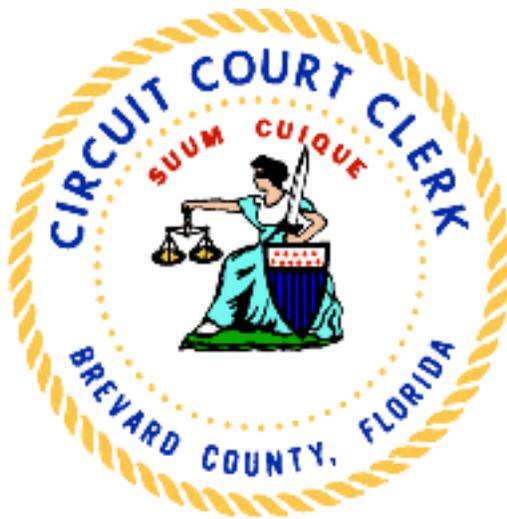


GUARDIAN OF PROPERTY HANDBOOK



BREVARD COUNTY - CLERK OF COURTS
GUARDIANSHIP DEPARTMENT

October 1, 2018

GUARDIAN OF PROPERTY
HANDBOOK
BREVARD COUNTY - CLERK OF COURTS

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Introduction

Guardianship law was created to protect incapacitated persons. The intent of the law is explained in part in the Florida Statutes §744.1012 as follows:

“Legislative intent.--The Legislature finds that adjudicating a person totally incapacitated and in need of a guardian deprives such person of all her or his civil and legal rights and that such deprivation may be unnecessary.

It is desirable to make available the least restrictive form of guardianship to assist persons who are only partially incapable of caring for their needs and that alternatives to guardianship and less restrictive means of assistance, including, but not limited to, guardian advocates, be explored before a plenary guardian is appointed.

By recognizing that every individual has unique needs and differing abilities, it is the purpose of this act to promote the public welfare by establishing a system that permits incapacitated persons to participate as fully as possible in all decisions affecting them; that assists such persons in meeting the essential requirements for their physical health and safety, in protecting their rights, in managing their financial resources, and in developing or regaining their abilities to the maximum extent possible; and that accomplishes these objectives through providing, in each case, the form of assistance that least interferes with the legal capacity of a person to act in her or his own behalf. This act shall be liberally construed to accomplish this purpose.”

This handbook provides Guardians of Property with guidelines and instructions for the performance of their duties. This manual includes information for reporting the Initial Verified Inventory, Annual Accountings and the Final Annual Accounting; as required by Chapter 744, of the Florida Statutes. It also provides Guardians of Property with statutory requirements and guidelines when dealing with other property related issues.

This manual is not intended to address all issues pertaining to the rights and responsibilities of the Guardian of Property. For a copy of the full statutory authority for “Guardianships” please refer to Chapter 744 of the Florida Statutes. They can be found at www.leg.state.fl.us.

All Guardians are required to be represented by an attorney. If you have any questions concerning the duties and responsibilities as Guardian of Property, please contact your attorney. You may also call the Brevard County Clerk of Courts, Probate/Guardianship Department at (321)-637-5413 ext. 59390, but we cannot offer legal advice.

The Department of Elder Affairs can also provide information and guidance at www.elderaffairs.state.fl.us.

Code of Ethics – Professional Guardians

Guardians of Property are entrusted with the assets of a Ward. Because of this responsibility, Professional Guardians are regulated by the Department of Elder Affairs, Office of Public and Professional Guardians under FS §744.2003.

The Florida Statutes §744.361 states:

- (5) *A guardian who has special skills or expertise, or is appointed in reliance upon the guardian's representation that the guardian has special skills or expertise, shall use those special skills or expertise when acting on behalf of the ward. “*
- 10 (a) *“A guardian who is given authority over any property of the ward shall protect and preserve the property and invest it prudently as provided in chapter 518, apply it as provided in FS §744.397, and keep clear, distinct, and accurate records of the administration of the ward's property.”*
- (11) *“The guardian shall observe the standards in dealing with the guardianship property that would be observed by a prudent person dealing with the property of another.*

The National Guardianship Association has “Standards of Practice” and “Ethical Principles” for Professional Guardians. For a more detailed discussion, please visit their website www.guardianship.org.

Verified Inventory FS §744.365

The Guardian of Property is required to file a “Verified Inventory,” listing all property of the Ward, real and personal, that has come into the Guardian’s possession or knowledge, including a statement of all encumbrances, liens, and other secured claims on any item, any claims against the property, any cause of action accruing to the ward, and any trusts of which the ward is a beneficiary with their “Estimated Fair Market Value” as of the day the Guardian is appointed. To meet this requirement the Guardian should list each asset and liability with its value, as of the day he/she is appointed, **prior** to the movement of funds.

The Clerk’s office website has forms that meet these requirements. These forms are strongly recommended. Uniform formats for reporting provides the Guardian and the clerk auditor sufficient transparency in reporting and reduces the time necessary for the audit and reports to the Court. Below are a list of assets and liabilities and the supporting document(s) for each. This list is not meant to be all inclusive, but examples of common assets and liabilities.

Due Date:

“Verified Inventory” report is due 60 days after Letters of Guardianship of Property are issued by the Court. (See Emergency Temporary Guardianship section for due dates for Emergency Temporary Guardian.)

Forms:

- Summary Page that includes a grand total
- Schedule A - Cash and Intangible Assets
- Schedule B - Real Estate Assets and Related Liabilities
- Schedule C - Personal Property and Other Liabilities
- Schedule D - Other Financial Information

Accounting Software: *The Guardian can substitute a standard balance sheet that lists each asset and liability in place of Schedules A, B, and C (such as QuickBooks and other accounting software). Attach backup document(s) supporting the value for each asset and liability.*

Summary Page:

Complete this page after Schedules A, B, C, and D [or equivalents such as schedules in the QuickBooks format] have been completed.

Please remember the summary page must balance with your schedules and reports and should include a grand total.

