge

(SEAL)

Submitted by:

Ned Blue
7707 E. 7th Street
Hometown, Kansas 66648
(913) 666-7777
Attorney for Petitioner

Reference: K.S.A. 59-3036.

Comment: This form will need to be altered if the standby guardian is appointed due to resignation, disability, or death of the guardian.

(1135)

(Caption)

OATH

See form 1118 as to form, reference and comment.

(1136)

(Caption)

LETTERS OF GUARDIANSHIP

See form 1120 or 1121 as to form.

Reference: K.S.A. 59-3036.

(1137)

(Caption)

PETITION FOR RESTORATION TO CAPACITY

The Petitioner, John Doe, alleges:

1. I reside at and my present address is the Longview State Hospital, Village, Kansas.
2. I was found to be a disabled person by the district court of Apache County, Kansas, on March 10, 1984, but I am no longer a disabled person.
3. My spouse is Mary Ann Doe who resides at 127 Main Street, Hometown, Kansas.
4. My guardian and conservator is John Manager who resides at 1726 Louisiana Street, Village, Kansas.
5. No petition for my restoration to capacity has been filed in any district court during the preceding six months nor within six months from March 10, 1984.

WHEREFORE, the petitioner requests that the court make a determination that I am no longer a disabled person and restore me to capacity.

JOHN DOE

Petitioner

STATE OF KANSAS, APACHE COUNTY, SS:

I, John Doe of lawful age, being first duly sworn upon oath say that I am the petitioner above named, that I have read the above and foregoing petition for restoration to capacity and am familiar with the contents thereof, and that all the statements therein made are true.

JOHN DOE

Subscribed and sworn to before me this 14th day of November, 1984.

HELEN LAND

Notary Public

(SEAL)

My Commission Expires:

December 3, 1985.

Reference: K.S.A. 59-3027.

Comment: The date of the original adjudication of incapacity should be alleged.

(1138)

(Caption)

PRELIMINARY ORDERS

See form 1102 as to form.

Reference: K.S.A. 59-3010, 59-3011, and 59-3027.

(1139)

(Caption)

NOTICE AND ORDER FOR SERVICE

See form 1103 as to form.

Reference: K.S.A. 59-3010, 59-3012, and 59-3027.

(1140)

(Caption)

ORDER OF RESTORATION TO CAPACITY; TERMINATING GUARDIANSHIP AND CONSERVATORSHIP; ORDERING FINAL REPORT AND ACCOUNTING; FIXING TIME AND PLACE OF HEARING AND NOTICE OF HEARING ON FINAL ACCOUNTING; AND NOTICE OF ACCOUNTING

Now on this 23rd day of November, 1984, this matter is heard on the petition of John Doe for an order of restoration to capacity.

Petitioner appears in person and by his attorney, John Remedy. John Manager appears in person and by his attorney, John Lawman.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds that:

1. Notice of this hearing has been given as required by law and the order of this court and proof has been duly filed herein and is hereby approved.
2. The allegations of the petition are true.
3. A jury trial was not requested.
4. John Doe is no longer a disabled person.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED, AND DECREED THAT:

(A) The findings hereinabove made be and the same are hereby made a part of the order and decree of the court.

(B) John Doe is no longer a disabled person and is hereby restored to capacity.

(C) The guardianship and conservatorship of John Doe are terminated.

(D) John Manager, the guardian and conservator for John Doe filed the final report and final accounting herein, and thereupon the guardianship is terminated.

(E) The hearing on the final accounting will be held on the 6th day of December, 1984, at 10 a.m. by this court in the Blackfoot County Courthouse, Village, Kansas.

(F) Notice of the time and place of the hearing be given to:

John Manager, the guardian and conservator of John Doe, 1726 Louisiana Street, Village, Kansas.

Regional Director, Social Security Administration, 4127 Princeton Avenue, Bigtown, Kansas,

by mailing a copy of the notice to each of them not less than seven days prior to the date of the hearing.

