

State of Minnesota

District Court
Probate Division

County of _____

Judicial District: _____

Court File No. _____

Case Type: 14, Conservatorship

In Re: Conservatorship of

Order Appointing Conservator

_____,
Protected Person

This matter came on for hearing before the district court on _____, 20____ on a petition seeking appointment of a Conservator for the Respondent named above. Petitioner appeared personally with the Petitioner’s attorney, _____. The Respondent appeared personally with Respondent’s attorney, _____. The matter, having been considered by the Court, and the Court being duly advised in the premises now makes the following:

FINDINGS OF FACT

1) FINDING OF INCAPACITY:

Conservatorship: The Respondent is unable to manage property and business affairs because of an impairment in the ability to receive and evaluate information or make decisions, even with the use of appropriate technological assistance. The Respondent’s inability is reflected by the following facts:

and (ii) the Respondent has property which will be dissipated without proper management and funds are needed for the support, care, education, health, and welfare of the Respondent or of individuals who are entitled to the individual’s support and that protection is necessary or desirable to obtain or provide money. This conclusion is supported by the following facts: _____

2) No appropriate alternative to conservatorship exists which is less restrictive of Respondent's civil rights and liberties including the use of appropriate technological assistance and including a protective arrangement under M.S. § 524.5-412.

- 3) The Respondent is incapable of exercising the following rights and powers:
 - All of the rights and powers under M.S. § 524.5-417 subd. (c) for a protected person. A limited conservatorship is not appropriate because _____

(If the Protected Person is capable of performing some but not all powers and duties, specify which powers and duties CANNOT be performed by the Protected Person.)

- To pay reasonable charges for the support, maintenance, and education of the Respondent in a manner suitable to the Respondent's station in life and the value of Respondent's estate;
- To pay out of the Respondent's estate all just and lawful debts of the Respondent;
- To possess and manage the estate of the Respondent, collect all debts and claims in favor of the Respondent, or to compromise them, institute suit on behalf of the Respondent, or invest Respondent's assets not currently needed for debts, charges, and management of the estate;
- Exchange or sell an undivided interest in real property;
- To approve or withhold approval of any contract, except for necessities, which the Respondent may make or wish to make; and
- To apply on behalf of the Respondent for any assistance, services, or benefits available to the protected person through any unit of government.

- 4) The Respondent is (not) a patient of a State Hospital for the mentally ill or a mentally retarded or dependent or neglected ward of the Commissioner of Human Services, or under the temporary custody of the Commissioner of Human Services.

- 5) The Respondent is in need of a conservator to protect Respondent's estate.

- 6) The conservator is the most suitable and best qualified among those available and willing to discharge the trust and is not excluded from appointment pursuant to M.S. § 524.5-413(d).

CONCLUSIONS OF LAW

A Conservator of the estate of _____ should be appointed.

ORDER

NOW, THEREFORE, IT IS ORDERED:

- 1) That _____, is hereby appointed Conservator of _____.
- 2) That letters of Conservatorship shall issue to _____, upon the filing of an acceptance of appointment.

3) The Conservator shall have the power and duty to:

- Exercise all of the rights and powers under M.S. § 524.5-417 subd. (c) paragraphs 1, 2, 3, 4, 5 and 6. A limited conservatorship is not appropriate because _____

_____.

(If the Conservator is granted limited powers and duties, specify which powers and duties are vested in the Conservator by this Order.)

- Pay reasonable charges for the support, maintenance, and education of the Protected Person in a manner suitable to the Protected Person's station in life and the value of the Protected Person's estate, M.S. § 524.5-417 (c)(1);
- Pay out of the Protected Person's estate all lawful debts of the Protected Person, M.S. § 524.5-417 (c)(2);
- Possess and manage the estate of the Protected Person, collect all debts and claims in favor of the Protected Person, or with the approval of the court compromise them, institute suit on behalf of the Protected Person and represent the Protected Person in court proceedings, and invest pursuant to M.S. § 48A.07(6) and 501B.151 all funds not currently needed for debts, charges, and management of the estate, M.S. § 524.5-417 (c)(3);
- Exchange or sell an undivided interest in real property, M.S. § 524.5-417 (c)(4);
- Approve or withhold approval of any contract, except for necessities, which the Protected Person may make or wish to make, M.S. § 524.5-417 (c)(5);
- Apply on behalf of the Protected Person for any assistance, services, or benefits available to the Protected Person through any unit of government, M.S. § 524.5-417 (c)(6); and
- (other) _____

_____;

and to exercise all other powers, duties and responsibilities conferred on the Conservator under applicable law.

4) The conservator shall file a bond in the amount of \$_____.

5) That the court appointed attorney for the Protected Person is hereby discharged.

Order Recommended by:

Referee of District Court Date

Judge of the District Court Date