Cash (Schedule A):

1. Checking Accounts, Savings Accounts, Money Market Accounts:

Attach a copy of the bank statement (required). If the balance on the statement is different than the amount stated on the inventory, attach a copy of the reconciliation. All bank statements should be retained. **Note:** *Report cash balances before any movement of funds by the Guardian on the date of Letters of Guardianship. The Guardian should investigate any unusual transactions in the Ward’s account for exploitation of the Ward and note the results.*

2. **Settlement Proceeds Held in Attorney Trust Account, Insurance Checks:**

Any settlement proceeds held in an attorney's trust account should be reported on the Verified Inventory. An insurance check awaiting deposit into the guardianship account should be listed on the Verified Inventory.

Intangible Assets (Schedule A):

1. **Certificate of Deposits (CD):**

Attach a copy of the CD and provide the following: (If the Guardian does not have a copy of the CD, he/she may request a copy from the bank.)

- a. Name of the financial institution where the CD is held.
- b. Original amount of CD or value as of the last time it was renewed.
- c. Date the CD was purchased, or the day it automatically renewed.
- d. Term (years or months) and Maturity date of the CD.
- e. Interest rate of CD.
- f. When interest is paid. (i.e. monthly, quarterly, semiannually, annually, maturity).
- g. Where interest is paid (i.e. applied to the CD, deposited into another account).
- h. All bank statement and other information received by the bank should be retained.

2. **Individual Retirement Accounts (IRA)**

Attach a copy of the most recent statement that provides the balance of the account the day the Guardian is appointed. Some financial institutions only provide statements on a quarterly basis. In such a case the Guardian should first request a statement prior to, or on the day the Guardian is appointed. The Guardian should use his/her judgment to value the asset. The Guardian may need to attach a copy of the reconciliation. All statements should be retained.

3. **Defined Contribution Pension Accounts (i.e. 401(k), 456(b)):**

Attach a copy of the most recent statement that provides the balance of the account the day the Guardian is appointed. Some financial institutions only provide statements on a quarterly basis. In such a case the guardian should first request a statement prior to, or on the day the Guardian is appointed. The Guardian should use his/her judgment to value the asset. The Guardian may need to attach a copy of the reconciliation. All statements should be retained.

4. **Stock, Bonds, Mutual Funds (not held in an Investment Account):**

Provide the following for each:

- a. Legal description.
- b. Number of shares.
- c. Value of each share as of the day Guardianship began.
- d. Total value of each investment as of the day the Guardianship began.
- e. How the investment was valued.

5. **Investments held through an Investment Company (i.e. Merrill Lynch):**

Attach the most recent statement, or call the Investment Company for the following information:

- a. The name of the investment company where the investments are held.
- b. The total value held in the investment company.
- c. Summary of assets held by the investment company. For each asset provide the legal description, number of shares and value.

Note: Some Investment Companies only provide this information on a monthly or quarterly basis. In such a case the Guardian should first request a statement prior to, or on the day the Guardian is appointed. If any investment, listed on the statement was sold before the guardianship began, the Guardian of property should attach a schedule that provides the sales information.

6. **Cash Surrender Value of a Life Insurance Policy:**

Attach a copy of the policy or the most recent statement supporting the “Cash Surrender Value”. The Guardian may need to contact the insurance company for the “cash surrender value”. A copy of the policy, statements, and any correspondence should be retained.

7. **Trust:**

Any “Trust” for which the Ward is a beneficiary shall be included in the inventory. Supporting documents for assets in a trust are the same as provided in this section.

8. **Ownership of a Closely Held Company:**

Provide the following for each.

- a. Legal description.
- b. Number of shares or percent ownership.
- c. Total value of each investment as of the day the Guardianship began.
- d. How the investment was valued.

Note: Closely held companies are not actively traded. To determine the FMV (Fair Market Value) we recommend contacting the company and request, in writing, an estimated FMV and how the company determined FMV value. You should retain copies of all correspondence.

Real Estate Assets and Related Liabilities (Schedule B):

1. **All Real Estate including Residence:**

State either the address or legal description. Attach a copy of one of the following documents as support for the Fair Market Value of each real estate investment.

- a. “General Parcel Information” from the Property Appraiser’s Office.
- b. Most recent “Notice of Proposed Property Taxes” from the Property Appraiser’s Office.
- c. Recent appraisal from a licensed independent appraiser (if available).
- d. Market analysis with an estimated fair market value from an independent realtor.
- e. Purchase contract, if the real estate was purchased in the past two years.

2. **Encumbrances, Liens or Other Debt Secured by any of the above Real Estate:**

Attach a copy of a statement that provides evidence of the debt and the estimated unpaid balance or call the financial institution for a “pay-off” value. We recommend the Guardian search county official records for recorded liens.

Personal Property and Other Liabilities (Schedule C):

1. Personal Property:

Attach a list of all personal assets. Information should include:

- a. Description, location, and condition (excellent, good, fair, poor).
- b. Estimated FMV and how that value was determined.
- c. Recommend: Appraise items you believe in good faith are valued over \$500.
- d. Recommend: Video and/or photograph all personal assets as soon as the Guardian is appointed.
- e. See Appendix B – Inventory of Personal Property (sample)

Note: The Guardian must make every attempt to ensure the list is complete and their values are based on good faith objective criteria. If the value is unknown, the Guardian must fully explain why.

2. Vehicles:

List each vehicle providing a copy of the “Kelley Blue Book Value,” “Edmunds,” or an “Independent Appraised Value” as its “Estimated Fair Market Value”. Make, model version, important options, color, mileage, photographs, and detailed description of variances from average condition should be listed.

3. Safe Deposit Box:

List all items in the safe deposit box.

- a. The Guardian must obtain a Court order to authorize opening the safe deposit box.
- b. The opening and listing of its contents **must** be conducted in the presence and signed by an authorized employee of the financial institution.
- c. For each tangible asset, (jewelry, coins, stamps, etc.) provide details as outlined in the section “Personal Property”. Photographs are recommended for jewelry.
- d. For each intangible asset, (stocks and bonds) provide their value as outlined in the section “Intangible Assets”.

Note: The Guardian may not be awarded the contents of a safe deposit box at the time of the filing of the Verified Inventory. In such case, include these assets on the Annual Accounting after the Safe Deposit Box is opened. An AMENDED Verified Inventory is required if the found assets are substantial in value and/or if the next annual accounting will not be submitted to the Court within the next few months.

4. Other Liabilities:

Include personal loans, car loans, credit card debt.