G. H. WISE

Judge

(SEAL)

Reference: K.S.A. 59-3027, 59-3028, 59-3029, 59-3030, 59-3031, and 73-509.

Comment: The form may be modified if the hearing has been to a jury. If funds have been received from the Veterans' Administration, 15 days notice by mail should be given to the appropriate regional office. See K.S.A. 59-3030 and 73-509. Good practice would indicate that notice should be given to the regional office of the Social Security Administration when social security funds have been received.

Notice to others is at the court's discretion.

(1141)

(Caption)

ORDER OF DENIAL

On this 23rd day of November, 1984 this matter is heard on the petition of John Doe for an order of restoration to capacity.

Petitioner appears in person and by his attorney, John Remedy. John Manager appears by his attorney, John Lawman.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds:

1. Notice of this hearing has been given as required by law and the order of this court and proof has been duly filed herein and is hereby approved.
2. The allegations of the Petition are not true.
3. No request for a jury has been made by John Doe and this matter is for trial to the court only.
4. John Doe continues to be a disabled person.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

(A) The findings hereinabove made be and the same are hereby made a part of the order and decree of the court.

(B) The Petition of John Doe for restoration to capacity is denied and the costs, including a fee in the amount of _____ to John Remedy are hereby assessed against the estate of the petitioner.

G. H. WISE

Judge

(SEAL)

Reference: K.S.A. 59-3027.

Comment: The findings may be modified if the hearing has been to a jury.

(1142)

(Caption)

FINAL ACCOUNTING

See form 1124 as to form.

Reference: K.S.A. 59-3029 and Supreme Court Rule 109.

(1143)

(Caption)

ORDER ALLOWING FEES AND COSTS AND
APPROVING FINAL ACCOUNTING

On this 16th day of December, 1984, this matter is heard on the order of this court entered the 23rd day of November, 1984, for the final accounting and discharge of John Manager, the conservator for John Doe.

John Doe appears in person and by his attorney, John Remedy. John Manager, the conservator, appears in person and by his attorney, John Lawman.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds that:

1. Notice of this hearing has been given as required by law and the order of this court and proof has been duly filed herein and is hereby approved.

2. The accounting filed herein is true and correct and should be settled and allowed, and that the conservator has in his possession the following personal property of the conservatee:

(Here list such property)

3. The court further finds that the following fees should be allowed and taxed as part of the costs herein:

4. The above costs are hereby assessed against the estate of John Doe.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

(A) The findings hereinabove made be and the same are hereby made a part of the order and decree of the court.

(B) The above fees and costs be paid; that the acts, proceedings and accounts of the conservator are hereby approved, settled and allowed; that the conservator pay the balance then in his hands, to wit: \$ _____ to John Doe and deliver to John Doe all other property.

G. H. WISE

Judge

(SEAL)

Reference: K.S.A. 59-3031.

Comment: The statute requires the showing of the remaining personal property. The receipt from John Doe showing that he has received his property should be filed as should a receipt from John Manager for allowance of conservator fees and from John Lawman for attorney's fees.

(1144)

(Caption)

RECEIPT

Received of John Manager, conservator of the estate of John Doe, \$ _____ and the following personal property:

Dated this 6th day of December, 1984.

JOHN DOE

Comment: Similar receipts should be procured from the conservator for allowance of conservator's fees and from the attorney for attorney's fees.

(1145)

(Caption)

ORDER OF DISCHARGE

See form 1016 as form,
time, and
comment.

(1146)

(Caption)

JOURNAL ENTRY OF FINDINGS OF PERIODIC REVIEW

Now on this 1st day of February, 1987, on the court's own motion and pursuant to K.S.A. 59-3035, this matter comes on for hearing for a periodic review of the guardianship and conservatorship of John Doe.

There are no appearances.

After (reviewing reports and accountings filed) (reviewing) (hearing) (written) (oral) (reports) (comments) from the [guardian] [conservator] [ward] [conservatee] [other persons]) (conducting a full evidentiary hearing), the court finds:

1. The guardian and conservator is serving the needs of the ward and conservatee.
2. The guardian and conservator is performing functions in a manner consistent with the letters of guardianship and conservatorship.

