

Form 3. Order to Conservator and Acknowledgement and Information to Interested Persons

Name of Person Filing Document: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Attorney Bar Number (if applicable): _____

Licensed Fiduciary Number (if applicable): _____

Representing [] Self or [] Attorney for: _____

FOR CLERK'S USE ONLY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF _____

In the Matter of the Conservatorship of

Protected Person's Name

a Minor

an Adult

Case No. _____

**ORDER TO CONSERVATOR AND
ACKNOWLEDGEMENT AND
INFORMATION TO INTERESTED
PERSONS**

(Assigned to the Honorable _____
Judicial Officer)

Warning: This appointment is not effective until the *Letters of Appointment* have been issued by the Clerk of the Superior Court.

The welfare and best interest of the person named above ("your protected person") are matters of great concern to this Court. By accepting appointment as conservator you have subjected yourself to the power and supervision of the Court. Therefore, to assist you in the performance of your duties, this Order is entered. You are required to be guided by it and comply with its provisions, as it relates to your duties as conservator of your protected person as follows:

1. Immediately locate, identify, secure, and inventory all of the assets of the protected person and make proper arrangements for their protection, such as changing the locks on the house, renting a safe deposit box for important documents, etc.
2. Immediately begin to take title to all of the protected person's property. The property should be titled in the name of the conservatorship: "(Your name), as Conservator(s) of the estate of (protected person's name)" or "(protected person's name), by (your name), Conservator." In titling the protected person's property, you should take into account the protected person's existing estate plan (if the protected person has one) unless the Court orders you to do otherwise. If you have any question as to how you should title an asset (including whether you should maintain an existing, or establish a new account that has a POD (payable on death) beneficiary designation or a trust account), you should consult with a qualified attorney or request instructions from the Court.
3. If the Court has ordered you to place funds in a restricted account, you must immediately file a receipt from the bank or financial institution showing that you have deposited the money in an account that the bank has restricted in accordance with the Court Order. The receipt should include the name and address of the financial institution, the type of account, the account number, and the amount deposited.
4. Record certified copies of your **Letters of Appointment** as conservator with the County Recorder's Office in each county in Arizona where the protected person owns property in order to protect title to those properties. If the protected person owns property in another state, record the **Letters** in the county in that state in which the property is located as well.
5. File your formal inventory with the Court **no more than 90 days** after your **Letters of Appointment** as conservator, whether temporary or permanent, were first issued. If you are filing it without an attorney, be sure to put the case name and number on **all** papers you file with the Court.
6. Keep detailed records of **all** receipts and expenditures you make on behalf of the protected person, including bills, receipts, bank statements, tax returns, bills of sale, promissory notes, etc. Open a separate conservatorship checking account for deposit of your protected person's income and other receipts and payment of all bills and expenses. Avoid dealing in cash and do not write checks to "cash."
7. Unless otherwise ordered by the Court, you must establish and file a budget, pay the protected person's debts when they become due, and properly invest the protected person's assets. You may hire accountants, attorneys, and other advisors to help you carry out your duties as the size and the extent of the conservatorship estate may dictate.
8. Pursuant to Arizona Rules of Probate Procedure 33(A), you shall give written notice of the basis of any compensation as required by Arizona Revised Statutes § 14-5109. Keep detailed records of the time you are spending in identifying, managing, and protecting the conservatorship estate.