Other Financial Information (Schedule D):

1. List All Sources of Income

- a. **Social Security** - state monthly and annual payments.
- b. **Pension & Annuities** - state company and estimated or actual monthly and annual payments.
- c. **Savings** - estimate the annual interest for all bank related accounts.
- d. **Investment Income Dividends/Interest** - estimate the annual dividends and interest for all investments (non-bank related).
- e. **Other Sources of Income** – Estimate the amount of cash that will be received over a 12 month period of time. We recommend a narrative description for each source of income explaining the activity, income and related expenses.

2. Lawsuits/Settlements; for/against the Ward:

- a. **Lawsuits where the Ward will “receive” an amount:** The amount of the settlement is not considered an asset until the cash is received. However, information concerning the lawsuit or settlement should be provided in this section with an estimate of the amount and date when the asset(s) will be received. However, in the case of a Minor Settlement awaiting approval of the Court, if the net proceeds are known, they should be stated as an intangible asset on the Verified Inventory on Schedule A.
- b. **Lawsuits where the Ward may be required to “pay” an amount:** The amount of the settlement is not considered a liability until the final judgment. However, information concerning the lawsuit or settlement should be provided in this section with an estimate of the amount and date when the liability(s) will be paid.
- c. **Beneficiary of Estate Assets:**
When the Ward is the beneficiary of the Estate, but the assets have not been received by the Ward, provide the name of the Estate, probate case number, list of assets, estimated value, and date assets are expected to be received.

3. For assets and/or liabilities that come to the Guardian’s attention after the Verified Inventory is filed, the Guardian can do one of the following:

- a. **Small value of assets and/or liabilities** - Include them in the next annual accounting on Schedule C - “Adjustments”, then include in the list of assets at the end of the year.
- b. **Large value of assets and/or liabilities** - the Guardian must AMEND the Verified Inventory within 30 days of their discovery. However, if the next Annual Accounting will be filed within approximately 30 days after the asset was discovered, the Guardian can include them in that accounting, listing them as an adjustment on Schedule C: Capital Transactions and Adjustments.

Required Verification:

All Verified Inventories must be submitted with a Verification as required by **FS §744.104** signed by the Guardian(s) and Guardian Attorney.

Annual Accounting FS §744.3678

The Guardian of Property is required to file “Annual Accountings” that list all receipts, disbursements, capital transactions, transfers, adjustments, and known assets and liabilities with their “Estimated Fair Market Value”.

The Clerk’s office website has forms that meet these requirements. These forms are strongly recommended. Please note that use of the recommended forms will help streamline and expedite the audit and Reports to the Court required by statute. Below are instructions to meet this requirement. These instructions are not meant to be all inclusive, but examples of common transactions. **AN ACCOUNTING CONSISTS OF BOTH PART I AND PART II and a Verification as required by FS §744.104 signed by the Guardian(s) and Guardian Attorney.**

Due Date:

Note: Failure to submit reports timely will result in the clerk requesting action of the Court, typically in the form of Status Hearings and conferences that all interested parties may be noticed to attend, and requested to remedy the default.

The accounting is due the first day of the fourth month after the year end. See chart below.

| <u>Accounting Period</u> | <u>Due Date</u> |
|--|------------------------|
| Jan 1 st - Dec 31 st | April 1 st |
| Feb 1 st - Jan 31 st | May 1 st |
| March 1 st - Feb 28 th | June 1 st |
| April 1 st - March 31 st | July 1 st |
| May 1 st - April 30 th | Aug 1 st |
| June 1 st - May 31 st | Sept 1 st |
| July 1 st - June 30 th | Oct 1 st |
| August 1 st - July 31 st | Nov 1 st |
| Sept 1 st - Aug 31 st | Dec 1 st |
| Oct 1 st - Sept 30 th | Jan 1 st |
| Nov 1 st - Oct 31 st | Feb 1 st |
| Dec 1 st - Nov 30 th | March 1 st |

Forms:

Note: An Annual Accounting consists of two parts:

Part I – Changes in Net Assets and Part II – Net Assets on Hand at End of Year

Annual Accounting Part I - Changes in Net Assets

- Summary Page
- Beginning Asset list and total
- Schedule A - Income
- Schedule B - Disbursements
- Schedule C - Capital Transactions and Adjustments

Accounting Software: *The Guardian can substitute an Income Statement, check register, and detailed general ledger in place of Schedules A, and B (such as QuickBooks and other accounting software). Attach backup document(s) for each asset and liability.*

Annual Accounting Part II - Net Assets on Hand at End of Year

Summary Page

Schedule A - Cash and Intangible Assets

Schedule B - Real Estate Assets and Related Liabilities

Schedule C - Personal Property and Other Liabilities

Schedule D - Other Financial Information

Accounting Software: *The Guardian can substitute a standard balance sheet that lists each asset and liability in place of Schedules A, B, and C (such as QuickBooks and other accounting software). Attach backup document(s) supporting the ending values for each asset and liability.*

ANNUAL ACCOUNTING Part I – Changes in Net Assets

Summary Page:

Complete this page after Schedules A, B, and C are completed.

Please remember the summary items must balance with your schedules.

Beginning Asset List

List each asset with its ending balance from the previous accounting year end or verified inventory amounts if this is the first annual accounting. The total is the beginning balance for the Summary Page.