3. Additional limitations should not be placed on the rights and duties of the guardian or conservator.
4. Limitations previously placed on the rights and duties of the guardian or conservator should be continued.
5. The guardianship or conservatorship should not be terminated.

IT IS, THEREFORE, BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

A. The findings hereinabove made be and the same are hereby made a part of the order and decree of this court.

- B. The guardianship and conservatorship should not be terminated and should be continued without change.

A. L. MANN

Judge

(SEAL)

Reference: K.S.A. 59-3035.

Time: Within three years of appointment and each three years thereafter unless ordered more frequently by the court.

Comment: K.S.A. 59-3035 gives the court wide latitude as to how these reviews are to be held. This journal entry should be drafted to accurately set forth the appearances, matters considered, findings, and orders of the court.

GUARDIANSHIP AND CONSERVATORSHIP OF MINORS FORMS

<i>Title</i>	<i>Form No.</i>
Petition for the Appointment of a <u>Guardian and Conservator and Standby Guardian</u>	1201
Preliminary Orders	1202
Notice and Order for Service	1203
Order Appointing <u>Guardian and Conservator and Standby Guardian</u>	1204
Oath of <u>Guardian and Conservator</u>	1205
Bond of Conservator	1206
Letters of <u>Guardianship and Conservatorship</u>	1207
Inventory and Valuation	1208
(Annual) (Final) Report on the Condition of the Guardian's Ward	1209
(Annual) (Final) Accounting	1210
Petition for Issuance of Letters to Standby Guardian	1211
Order Authorizing Issuance of Letters to Standby Guardian	1212
Oath	1213
Letters of Guardianship	1214
Petition for Termination of Guardianship & Conservatorship	1215
Order Terminating <u>Guardianship and Conservatorship</u> ; Ordering <u>Final Report and Final Accounting</u> ; Fixing Time and Place and Ordering the Giving of Notice of Hearing on Final Accounting; and Notice of Accounting	1216
Affidavit of Service	1217
Order Allowing Fees and Costs and Approving the Final Accounting	1218
Order of Discharge	1219

(1201)

IN THE DISTRICT COURT OF APACHE COUNTY, KANSAS

IN THE MATTER OF THE GUARDIANSHIP AND }

CONSERVATORSHIP OF BILL YOUNG, A MINOR }

No. _____

(Petition Pursuant to Chapter 59 of the Kansas Statutes Annotated)

PETITION FOR THE APPOINTMENT OF A GUARDIAN AND CONSERVATOR AND STANDBY GUARDIAN

The Petitioner, Jim White, alleges:

1. I reside at and my present post office address is 796 Main Street, Hometown, Kansas,
2. Bill Young, the proposed ward and proposed conservatee, is a minor of the age of thirteen years who resides at and whose present address is 1227 Louisiana Street, Hometown, Kansas.
3. Although I have made diligent inquiry, I have been unable to learn the names of any natural guardian, conservator, or custodian of Bill Young.

4. Bill Young, is the owner of real property of the estimated value of \$40,000 and of personal property of the estimated value of \$27,000. He is receiving an average of \$2,900 a year rent from his real property and \$1,200 a year dividends and interest from various securities.

5. The truth of this Petition may be proved by:

Mary O'Conner, 226 Main Street, Hometown, Kansas

6. Jim White is a fit and proper person to have the temporary custody of Bill Young; and it would be in the best interest of Bill Young to have his temporary custody given to Jim White.

7. Bill Young is in need of the appointment of a guardian and conservator since he is a minor the age of thirteen years and he owns considerable real and personal property.

8. Jim White is a proper person to be appointed as the guardian and conservator for Bill Young. He resides at 796 Main Street, Hometown, Kansas, and is the uncle of Bill Young.

9. Joe Keepcare, Hometown, Kansas, who is not related to Bill Young, is a fit and proper person to be appointed standby guardian of Bill Young pursuant to K.S.A. 59-3036(c).

