

COURT INSTRUCTIONS TO THE GUARDIAN OF THE ESTATE OF AN INCAPACITATED PERSON

Compliance Hearings

Check the Smith County Judicial Records website for your date and time.

<https://odyssey.pa.smith-county.com/PublicAccess/default.aspx>

Compliance hearings are automatically set by the Court on all cases. You will not receive any notices. If all required documents are filed before the hearing dates, the matter will be removed from the docket. However, if you have not filed the required documents, you must appear at the compliance hearing to explain why you have not done so.

As the duly appointed Guardian of this estate, you are hereby advised by the Court that you must do the following:

- 1) File your Oath, Bond, Information Sheet, and Instruction Sheet **within 20 days**;
- 2) **Within one (1) month** after receiving letters, you shall publish notice to creditors as required by §1153.001 of the Texas Estates Code and file the publisher's affidavit with the Clerk;
- 3) File your Inventory, Appraisal, and List of Claims **within 30 days** from date of qualification; *(Failure to file Inventory could result in removal and a fine of up to \$1000.00.)*
- 4) File your Application for Monthly Allowance within **30 days** from date of qualification;
- 5) File an Application for Management Plan within **180 days** from date of qualification;
- 6) File your Annual Account each year on the anniversary date of your qualification. Remember, Letters of Guardianship expire **one (1) year and four (4) months** from the anniversary date. This account should be prepared by your attorney. *(Failure to file Annual Accounts could result in removal and a fine of up to \$1000.00.)*
- 7) If you are the guardian of the person you must file an Annual Report on the ward's person. The Annual Report must include facts concerning the ward's physical welfare, his/her well-being, as required by §1163.101 of the Texas Estates Code. It must also include the date you provided a copy of the Bill of Rights for Wards during the current reporting period. *Current form is located at:*
- 8) Obtain a written order of this Court authorizing any expenditure of guardianship funds **before** any such expenditure is made.
- 9) Maintain an accurate record of all expenditures and receipts of guardianship funds;
- 10) Preserve, protect and insure, if insurable, all non-cash assets of this guardianship;
- 11) Obtain a written order of this Court **before** attempting to sell, lease, transfer or otherwise dispose of any non-cash assets of the guardianship estate.
- 12) Obtain a written order of this Court **before** attempting to file or settle a lawsuit on behalf of the guardianship and/or your capacity as guardian;
- 13) File your Final Account when the guardianship is ready to be closed due to the death of the ward or restoration of the ward's capacity. This should be prepared by your attorney; and
- 14) Consult with your attorney on any matter regarding this guardianship that you do not understand.

<https://www.smith-county.com/government/elected-officials/county-courts-at-law-judges/county-court-at-law-3/form-download-center>

Clay White, Judge
County Court at Law No. 3, Smith County, Texas

I, the Guardian of this estate, hereby attest that I have read the above and understand its contents.

Guardian

Attorney

Date