Schedule A – Income

List each income item and include:

- Date Received
- Source of Income
- Description (only if the Source is not sufficient, providing documentation for unusual items such as life insurance proceeds, inheritance, etc.)
- Full amount received

Schedule B – Disbursements

List each expenditure and include:

- Date Paid
- Check number (or auto payment, ATM, etc...)
- Payee
- Description (date Court approved when applicable)
- Category of Expense - Expenses should fall in one of four categories.
 - a. **Attorney Fees and Costs** - any and all attorney fees – include Court Order date
 - b. **Guardianship Cost** - any and all “guardianship costs”. Those requiring Court approval and those that do not require Court approval. Examples include:
 - Guardian Fees and expenses- include Court Order date
 - Bookkeeping costs related to the accounting for the Ward’s assets
 - Care management if not provided by the Guardian

- Other related guardianship costs
- c. **Other Court Ordered Disbursements**
- Prepaid funeral cost
 - Major repairs
 - Gifts given
 - Court approved monthly expenditures, not included in attorney and guardianship costs
 - Any other costs paid per Court order
- d. **All Other Disbursements**
- Medical - All
 - Nursing facilities, assisted living facilities, etc.
 - Rent, or Mortgage Payment
 - Utilities (electric, water, cable, phone)
 - Groceries and Household supplies
 - Personal expenditures
 - Cash given to the Ward - may require Court Order
 - Housekeeper and/or yard maintenance
 - Property Taxes
 - Travel - provide the purpose of the travel

Schedule C – Net Capital Transactions

Capital Transactions – list each transaction and include:

- Date of the transaction
- The actual asset or liability effected
- Description - purchase or sale and relevant data
- The amount of the gain or loss

Note: *Include documentation for each transaction; i.e. closing statement or HUD-1 for the sale of real property, and Court Order date.*

Note: *For an investment portfolio, state the annual net value increase or decrease. Include a copy of the statement supporting the current market value. If an investment portfolio experienced a net decline in value, provide a written explanation.*

Note: Bank transfers should net to zero.

Schedule C - Adjustments:

Examples include:

- Found Assets.
- Correction(s) of an asset or a liability from a prior accounting.
- Discovered a liability (credit card, mortgage, note, lien)
- New liability due to a particular situation (City Code Violation – new lien).
- Check written by Ward before the guardianship began.
- Transactions authorized by the Ward without the Guardian’s knowledge; provide an explanation and/or resolution.
- Other unusual transactions that do not meet the criteria of any other section in this report.

ANNUAL ACCOUNTING Part II – Net Assets on Hand at End of Year

Summary Sheet –

- Complete this page after Schedules A, B, C, and D are completed.
Total Net Assets should agree with Total Net Assets (At Close of Accounting Period) from Annual Accounting Part I.

Schedule A, B, C, D

- See Verified Inventory instructions

Required Verification:

All Accountings must be submitted with a Verification as required by **FS §744.104** signed by the Guardian(s) and Guardian Attorney.

Final Accounting FS §744.527

The Guardian of Property is terminated when one the following occurs:

- The Ward's rights are restored.
- The Ward dies.
- The Guardian is unable to locate the Ward through diligent search.
- The Ward's property is exhausted and the Guardian will no longer receive income (Guardian of Person may continue).
- Minor Ward - the Ward reaches the age of 18.

Before a Guardian of Property can be discharged from their duties they must file a "Final Accounting". This Final Accounting should list all revenues and expenses from the prior accounting through the end of the Guardianship prior to distribution of remaining assets. The Guardian will also file a Final Report listing the proposed distribution of these assets to the parties entitled. Funds may be retained for the payment of final costs of administration of the Guardianship, including Guardian and attorney's fees. *PROBATE COSTS ARE NOT GUARDIANSHIP COSTS.*

Note: All accounting records must be kept by the Guardian for 3 years from the date ordered for their discharge.

Due Date:

1. Ward dies: Report is due 45 days after the Guardian is served with letters of administration or letters of curatorship. Where no probate is filed or served on the guardian, the guardian should file a final accounting and seek discharge within a reasonable time following the Guardian's knowledge of the death of the Ward.
2. Ward attains majority: Promptly file Report after the Ward attains age 18 (The Clerk's office will notify the Court if a Report is not filed within 30 days).
3. Guardian is removed: Report is due 20 days after removal, FS §744.511.

Forms:

Annual Accounting Part I - Changes in Net Assets

Annual Accounting Part II - Net Assets on Hand at End of Year

- Change the name of the form to "Final Accounting".
- Use the same instructions for "Annual Accountings".
- The accounting must include a Verification as required by **FS §744.104** signed by the Guardian(s) and Guardian attorney.

Simplified Accounting FS §744.3679

When all Ward assets are in restricted designated depositories under **FS §69.031** and the only transactions occurring in the restricted account are interest accrual, deposits from a settlement, or financial institution service charges, the Guardian may elect to file an accounting consisting of the original or a certified copy of the year-end statement of the Ward's account from the financial institution listing the ending balance as of the accounting period year end. **The Clerk's office strictly applies this section, and will not issue a "Comply" Report to the Court if all provisions are not met.** The guardian need not be represented by an attorney in order to file the simplified accounting. The accounting must include a Verification as required by **FS §744.104** signed by the Guardian(s) and Guardian attorney (if filed by attorney).

Clerk of Court Fees for Guardianship Accountings

The following fees must be paid at the time the reports are filed with the Clerk of Courts. They can be paid from the Ward's assets. Make checks payable to the Clerk of Courts.

The fees provided below are as of 1/1/2019. They can be changed by state legislation at any time. The current statutory rates are provided on the Clerks website. We recommend you check the website for the current statutory rates.

Verified Inventory – FS §744.365

\$ 85.00 estates valued more than \$25,000

Annual Accounting – FS §744.3678

\$ 20.00 estates valued \$25,000 or less

\$ 85.00 estates valued more than \$25,000, and up to and including \$100,000

\$ 170.00 estates valued more than \$100,000, and up to and including \$500,000

\$ 250.00 estates valued in excess of \$500,000

Amended Inventory: Same as Verified Inventory

Amended Accounting: Same as Annual Accountings

Final Accounting: Same as Annual Accountings

Simplified Accounting: None at this time.

Sale of Ward's Personal Property FS §744.441

Before the Ward's "Personal Property" is sold, abandoned, or donated the Guardian shall petition for and receive an order authorizing the transaction. The following are strongly recommended procedures to accomplish this task. These instructions are not all inclusive.

The Petition Should Include:

1. A description of each item, location (recommended by room), condition (excellent, good, fair, poor) and estimated value or range.
2. For items to be sold, state the proposed method of sale:
 - a. garage sale
 - b. estate sale
 - c. sale to family and/or friends
3. Disclose which items will be sold to a *related party*, state their name and relationship.
4. List items that will be abandoned and how they will be abandoned.
5. List items to be donated to a charity, and state the name of the charity.
6. List types of selling expenses and estimated amount(s); i.e. advertising costs, company, staff or hired individuals to set-up and/or conduct the sale.
7. List any cost associated with the abandonment or donation of personal property.
8. The Guardian, Guardian's Attorney, or Ward's Attorney are not permitted to purchase or take personal possession of any of the Ward's assets without explicit Court approval.

