

At IAS Part ____ of the Supreme Court of the State of New York, held in and for the County of New York, at the New York County Courthouse, located at 60 Centre Street, New York, New York, on the _____ day of _____, 20 ____.

PRESENT: HON. _____
Justice

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IN THE MATTER OF THE APPLICATION OF

_____, Index No: _____
Petitioner,

FOR THE APPOINTMENT OF A GUARDIAN FOR

_____,
An Alleged Incapacitated Person.

ORDER TO SHOW CAUSE
TO SETTLE A FINAL REPORT
AND ACCOUNTING

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On reading and filing the annexed Final Report and Account of _____, the Guardian [*or*: Co-Guardians, *or*: Special Guardian] herein, verified on the _____ day of _____, 20____, and the Petition verified on the _____ day of _____, 20____, from which it appears that _____, who was heretofore determined to be an incapacitated person, is deceased, having died on _____, 20____, the Guardian [*or*: Co-Guardians, *or*: Special Guardian] is seeking to settle the Final Account of her/his/their proceeding as Guardian [*or*: Co-Guardians, *or*: Special Guardian] so as to be discharged herein, and upon the affidavit of legal services of _____, counsel for the Guardian, sworn to the _____ day of _____, 20____, attached hereto,

LET _____ [*Financial institution*], the surety; _____, the legal representative of the Estate of the said incapacitated person, deceased, appointed by the Surrogate's Court; and anyone else entitled to notice herein,

SHOW CAUSE before the Justice presiding at IAS Part ____, Room ____, of this court to be held in the County of New York at the Courthouse thereof, 60 Centre Street, New York, New York, on the _____ day of _____, 20__, at _____ a.m., or as soon thereafter as counsel can be heard.

WHY an Order should not be entered herein as follows:

- (1) settling the Final Report of the Guardian [*or: Co-Guardians, or: Special Guardian*];
- (2) upon settlement of the Final Report of the Guardian, approving payment of commissions due pursuant to statute to the Guardian [*or: Co-Guardians, or: Special Guardian*];
- (3) approving reimbursement of the Guardian's [*or: Co-Guardians, or: Special Guardian*] reasonable and necessary disbursements;
- (4) approving a reasonable amount of legal fees for the legal services rendered by _____, counsel for the Guardian [*or: Co-Guardians, or: Special Guardian*] and for her/his/their additional and extraordinary services rendered;
- (5) determining the rights and interests, if any, of _____ [*Creditor and/or beneficiary of IP's estate*], as relating to _____ [*Nature of asset*];
- (6) approving and authorizing the Guardian [*or: Co-Guardians, or: Special Guardian*] to hold sufficient funds on hand to pay the accountant to file the final tax return of the incapacitated person, deceased, and also to cover and pay any tax liability on the final tax return;
- (7) approving and authorizing the Guardian [*or: Co-Guardian, or: Special Guardian*] to pay the funeral and burial expenses of the incapacitated person from funds from *her/his* estate;

(8) determining the rights and interest of any of the interested parties herein;

(9) authorizing transmittal of the funds and assets on hand (after payment of all approved payments) to _____, the legal representative of the Estate of _____, the deceased incapacitated person, appointed by the Surrogate's Court;

(10) discharging _____, the Guardian [*or*: Co-Guardians, or: Special Guardian] from any and all further liability and accountability for all matters contained within the Final Report and Account;

(11) that the bond be cancelled; and

(12) granting such other and further relief as the Court may deem proper and just.

Sufficient reason APPEARING therefor, it is

ORDERED that service of a copy of this Order and the Petition and the Final Report and Account and all other papers attached hereto, via certified mail or overnight delivery service on all parties required to receive Notice of this proceeding by _____, 20____ shall be deemed good and sufficient service.

ENTER:

J.S.C.