

At a Surrogate's Court held in and for the County of Broome at the Courthouse at Binghamton, New York, in said County, on the _____ day of _____, 2002.

PRESENT: HON. EUGENE E. PECKHAM
Surrogate

In the Matter of the Guardianship of

_____,
an [Infant/Mentally Retarded Person]

ORDER TO INVEST

File No.:

A petition having been presented to this court by [name of guardian], Guardian of the property of [name of AIP], an [Infant/Mentally Retarded Person/Developmentally Disabled Person], verified on [date], praying for an order authorizing the petitioner to enter into an Investment Management Agreement in accordance with the provisions of the Prudent Investor Act (EPTL 11-2.3) and to obtain custodial services from [name and address of custodian] in accordance with the Custodian Agreement, and upon reading and filing said petition and after due deliberation thereon, it is

ORDERED, that [name of guardian], as Guardian, is hereby authorized to employ, pursuant to EPTL 11-2.3, [name of investment advisor] as Investment Advisor, and that after such employment, the Guardian and Investment Advisor shall formulate and document a comprehensive investment program for the ward in accordance with the provisions of said N.Y. Prudent Investor Act, and shall thereafter invest the principal and income in accordance with the investment program so developed, and it is further

ORDERED, that the Investment Management Agreement [and Custodian Agreement] submitted with the Petition are hereby approved, and it is further

ORDERED, that the petitioner [name of guardian], Guardian of the property of [name of AIP], and [she/he] is hereby directed to withdraw the funds currently on deposit in [name and address of depository where funds are on deposit] and deposit funds with [name of custodian] as

custodian of all of the proceeds of funds payable to the [Infant/Mentally Retarded Person/Developmentally Disabled Person], together with any other funds belonging to said person which may come into the hands of said Guardian, and it is further

ORDERED, that other than in the normal course of investment and reinvestment of funds, the assets so deposited shall not be released from the custody of [name of custodian] without order of this court except, however, the Guardian may pay the Investment Advisor and Custodian in accordance with the agreement attached to the petition, and may pay any income taxes of the ward without further order of this court, and it is further

ORDERED, that the restrictions of joint control, if any, placed on the letters of Guardianship be removed, and it is further

ORDERED, that the Guardian, as provided in SCPA §1708(2)(c), is not required to file a bond for the assets deposited pursuant to the Investment Management and Custodian Agreements, and it is further

ORDERED, that the Guardian is to file Annual Accountings on a form prescribed by the clerk of this court, and it is further

ORDERED, that the Guardian file a Final Accounting when the Guardianship is for an infant and said infant reaches majority. The Guardian will file an Order to Close with the court when [the infant reaches majority/the Mentally Retarded/Developmentally Disabled Person's guardianship is terminated by death or otherwise.]

Eugene E. Peckham
Judge of the Surrogate's Court