See Appendix B for a sample "Inventory of Personal Property" to be included with the petition. This form is **not** required. It only serves as an example. A legible handwritten list can also be submitted.

Notice to family and interested persons: It is strongly recommended the Guardian provide "**Notice**" of a pending sale, abandonment or donation of the Ward's personal property, to all family members, interested persons and/or those provided in the last known Will of the Ward, unless good cause may be shown. This will provide evidence family members and interested persons are aware of the disposition of assets and offer them an opportunity to purchase assets and/or take possession of family assets with no value.

The "Annual Accounting" Should Include:

When personal property is disposed of (sold, abandoned, donated), the Guardian should include the following in the next accounting:

1. Date(s) of the transaction.
2. Type of sale:
 - a. Professional Estate Sale -state company name.
 - b. Non-Professional Estate Sale - state all persons who worked at the sale, their relationship to the Ward and/or Guardian, and compensation each received (cash or in-kind).
 - c. Garage Sale - state all persons who worked at the sale, their relationship to the Ward and/or Guardian, and compensation each received (cash or in-kind).
 - d. Items sold to a related party
 - e. Items donated
 - f. Items abandoned

3. State the actual amount received before expenses or commissions as provided below:
 - a. Sales to a ***Related Party*** - items sold for \$50 or more: State the name, relationship, each item purchased, and the amount received for each.
 - b. Sales to ***Related Party*** - items sold for less than \$50: State the name, relationship, list of items purchased, and total received for all items.
 - c. Garage sale - items sold for \$50 or more: For each items state amount received.
 - d. Garage sale - items sold for less than \$50: List items sold and total received for all items.
4. Provide a detailed list of expenses: commissions, appraisals, advertising, and amounts paid workers. Include payees and the amount each was paid.
5. Provide a summary to Gross revenues and expenses to determine “Net Proceeds”.
6. If the “net proceeds” of the sale is less than 90% of the amount approved by the court, the Guardian should provide an explanation for the difference.

Remaining Personal Property

In most guardianship cases, after the Guardian sells or disposes of the Ward’s personal property, a few assets will remain with the Ward and/or be held by the Guardian for safekeeping. These assets may have no value or minimal value. Examples: family bible, family album, small jewelry box with costume jewelry with minimal value, and all personal clothing.

The Guardian should list all remaining personal property, their location, and estimated value or state “no-value”. Personal clothing with no value or minimal value can be lumped into one line item with a total estimated value. This list should be updated and attached to each annual accounting until the Guardian has been discharged. The Final Accounting should state the final disposition of these assets.

Sale of Ward's Vehicle(s) FS §744.441

Before the Ward's "Vehicle" is sold or abandoned the Guardian shall petition for and receive an order authorizing the transaction. The following are strongly recommended procedures to accomplish this task. These instructions are not all inclusive.

The Petition Should Include:

1. Description: Make, model, year, odometer reading, condition (excellent, good, fair, poor) and an explanation of how the vehicle was used and stored over the past few year(s).
2. Estimated value:
 - a. Range of values, as calculated by the "Kelley Blue Book" (use the website www.kbb.com) or "Edmunds" (www.Edmunds.com). The range of values should be based on types of conditions (excellent, good, fair, poor); and for sales by trade-in, private party, and retail.
 - b. An independent appraisal from a car dealer in Brevard County, located within 50 miles of where the Ward originally lived. The appraisal must state the make, model, year, odometer reading, and condition (excellent, good, fair, poor).
3. State the proposed buyer, and their relationship to the Ward, Guardian or appraiser.
4. If the proposed buyer is a **related party**, state their name and relationship.
5. List all estimated selling or disposal costs.
6. The Guardian, Guardian's Attorney, or Ward's Attorney are not permitted to purchase or take personal possession of any of the Ward's vehicles without explicit Court approval.

Note: It is recommended the party issuing the appraisal does not purchase the vehicle. Vehicles sold for less than average market value should include a detailed explanation with photographs documenting the variance from average condition.

Notice to family and interested persons: It is recommended the Guardian provide "**Notice**" of a pending sale, abandonment or donation of the Ward's vehicle(s), to all family members, interested persons and/or those provided in the last known will of the Ward unless good cause is shown. This will provide evidence family members and interested persons are aware of the disposition of any vehicle and offer them an opportunity to purchase the asset(s).

The "Annual Accounting" Should Include:

When a Vehicle is sold or abandoned the Guardian should include the following in the next accounting.

1. A copy of the sales receipt listing the purchase price and expenses.
2. List any other expenses related to the sale that were paid from the ward's assets.
3. State the buyer of the vehicle.
4. If the buyer was a **related party**, state their name and relationship.
5. If the "net amount received" is less than the amount approved by the Court, the Guardian should provide an explanation for the difference.

Sale of Ward's Residence FS §744.441 And Instructions for the Sale of Other Real Property

Before the Ward's "Residence" is sold the Guardian shall petition for and receive an order authorizing the sale. Brevard County Administrative Order 18-18-B (5/1/2018) dictates the standards for sales of real property in Brevard County guardianships. The following procedures are strongly recommended to accomplish this task. These instructions are not meant to be all inclusive. Please remember the more transparency provided in the reports, the more easily the auditors may complete their task and report to the court without comment.

General information:

The residence should be sold at an arms-length transaction receiving the best offer available. Evidence of this requirement can come in one of the following forms.

1. An independent appraisal by a licensed Florida appraiser within 60 days of the petition to sell the property.
2. Property is listed with an independent realtor who is **not** a ***related party***, and advertises the property for public sale on MLS for at least two weeks. The best offer must be selected.
3. The Guardian must inform the Court of any relationships or conflicts of interest between any of the parties to the sale including the seller's agents, buyer, and/or buyer's agents.

Sales Contract:

The sales contract should have the following information.