10. Income tax returns will need to be filed on Bill Young's behalf on a calendar year basis. It will be in his best interest for the court, pursuant to Supreme Court Rule No. 109, to authorize each annual accounting and reporting period to be for the 12 month period ending December 31 each year.

WHEREFORE, the Petitioner requests that the court:

- A. Determine that Bill Young is a minor.
- B. Issue the orders required by K.S.A. 59-3010.
- C. Order that the temporary custody of Bill Young be given to Jim White.
- D. Order Bill Young to appear at the time and place of the hearing.
- E. Appoint an attorney to represent Bill Young at all stages of the proceeding.
- F. Give notice as provided in K.S.A. 59-3012.
- G. Appoint Jim White, Guardian and Conservator for Bill Young a minor.
- H. Appoint Joe Keepcare, Standby Guardian for Bill Young, a minor.
- I. Make a determination, pursuant to Supreme Court Rule No. 109, that it will be in Bill Young's best interest to authorize each annual accounting period to be for the 12 month period ending December 31 of each year.
- J. Make such other orders as are necessary for the best interest of Bill Young.

JIM WHITE

Petitioner

STATE OF KANSAS, }
COUNTY OF APACHE, } ss:

I, Jim White, of lawful age, being first duly sworn, state:

I am the petitioner above named, I have read the above and foregoing petition for the appointment of a guardian and conservator and standby guardian and am familiar with the contents thereof, and all the statements made therein are true.

JIM WHITE

Petitioner

SUBSCRIBED AND SWORN To before me this 1st day of July, 1985.

HELEN WATERS

Notary Public

My Appointment Expires:

December 15, 1985

Reference: K.S.A. 59-103(b); 59-3009; 59-3010; 59-3011; 59-3029; 59-3036(c) and Supreme Court Rule No. 109.

Time: Any person may file this petition at any time.

Comment: This form should be used for all minors, even though a minor might meet the definition of disabled person if the minor were an adult.

Unlike the petition for the appointment of a guardian and conservator for a disabled person (K.S.A. 59-3010) the only mandatory order is that of setting the time and place of the hearing. The order for temporary custody, the order to appear, the order appointing an attorney, etc., are all discretionary (K.S.A. 59-3011) and must be specifically requested, if desired. The requests for these orders or an order for an advancement or continuance may be made after the petition is filed (see form 1204). In the normal situation, where a natural parent is asking to be appointed conservator for his own child, the request will be for an immediate hearing, without notice and without the appointment of an attorney to represent the minor.

A minor over the age of 14 years, who is not a disabled person, may nominate a guardian or conservator.

(1202)

(Caption)

PRELIMINARY ORDERS

On this 1st day of July, 1985, there is filed herein the petition of Jim White for the appointment of a guardian and conservator and standby guardian for Bill Young, a minor, and for the issuance of various preliminary orders.

Petitioner appears in person and by his attorney W. B. Pleader.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds that the following orders should be issued:

1. The Petition of Jim White for the appointment of a guardian and conservator and standby guardian for Bill Young be heard on the 13th day of July, 1984, at 10 a.m. by this court in the Apache County Court House, Hometown, Kansas:

2. The temporary custody of Bill Young be and hereby is given to Jim White until further order of the court

3. Bill Young shall appear at such time and place for the hearing

4. A. B. Defender, a qualified practicing attorney of Apache County, be appointed to represent Bill Young at all stages of the proceedings herein

5. Bill Red, Sheriff of Apache County, Kansas, shall serve the notice required by K.S.A. 59-3012.

IT IS SO ORDERED.

A. L. MANN

Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By W. B. Pleader

W. B. Pleader

The Hometown State Bank Building

Hometown, Kansas

(913) 555-0000

Reference: K.S.A. 59-3010; 59-3011; 59-3012; 59-3014(1).

Time: At or after the filing of the petition (form 1201) and prior to the hearing provided in K.S.A. 59-3013.