9. **File annual accounts with the Court.**

- (a) Unless otherwise ordered by the Court, your first account must reflect all activity relating to the conservatorship from the date your **Letters of Appointment** as conservator, whether temporary or permanent, were first issued through and including the last day of the ninth month after the date your **Letters of Appointment** as permanent conservator were issued and must be filed with the Court on or before the first anniversary date of the issuance of your **Letters of Appointment** as permanent conservator.
- (b) Unless otherwise ordered by the Court, all subsequent accounts shall reflect all activity relating to the conservatorship estate from the ending date of the most recent previously filed account through and including the last date of the twelfth month thereafter, and must be filed with the Court on or before the anniversary date of the issuance of your **Letters of Appointment** as permanent conservator.
- (c) **Each account must list all** conservatorship property at the beginning of the account reporting period and the conservatorship property at the end of the account reporting period, and must describe **all** money and property received or disbursed by you during the account reporting period. As to money and property received, you must provide the date of each receipt, the source of the receipt, the purpose of the receipt, and the amount of the receipt. As to money and property disbursed, you must provide the date of each disbursement, the payee/distributee, the purpose of the disbursement, and the amount of the disbursement. With each account that you file, you also must submit a bank statement or financial account statement that supports the ending balances of each bank or financial account shown on the conservator account filed with the Court.

10. **NEVER** use any of the protected person's money or property for any reason other than for the protected person's direct benefit. You may not profit in any way from access to the protected person's assets. You have a legal duty of fairness and impartiality to the protected person. Neither you, your friends, nor other family members may profit by dealing in the assets of the conservatorship estate. You must be cautious and prudent in investing the protected person's assets.

11. You must make reasonable efforts to determine the preferences of the protected person, both past or current, regarding all decisions the fiduciary is empowered to make. You must not make speculative investments. Do not purchase merchandise or services that the protected person would have considered extravagant or inappropriate for his/her lifestyle prior to your appointment. Use the assets to maintain the safety, health and comfort of the protected person, bearing in mind that the protected person may have no additional sources of income for the remainder of his/her life.

12. The conservatorship terminates only upon the entry of a Court Order terminating the conservatorship. The Court will enter such an Order only after you, the protected person, or another interested person files a petition requesting that the conservatorship be terminated. The petition should be filed if the protected person no longer needs a conservator (either

because the protected person's disability has ceased or because the conservatorship estate has been exhausted) or after the protected person dies. Unless otherwise ordered by the Court or unless, in the case of the protected person's death, you comply with A.R.S. § 14-5419(F), you will need to file a final account with the Court before you can be discharged of liability in connection with the conservatorship and before your bond is exonerated.

13. If you have any questions as to your duties as a conservator, contact an attorney who handles conservatorships **before** taking any action.
14. If you are not a licensed fiduciary and are not related by blood or marriage to the protected person, you are not entitled to compensation for your services as the protected person's conservator. *See* A.R.S. § 14-5651(K)(1).
15. Within **thirty (30) days** after your **Letters of Appointment** as conservator are issued, you must mail a copy of this **Order to Conservator and Acknowledgement and Information to Interested Persons** to the following:
 - (a) Your protected person if your protected person is at least 14 years of age;
 - (b) Your protected person's attorney, spouse, parents, and adult children;
 - (c) Your protected person's guardian if one has been appointed for your protected person;
and
 - (d) Any person who has filed a demand for notice in connection with this matter.

This is an outline of only **some** of your duties as conservator. It is **your** responsibility to obtain proper legal advice about your duties. Failure to do so may result in personal financial liability for any losses.

WARNING: FAILURE TO OBEY THE ORDERS OF THIS COURT AND THE STATUTORY PROVISIONS RELATING TO GUARDIANS AND CONSERVATORS MAY RESULT IN YOUR REMOVAL FROM OFFICE AND OTHER PENALTIES. IN SOME CIRCUMSTANCES, YOU MAY BE HELD IN CONTEMPT OF COURT, AND YOUR CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL, A FINE, OR BOTH.

Case No. _____

This Order shall be effective on _____, the minor's eighteenth (18th) birthday.

DATED this ___ day of _____, 20 ____.

Judicial Officer's Signature

Judicial Officer's Name (Type or Print Name)

Judge/Commissioner - Judge Pro Tem

Superior Court of Arizona in _____ County

ACKNOWLEDGEMENT

I (We), the undersigned, acknowledge receiving a copy of this Order and agree to be bound by its provisions, whether or not read before signing, as long as serving as conservator.

Conservator's Signature

Date

Conservator's Name (Type or Print Name)

Co-Conservator's Signature (if any)

Date

Co-Conservator's Name (Type or Print Name)