1. An agreed upon sale price.
2. List of all known liabilities and their estimated amount to be satisfied at closing.
3. Realtors estimated commission not to exceed 7% of the selling price.
4. Detailed list of all estimated closing costs.
5. Actual and/or estimated costs normally paid by the buyer, but the contract provides the seller will pay these at or before closing. Including repairs and remodeling allowances.
6. Estimated **cash** to be received at closing.
7. Final sale is contingent on Court approval.
8. Full disclosure of related parties and/or conflicts
9. Closing should occur no later than 60 days after Court approval.

The Petition Must Include:

1. A copy of the Sales Contract (not more than 30 days old).
2. An explanation of why the residence will be sold.
3. A copy of the appraisal no more than 60 days prior to the petition.
4. A statement regarding related parties and conflicts of interest, or the absence thereof.

Notice to family and interested persons: It is recommended the Guardian provide "***Notice***" of a pending sale, abandonment, or donation of the Ward's real property, to all family members, interested persons and/or those provided in the last known Will of the Ward. This will provide evidence family members

and interested persons are aware of the disposition of asset(s) and offer them an opportunity to purchase at the Court approved price.

The “Annual Accounting” Should Include:

1. All pages of the final closing statement or HUD-1. Note: the “Good Faith Estimate” is not the final closing statement. The Final closing statement will indicate the net cash to be distributed to the Guardianship.
2. If the actual cash received at closing is less than 90% of the amount projected in the petition to sell, provide an explanation.
3. The sale of Real Property should be reported on Schedule C: Capital Transactions
4. Only costs related to the sale of the property should be paid out of closing. *Guardian fees and attorney fees should not be paid out of the closing. These costs must be paid out of the Guardianship operating bank account.*

Final Note Regarding the Sale of Real Property:

Normally, the sale of Real Property is not indicated during an Emergency Temporary Guardianship. **Permanent actions regarding the Ward’s residence should not be undertaken before the Ward is adjudicated incapacitated.** If the Emergency Temporary Guardian wishes to petition the sale of the Ward’s home, a Verified Inventory should be filed and approved by the Court first. The need for the sale of the Ward’s residence should be supported by the approved Verified Inventory.

Trust - When the Ward is a Beneficiary

The Florida Statutes provide for Trusts per the following statutes. The Guardian should consult with their attorney if the Ward is a beneficiary of a Trust, or if a Trust will be created for the benefit of the Ward after the Court appoints a Guardian. A copy of the trust document should be filed with the Court. The following are guidelines for Trusts and are not meant to be all inclusive.

FS §744.441 Court Order: Before the Guardian of Property creates a Trust, the Guardian shall petition for and receive an order authorizing the Trust. *Note:* In the case of a minor ward, Florida statutes do not provide the authority to create a trust solely to prevent a minor Ward from receiving his/her assets upon attaining age 18. The Court shall retain oversight of Guardianship assets transferred to a Trust. Consult your attorney for petition requirements.

FS §744.365 Verified Inventory: Include the value of any Trust for which the Ward is a beneficiary.

The Verified Inventory should include:

1. Legal name of the Trust.
2. Ward's percentage ownership in the trust.
3. Value of the trust as of the day the guardianship began.
4. State the original source of the funds to be placed in the trust.
5. State the name of the Trustee and their relationship to the Ward.

FS §744.3678 Annual Accounting: If the Ward is a beneficiary of a Trust *and*...

- Guardian is the Trustee for the Trust: Include a full accounting of the Trust.

or

- Guardian is **not** the Trustee for the Trust: Include the value of the Trust, as a footnote.

or

- Guardian is **not** the Trustee for the Trust but the Court orders a full accounting of the Trust: Include a full accounting of the Trust.

The Annual Accounting should include (When the Guardian is the Trustee or the Court orders a full accounting of the Trust):

1. A list of all receipts, disbursements.
 - a. See Annual Accounting instructions.
 - b. The Guardian may include this information in the Annual Accounting or provide a separate accounting for the Trust.
2. A list of assets and liabilities included in the Trust.
 - a. See Verified Inventory instructions.
 - b. Include a copy of bank statements for each cash asset.
 - c. Include a statement for each investment account.

The Annual Accounting should include (When the Guardian is NOT the Trustee):

The information provided may be a footnote to the annual accounting.

1. Legal name of the Trust.
2. Value of the Trust as of the last day of the annual accounting period.
3. State the name of the Trustee and their relationship to the Ward.
4. Copies of bank or investment statements are **not** required.

Major Repairs FS §744.441

Before the Guardian of Property authorizes any major repairs, the Guardian shall petition the Court and receive an order authorizing the expense. The following are recommended procedures, not requirements, to accomplish this task. These instructions are not meant to be all inclusive.

The Petition Should Include:

1. An explanation of the repair(s).
2. A copy of the work order or contract that includes:
 - a. List of work to be performed.
 - b. List of material required and their estimated costs.
 - c. Estimated labor cost.
 - d. Schedule of payments.
 - e. Projected time period to perform the work.
 - f. Clean up after the work is performed.
 - g. Warranty information.
 - h. Must be signed by the vendor or contractor.
 - i. State the contractor's license number.
 - j. A statement that the contract is contingent on Court approval.
3. If the vendor or contractor is a *related party*, state their name and relationship.

The "Annual Accounting" Should Include:

1. If the actual cost paid is 10% more than the amount stated in the Court order, provide an explanation.
2. If the actual cost is more than stated in the Court order, the Guardian may need to petition the Court. Consult your attorney.

Prepaid Funeral Costs FS §744.441

Before the Guardian of Property prepays funeral costs, the Guardian shall petition the Court and receive an order authorizing the payment. The following are recommended procedures, not requirements, to accomplish this task. These instructions are not meant to be all inclusive.

The Petition Should Include:

1. Name and address of the funeral home and/or vendor.
2. Detailed invoice of services and their costs.
3. Type of funeral arrangement.
 - a. Burial: Name of cemetery, costs for opening and closing of the burial site, and cost of the site marker.
 - b. Cremation: State all costs.
 - c. State the type of service and cost for such service.
 - d. Provide for the cost of a formal written obituary.
4. Type of Service
 - a. Church - name of church; Service at the Funeral Home; No services
5. Schedule of payments with their due dates.