Comment: Paragraph 1 of 1202 provides for the only mandatory order pursuant to K.S.A. 59-3010(b).

Paragraphs 2, 3, 4, and 5, of this form are discretionary orders providing for temporary custody, required appearance at hearing, providing for appointment of an attorney, and providing for service of process.

The various discretionary orders, provided for by K.S.A. 59-3011 may be included as separate paragraphs of this form, if needed. Paragraph 3 may be changed to reflect the court's finding that the presence of the proposed ward or the proposed conservatee would be injurious to that person's welfare. Paragraph 4 may be omitted if the proposed ward or the proposed conservatee has employed counsel. Additional paragraphs ordering psychological testing and ordering the filing of the report of the psychological testing can be added if appropriate.

Temporary custody may be given to a person other than a natural guardian, conservator, or custodian. In such case, the findings of fact should be modified.

The appointment of an attorney is discretionary. If the minor is 14 years of age or older, that person has the right to engage their own attorney and the attorney appointed by the court shall be relieved of all duties.

(1203)

(Caption)

NOTICE AND ORDER FOR SERVICE

TO: Bill Young
1227 Louisiana Street
Hometown, Kansas

A. B. Defender
Hometown State Bank Building
Hometown, Kansas

Joe Keepcare
RR #1,
Hometown, Kansas

You and each of you are hereby notified of the following matters:

A. A verified petition alleging that Bill Young is a minor and requesting that this court appoint a guardian and conservator and standby guardian has been filed in this court by Jim White, petitioner.

B. The petition will be heard on the 13th day of July, 1985, at 10 a.m. by this court in the Apache County Courthouse, Hometown, Kansas.

C. The temporary custody of Bill Young is given to Jim White until further order of the court.

D. A. B. Defender, a qualified practicing attorney of Apache County, is appointed to represent Bill Young at all stages of the proceedings.

E. Bill Red, Sheriff of Apache County, Kansas, is hereby ordered to make service of this

notice by delivering a copy to Bill Young and Joe Keepcare personally and by delivering a copy to A. B. Defender personally and make due return thereof.

IN WITNESS WHEREOF, I have set my hand and seal this 1st day of July, 1985.

A. L. MANN

Judge

(SEAL)

SUBMITTED BY:

PLEADER, PLEADER & TRYOR

By W. B. Pleader

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

RETURN

Bill Red, Sheriff of Apache County, Kansas, says that he served this notice on:

1. Bill Young by delivering a copy to him personally on the 2nd day of July, 1985, at 1227 Louisiana Street, Hometown, Kansas.

2. A. B. Defender by delivering a copy to him personally on the 2nd day of July, 1985, at Hometown State Bank Building, Hometown, Kansas.

3. Joe Keepcare by delivering a copy to him personally on the 2nd day of July, 1985, at RR #1, Hometown, Kansas.

BILL RED

Sheriff

Reference: K.S.A. 59-3011 and 59-3012.

Time: As ordered by the court.

Comment: This order and notice are included together for simplicity and efficiency. Note that it is the court, not the petitioner, that gives notice. If the minor proposed ward and proposed conservatee is in the custody of someone other than the petitioner, notice should be given to that person.

(1204)

(Caption)

ORDER APPOINTING GUARDIAN AND CONSERVATOR AND STANDBY GUARDIAN

On this 13th day of July, 1985, this matter is heard on the petition of Jim White for the appointment of a guardian and conservator and standby guardian for Bill Young, a minor.

Petitioner appears in person and by his attorney, W. B. Pleader. Bill Young appears in person and by his attorney, A. B. Defender.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds that:

1. Notice of this hearing has been given as required by law and the order of this court and proof has been duly filed herein and is hereby approved.

2. Bill Young is a minor.

3. Bill Young has no natural guardian, conservator, or custodian.

4. Bill Young has orally nominated _____ as his guardian and conservator.

5. Bill Young is the owner of personal property of the value of \$27,000 and has probable income from real estate in the amount of \$2,900 and is in need of a guardian and conservator.

