

**COURTS INSTRUCTIONS FOR GUARDIAN OF THE PERSON AND ESTATE
OF AN INCAPACITATED ADULT OR MINOR**

As the duly appointed Guardian of the Person and Estate of the above-named ward, the Court hereby advises you that you **must** comply with the following statutory requirements:

1. **File your Guardian's Bond and Oath within 20 days after the date of the order appointing the guardian. This is a mandatory requirement.** *Sec. 1105.051, 1105.101, Estates Code.*
2. **Issue Notice to Creditors as follows (these are mandatory requirements):**
 - a. **Notice to unsecured creditors is required within one (1) month after receiving Letters of Guardianship.** Notice is given by publishing the notice one time in a newspaper printed in the county where the letters are issued. Publisher's affidavit showing date of publication shall be filed with the clerk. *Sec. 1153.001, Estates Code.*
 - b. **Notice to secured creditors is required within four (4) months after receiving Letters of Guardianship.** Notice is given by certified or registered mail, return receipt requested, at the creditors' last known address. The Guardian's Affidavit of Notice to Secured Creditors, along with copies of notices sent with certified mail return receipts, shall be filed with the clerk. *Sec. 1153.003, Estates Code.*
3. **File your Application for Resident Agent within 20 days after the date of the order if you do not reside in Texas.** *Sec. 1104.357, Estates Code.*
4. **File an Inventory, Appraisal and List of Claims of the Estate within 30 days after qualification (filing of oath and bond). This is a mandatory requirement. Failure to file an inventory, appraisal, and list of claims within 30 days of qualification or any extension granted by the Court may result in penalties, including revocation of Letters of Guardianship.** *Sec. 1154.051, Estates Code.*
5. **File your sworn Annual Account each year, no later than 60 days after the anniversary date of your qualification (filing of oath and bond). This is a mandatory requirement. Failure to file the Annual Account may result in an order to show cause, revocation of letters and/or a fine not to exceed \$1,000.00 (Sec. 1163.151, Estates Code).** Your attorney should prepare this account. Your annual accounting period will be from _____ through _____ and will be due on _____, of each year until the guardianship of this estate is closed. *Sec. 1163.002, Estates Code.* The **Annual Account** form is available at <https://www.co.scurry.tx.us>
6. **File your sworn Annual Report of the Condition, Welfare and Well-Being of the Ward each year, no later than 60 days after the anniversary date of your qualification (filing of oath and bond). This is a mandatory requirement. Failure to file the Annual Report of the Guardian of the Person may result in an order to show cause, revocation of letters and/or fine not to exceed \$1,000.00 (Sec. 1163.151, Estates Code).** Your annual reporting period will be from _____ through _____ and will be due on _____, of each year until this guardianship is closed. *Sec. 1163.101, Estates Code.* The **Annual Report of the Person** form is available at <http://www.co.scurry.tx.us>
7. **Place all guardianship funds in insured accounts in the name of the guardianship.** Such funds must be invested at the highest interest rate then available. An investment plan must be filed with and approved by the Court for guardianship funds that are not immediately necessary for the education, support, and maintenance of the ward. *Chap. 1161, Estates Code.*
8. **Obtain a written order of this Court authorizing any expenditure of guardianship funds before any such expenditure is made.** Apply for and obtain such a written order of this Court authorizing a monthly or annual allowance from guardianship funds for the maintenance and support of the ward, where applicable. *Chaps. 1155, 1156, Estates Code.*
9. **Maintain an accurate record of all expenditures and receipts of guardianship funds.** *Chaps. 1151, 1163, Estates Code.*

10. **Keep all Social Security funds you receive on behalf of the ward separate and apart from guardianship funds,** as you will need to account to the Social Security Administration for the use of these funds. *SSA Publication No. 05-10076, Rev. Jan. 2009.*
11. **Preserve, protect and insure, if insurable, all non-cash assets of this guardianship.** *Chap. 1151, Estates Code.*
12. **Obtain a written order of this Court before attempting to sell, lease, transfer or otherwise dispose of any non-cash asset of this guardianship.** *Chaps. 1158, 1159, 1160, 1161, & 1162, Estates Code.*
13. **File your Final Accounting and Final Report of the Condition, Welfare and Well-Being of the Ward when the guardianship is ready to be closed** due to the death of the ward or a judicial finding that the ward has regained competency. **This is a mandatory requirement.** Your attorney should prepare the Final Accounting. *Chap. 1204, Estates Code.*
14. **Consult with your attorney on any matter regarding this Estate that you do not understand.** *Failure to comply with the mandatory requirements of the Texas Estates Code may result in penalties up to and including revocation of letters of appointment and/or fines up to \$1,000.00.*

JUDGE DAN R. HICKS, JR.

Scurry County Court
Snyder, Texas

I, _____, the duly appointed Guardian of the Person and Estate, hereby attest that I have read the above and understand its contents.

Date _____

Signature _____
Guardian of the Person and Estate