6. For a cremation, explain the final disposition of the remains; method and/or responsible person or party.

The “Annual Accounting” Should Include:

1. List the payment(s) as a capital transaction (Schedule C).
2. Include this as an asset in this and all future Annual Accountings.
3. If the actual cost paid is 10% more than the stated in the Court order, provide an explanation for the additional cost.
4. If the actual cost is more than stated in the Court order, the Guardian may need to petition the Court for approval. Consult your attorney.

The “Final Annual Accounting” Should Include:

A copy of the funeral home’s final invoice(s) that documents the actual cost to support the full prepaid costs was applied.

Additional Notes:

*At the onset of the guardianship, when the Ward is elderly, the Guardian may plan for final arrangements. Prearrangements should include type of service based on the Ward’s religious background, family member’s request and funds available. **If a Guardian or any of their staff should choose to attend the funeral, they should not bill the guardianship or the estate for their attendance.** The Guardian should not take possession of cremated remains. This should be the responsibility of the funeral home, family and/or friends, which should be prearranged.*

Other Items Requiring Court Approval FS §744.441

The Florida Statutes also requires Court approval for other transactions. We suggest the Guardian of Property review this section and consult with their attorney if they have any of these types of transactions.

Guardian Fees and Attorney Fees

FS §744.108 Guardian and attorney fees and expenses.

- (1) A guardian, or an attorney who has rendered services to the ward or to the guardian on the ward's behalf, is entitled to a reasonable fee for services rendered and reimbursement for costs incurred on behalf of the ward.
- (2) When fees for a guardian or an attorney are submitted to the Court for determination, the Court shall consider the following criteria:
 - (a) The time and labor required;
 - (b) The novelty and difficulty of the questions involved and the skill required to perform the services properly;
 - (c) The likelihood the acceptance of the particular employment will preclude other employment of the person;
 - (d) The fee customarily charged in the locality for similar services;**
 - (e) The nature and value of the incapacitated person's property, the amount of income earned by the estate, and the responsibilities and potential liabilities assumed by the person;**
 - (f) The results obtained;
 - (g) The time limits imposed by the circumstances;
 - (h) The nature and length of the relationship with the incapacitated person; and
 - (i) The experience, reputation, diligence, and ability of the person performing the service.
- (3) In awarding fees to attorney Guardians, the Court must clearly distinguish between fees and expenses for legal services and fees and expenses for Guardian services and must have determined that no conflict of interest exists.
- (4) Fees for legal services may include customary and reasonable charges for work performed by legal assistants employed by and working under the direction of the attorney.
- (5) All petitions for guardian and attorney fees and expenses must be accompanied by an itemized description of the services performed for the fees and expenses sought to be recovered.
- (6) A petition for fees or expenses may not be approved without prior notice to the guardian and to the ward, unless the ward is a minor or is totally incapacitated.
- (7) A petition for fees shall include the period covered and the total amount of all prior fees paid or costs awarded to the petitioner in the guardianship proceeding currently before the Court.
- (8) When Court proceedings are instituted to review or determine a guardian's or an attorney's fees under subsection (2), such proceedings are part of the guardianship administration process and the costs, including costs and attorney fees for the guardian's attorney, an attorney appointed under s. 744.331(2), or an attorney who has rendered services to the ward, shall be determined by the Court and paid from the assets of the guardianship estate unless the Court finds the requested compensation under subsection (2) to be substantially unreasonable.
- (9) The Court may determine that a request for compensation by the Guardian, the Guardian attorney, a person employed by the Guardian, an attorney appointed under s. 744.331(2), or an attorney who has rendered services to the ward, is reasonable without receiving expert testimony. A person or party may offer expert testimony for or against a request for compensation after giving notice to interested persons. Reasonable expert witness fees shall be awarded by the Court and paid from the assets of the guardianship estate using the standards in subsection (8).

Payment of Fees Prior to Court Approval

The payment of Guardian fees or Attorney fees (including retainers) prior to Court approval will result in the Clerk's Office issuance of a "Non Comply" Report to the Court. The accounting may not be approved by the Court until the fees have been petitioned and approved by the Court.

Prepaid Guardian Fees

We strongly recommend the Guardian petition the Court for fees at least once a year, but no more frequent than quarterly. This will have the effect of reducing the administration cost of the guardianship, since attorney's charge for the time required to prepare each petition to the Court for approval of Guardian's fees. In addition, this will also reduce Court time since a judge's time is required for each petition.

Monthly petitions for fees are strongly discouraged. If the Guardian needs funding throughout the year, the Guardian may consider petitioning for prepaid fees that could be drawn monthly or quarterly. Then at the end a year or quarter, the Guardian would provide the Court with a petition of actual fees less draws. This petition could also list a schedule of prepayment for the next year or quarter.

Guardianship costs should be paid directly from the guardianship account(s). In rare instances, the guardian may advance small amounts for guardianship costs. Reimbursements to the Guardian should be rare and small. Any substantial reimbursement may require prior Court approval.

Discharge of Guardian of Property FS §744.531

Before the Guardian of Property can be discharged, he/she must satisfy the Court that they have faithfully discharged their duties, including a Court approved final accounting, submitted a complete and accurate final report, delivered the property of the Ward to the person entitled, and that the interest of the Ward is protected.

Final Procedures:

1. If the Ward died, file a copy of the Ward's death certificate.
2. File the Final Annual Accounting.
 - a. For instructions, see "***Final Accounting***".
 - b. If Annual Accountings were waived, see "***Waived Annual Accountings***".
3. Evidence that all property of the Ward has been distributed.
 - a. Given to the Ward's estate.
 - b. Given to the person of interest as directed by the Court.
 - c. Given to the successor Guardian.
4. Guardian of a Minor (when the ward attains the age of 18)
 - a. Provide evidence that the property has been given to the minor.
 - b. Request an order for remaining funds held in a Court restricted account to be relinquished to the minor who is now 18 years of age.

Note: *All accounting records must be kept by the Guardian for 3 years from the date of discharge ordered by the Court.*

Disposition of Unclaimed Funds Held by Guardian, FS §744.534

Per the Florida Statutes, when the Ward's assets cannot be distributed because there are no estate proceedings, the Guardian of Property shall be considered a person of interest and may dispose of the Ward's assets. In such a case, the Guardian should petition for an order to deposit Ward's remaining cash assets into Clerk's Registry of Court. Consult your attorney.