6. Jim White is a fit and proper person to be appointed guardian of and conservator for Bill Young.

7. Joe Keepcare is a fit and proper person to be appointed standby guardian for Bill Young.

8. The annual accounting period of the conservator and annual reporting period of the guardian shall be the 12 month period ending December 31 of each year.

IT IS, THEREFORE, BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

A. The findings hereinabove made be and the same are hereby made a part of the order and decree of the court.

B. Bill Young is a minor.

C. Jim White is a fit and proper person to be appointed guardian of and conservator for Bill Young.

D. Joe Keepcare is a fit and proper person to be appointed standby guardian for Bill Young.

E. Upon the filing of an oath as guardian and conservator, and upon the filing of a conservator's bond in the amount of Thirty-eight Thousand Dollars (\$38,000), letters of guardianship and conservatorship shall be issued.

F. The annual accounting period of the conservator and annual reporting period of the guardian shall be the 12 month period ending December 31 of each year.

A. L. MANN

Judge

(SEAL)

APPROVED BY:

By W. B. Pleader

The Hometown State Bank Building

Hometown, Kansas 66648

(913) 555-0000

Attorney for Petitioner

APPROVED BY:

By A. B. Defender

Metropolis, Kansas 66625

(913) 555-5555

Attorney for Guardian and Conservator

Reference: K.S.A. 59-3013; 59-3014; 59-1101; 59-3029; 59-3036(c); S. Ct. Rule 109.

Time: At the conclusion of the hearing.

Comment: The guardian and conservator may be separate persons. The bond is set at not less than 125% of the value of the personal property and the probable annual income from the real property (K.S.A. 59-1101). An order fixing fees and costs (form 1214) may be entered at this time (K.S.A. 59-3032).

(1205)

(Caption)

OATH OF GUARDIAN AND CONSERVATOR

See form 1118 as to form.

Reference: K.S.A. 59-3014 and K.S.A. 59-1702.

Time: Following appointment and prior to issuance of Letters.

(1206)

(Caption)

BOND OF CONSERVATOR

See form 1119 as to form and reference.

Time: Following appointment and prior to issuance of Letters.

(1207)

(Caption)

LETTERS OF GUARDIANSHIP AND CONSERVATORSHIP

See form 1120 as to form.

Reference: K.S.A. 59-3014.

Time: Following appointment and filing of Oath and Bond.

(1208)

(Caption)

INVENTORY AND VALUATION

See form 1122 as to form.

Reference: K.S.A. 59-1201 et seq., and Supreme Court Rule 109.

Time: Within 30 days after the issuance of Letters.

(1209)

(Caption)

**(ANNUAL) (FINAL) REPORT ON THE CONDITION
OF THE GUARDIAN'S WARD**

See form 1123 as to form, reference and comment.

(1210)

(Caption)

(ANNUAL) (FINAL) ACCOUNTING

See form 1124 as to form.

Reference: K.S.A. 59-3029(b) and Supreme Court Rule 109.

Time: An annual accounting shall be filed as provided in Supreme Court Rule 109.

(1211)

(Caption)

PETITION FOR ISSUANCE OF LETTERS TO STANDBY GUARDIAN

See form 1133 as to form, reference, and comment.

(1212)

(Caption)

**ORDER AUTHORIZING ISSUANCE OF
LETTERS TO STANDBY GUARDIAN**

See form 1134 as to form, reference, and comment.

(1213)

(Caption)

OATH

See form 1118 as to form, reference, and comment.

(1214)

(Caption)

LETTERS OF GUARDIANSHIP

See form 1120 or 1121 as to form.

Reference: K.S.A. 59-3036.

(1215)

(Caption)

PETITION FOR TERMINATION OF GUARDIANSHIP
AND CONSERVATORSHIP

The Petitioner, Bill Young, alleges:

1. I reside at and my present address is 796 Main Street, Hometown, Kansas.
2. I was found to be a minor and Jim White, who resides at 796 Main Street, Hometown, Kansas, was appointed my guardian and conservator by the District Court of Apache County, Kansas, on July 13, 1985, and is still qualified and acting as such.
3. I am now of legal age, having attained the age of 18 years on December 10, 1988.

WHEREFORE, the Petitioner requests that this court terminate the guardianship and conservatorship, order a final accounting by the conservator and a final report by the guardian; fix the time and place of the hearing on the final accounting and give notice of such accounting.

BILL YOUNG

Petitioner

STATE OF KANSAS

COUNTY OF APACHE

} ss:

I, Bill Young, of lawful age, being first duly sworn upon oath state:

I am the Petitioner above named, I have read the above Petition for Termination of Guardianship and Conservatorship and am familiar with the contents thereof, and all the statements therein made are true.

BILL YOUNG

Petitioner

SUBSCRIBED AND SWORN TO BEFORE ME THIS 15th day of December, 1988.

HELEN WATERS

Notary Public

(SEAL)

My Appointment Expires:

December 15, 1991

Reference: K.S.A. 38-101 and K.S.A. 59-3028(b).

Time: When a requirement of K.S.A. 59-3028(b) has been satisfied.

Comment: Although the statute provides for automatic termination of the guardianship and conservatorship on the attainment of legal age of the ward or conservatee and in certain other situations, a court order to that effect is desirable since the conservator must make a final accounting and the guardian and conservatee should be judicially relieved of further responsibility or liability. Such a petition can be filed by the conservator.

(1216)

(Caption)

**ORDER TERMINATING GUARDIANSHIP AND CONSERVATORSHIP,
ORDERING FINAL REPORT AND FINAL ACCOUNTING; FIXING
TIME AND PLACE AND ORDERING THE GIVING OF NOTICE OF
HEARING ON FINAL ACCOUNTING; AND NOTICE OF ACCOUNTING**

On this 15th day of December, 1988, this matter is heard on the Petition of Bill Young for the termination of his guardianship and conservatorship.

Petitioner appears in person and by his attorney, A. B. Defender.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds that:

1. This Petition shall be heard forthwith and without notice pursuant to K.S.A. 59-3028(b).
2. Jim White is the duly appointed, qualified and acting guardian of and conservator for Bill Young, a minor.
3. Bill Young, the ward and conservatee, is now of legal age, having attained the age of 18 years on December 10, 1988.

IT IS, THEREFORE, BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

A. The findings hereinabove made be and the same are hereby made a part of the order and decree of this court.

B. The guardianship and conservatorship of Bill Young be and hereby is terminated as of December 10, 1988.

C. The guardian is discharged.

D. Jim White, guardian and conservator for Bill Young, file his final report and final accounting herein.

E. The hearing on the final accounting will be held on the 27th day of December, 1988, at 10 a.m. by this court in the Apache County Courthouse, Hometown, Kansas.

F. Bill Young give notice of the time and place of hearing to Jim White, the conservator for Bill Young, 796 Main Street, Hometown, Kansas, by mailing a copy of this notice to him not less than seven days prior to the day of such hearing.

G. The above order constitute the notice in this matter.

A. L. MANN

Judge

(SEAL)

SUBMITTED BY:

A. B. Defender

Metropolis, Kansas 66625

(913) 555-5555

Attorney for Conservatee

Reference: K.S.A. 59-2208; 59-2211; 59-3028; 59-3029; 59-3030; 59-3031; and 73-509.*Comment:* If funds have been received from the Veterans' Administration, 15 days notice by mail should be given to the appropriate regional office. (K.S.A. 59-3003 and K.S.A. 73-509.) Good practice would indicate that notice should be given to the regional office of the Social Security Administration when such funds have been received. Notice to others is at the court's discretion.

(1217)

(Caption)

AFFIDAVIT OF SERVICE

STATE OF KANSAS

COUNTY OF APACHE

} ss:

I, A. B. Defender, of lawful age, being first duly sworn, on my oath, state:I am the attorney for the Petitioner, I served a copy of the attached order and notice by depositing the same in the United States Mail, postage prepaid, on the 15th day of December, 1988, addressed to the following persons:NAMEJim, White, ConservatorRegional DirectorSocial Security AdministrationADDRESS796 Main StreetHometown, Kansas4127 Princeton AvenueBigtown, KansasA. B. DEFENDERAttorney for PetitionerSUBSCRIBED AND SWORN TO BEFORE ME THIS 15th day of July, 1988.HELEN WATERSNotary Public

(SEAL)

My Appointment Expires:

December 15, 1991

Reference: K.S.A. 59-2211.

Time: Prior to hearing by the court terminating conservatorship.

Comment: The Affidavit of Service should be approved by the court to establish the fact that there has been full compliance with the giving of notice, as ordered by the court.

(1218)

(CAPTION)

ORDER ALLOWING FEES AND COSTS AND APPROVING THE FINAL ACCOUNTING

On this 27th day of December, 1988, this matter is heard on the order of this court entered the 15th day of December, 1988, for the final accounting and discharge of Jim White, the conservator for Bill Young.

Bill Young appears in person and by A. B. Defender, his attorney, Jim White, the conservator, appears in person and by his attorney, W. B. Pleader.

After examining the files, hearing the evidence, statements and arguments of counsel, and being duly advised in the premises, the court finds that:

1. Notice of this hearing has been given as required by law and the order of this court and proof has been duly filed herein and is hereby approved.

2. The accounting of the conservator filed herein is true and correct and should be settled and allowed, and that such conservator has in his possession the following personal property, to-wit:

3. The following fees should be allowed and taxed as part of the costs herein:

4. The following additional costs should be allowed:

5. The above costs are hereby assessed against the estate of Bill Young.

IT IS, THEREFORE, BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED THAT:

A. The findings hereinabove made be and the same are hereby made a part of the order and decree of the court.

B. The above fees and costs be paid.

C. The acts, proceedings and accounts of the conservator are hereby approved, settled and allowed.

D. The conservator pay the balance then in the conservator's hands, to-wit:
\$ _____, to Bill Young and deliver to Bill Young all other property.

A. L. MANN

Judge

(SEAL)

APPROVED BY:

A. B. Defender

By: A. B. Defender

Metropolis, Kansas 66625

(913) 555-5555

Attorney for Conservatee

PLEADER, PLEADER & TRYOR

By W. B. Pleader

The Hometown State Bank

Hometown, Kansas 66648

(913) 555-0000

Attorney for Conservator

Reference: K.S.A. 59-3031.

Comment: The statute requires the order to show the amount of personal property remaining.

A receipt from Bill Young showing that he has received his property should be filed as should a receipt from Jim White for allowance of conservator's fees and attorney's fees.

(1219)

(Caption)

ORDER OF DISCHARGE

See form 1016 as to form,
time, and
comment.

Additional Comment: See form 1144 for receipt form.

(Continued from inside front cover)

SPENCER A. GARD, (1959-1964)	Iola
CLYDE HILL, (1961-1965)	Yates Center
JAMES E. TAYLOR, (1941-1969)	Sharon Springs
J. WILLARD HAYNES, (1951-1969)	Kansas City
STEADMAN BALL, (1963-1973)	Atchison
JACK R. EULER, (1965-1973)	Wathena
ALEX HOTCHKISS, (1964-1973)	Lyndon
ALBERT B. FLETCHER, JR., (1973-1975)	Junction City
DOYLE E. WHITE, (1961-1975)	Arkansas City
J. C. TILLOTSON, (1973-1977)	Norton
JOHN F. HAYES, (1973-1977)	Hutchinson
E. RICHARD BREWSTER, (1977-1979)	Topeka
JOSEPH J. HOAGLAND, (1979-1983)	Overland Park
ELWAIN F. POMEROY, (1977-1984)	Topeka

KANSAS JUDICIAL COUNCIL
Kansas Judicial Center
301 West 10th Street
Topeka, Kansas 66612

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