Emergency Temporary Guardian of Property FS §744.3031

The authority of an Emergency Temporary Guardian expires 90 days after the date of appointment or when the Plenary Guardian is appointed, whichever occurs first. It can be extended by Court Order for an additional 90 days.

Termination of the Emergency Temporary Guardianship of Property:

- Emergency Temporary Guardianship 90 day period expires without further action
- Death of the Ward
- Petition for Permanent Guardian is Denied (Ward's rights are restored)
- Successor Emergency Temporary Guardian of Property is Appointed
- Permanent (Plenary) Guardian is Appointed

Accounting Reports Required of the Emergency Temporary Guardian

Verified Inventory - List and value all assets of the Ward as of the day the Emergency Temporary Guardian was appointed. *See instructions for Verified Inventories.*

Accounting of Emergency Temporary Guardian - A full accounting of all receipts and disbursements for the period of the temporary guardianship, including capital transactions and adjustments with a list of property on hand at the end of the Emergency Temporary Guardianship, and the final disposition of those assets.

Due Date:

Due 30 days after the end of the Emergency Temporary Guardianship.

Note: A copy of the reports shall be served to the successor Guardian.

Emergency Temporary Guardian of Property becomes the Permanent (Plenary) Guardian of Property

Accounting Reports:

Verified Inventory - List and value the assets of the Ward as of the day the Emergency Temporary Guardian was appointed. *See instructions for Verified Inventories.* Due 30 days after the date appointed Plenary Guardian.

Accounting of Emergency Temporary Guardian - A full accounting of all receipts and disbursements for the period of the temporary guardianship, including capital transactions and adjustments with a list of property on hand at the end of the Emergency Temporary Guardianship. *See instructions for Annual Accountings.* Due 30 days after the date appointed Plenary Guardian.

Annual Accounting - The first accounting year of the Plenary Guardian begins the day Letters of Plenary Guardianship were entered and ends on the last day of that month one year hence. The beginning balance of net assets is the ending assets total from the accounting of the Emergency Temporary Guardianship. Future Annual Accountings will end on the last day of this month.

Additional Information

1. The Emergency Temporary Guardianship is terminated the day the Ward dies. Reports are due 30 days after death. Probate costs and distributions after the death of the Ward should not be reflected on the accounting of the Emergency Temporary Guardian. The Emergency Temporary Guardian should prepare a Final Report indicating the proposed distribution of the Ward's assets. The Guardian attorney should petition for discharge of the Emergency Temporary Guardian after all duties have been faithfully completed.
2. A potential Guardian should only petition for an Emergency Temporary Guardianship of Property when the potential Ward's bills are more than 90 days past due and/or there is evidence the Ward has been financially exploited. Note: where there is evidence of exploitation, the factual basis in support of the belief of exploitation of the potential ward should be set out in the petition for Emergency Temporary Guardianship in detail for the Court's review.

Waived Annual Accountings

A Guardian of Property may petition the Court to waive the requirement for filing annual accountings. **FS §744.3678(5)**.

We recommend the petition to waive accountings include:

1. A statement that the Verified Inventory has been filed. (*A Verified Inventory should be filed and approved by the Court prior to petitioning to waive annual accountings.*)
2. Any information to support the request.
3. State actual amounts paid for **“prepaid funeral costs”**.
This is considered an asset of the Ward.
4. State actual funds held in an **“Attorney’s Trust account”**.
This is considered an asset of the Ward.
5. Attach a list of personal assets owned by the Ward and their values.
6. The Guardian of Property may hold some assets for safekeeping until the Guardian is discharged. Attach a list of these assets and their estimated values.

Termination of Guardianship When Accountings Were Waived

Include in the “Final Report”:

The Clerk’s office recommends if “Annual Accountings” were waived, before the Guardian of property is discharged, they provide the following concerning the Ward’s assets:

1. List of the ward’s personal property and their final disposition.
2. State the final disposition of all assets held by the Guardian for safekeeping.
3. Provide a copy of the final invoice that states how **“prepaid funeral costs”**, were applied or passed to the successor Guardian.
4. State how funds held in an **“Attorney’s Trust account”**, were applied.
5. Provide list of cash or other assets received by the Guardian after the Ward died and the final use of those assets (Life Insurance proceeds, funds received on the behalf of the ward) that were used to pay for the Ward’s funeral costs.
6. If the Ward had an account that held funds for their “Personal Use”, provide a copy of the account and list of all transactions in the last 12 months and the final disposition of the remaining funds. (These funds may be held by the Guardian or the Nursing Facility.)
7. The Ward may not have sufficient assets to warrant Probating the Estate. In such a case the Guardian may be responsible for the disposition of all assets. These assets and their distribution should be accounted for in this Final Report.

Note: *All accounting records must be kept by the Guardian for 3 years from the date ordered for their discharge:*

Conflict of Interest

Florida Statutes §774.446 Conflict of Interest states: *“It is essential to the proper conduct and management of a guardianship that the guardian be independent and impartial. The fiduciary relationship which exists between the guardian and the ward may not be used for the private gain of the guardian other than the remuneration for fees and expenses.”* See the full statute for types of prohibited transactions.

Related Party

Guardians of property are entrusted with the assets of the Ward. Conducting business, for the benefit of the Ward, with *“related parties”* can appear as a “Conflict of Interest”. Therefore, the Guardians of property should avoid conducting business with those considered *“related parties”*. However, we understand sometimes business may need to be conducted with a *“related party”*. In these instances it is recommended the relationship be disclosed in a note or footnote in the annual accounting. This disclosure will be considered sufficient for the audit of the accounting and candid disclosure will avoid delays in the audit and approvals from the Court.

Guidelines of who may be considered a “Related Party”:

- Guardian and Attorney for the Ward or Guardian
- Any family member, friend or business associate of the ward, Guardian or any attorney.
- Family member may include: spouse, parent, children, grandparents, aunts, uncles, first cousins, and in-laws of any of those listed.
- Business owned by related parties.

Examples of types of business includes: case management, assisted living facilities, accounting services, appraisals, moving company, realtors, security company, and landscape maintenance services. This does not include nursing home facilities or any medical service.

Persons of Interest

The Florida Statutes requires the Guardian to provide notice of petitions to “Persons of Interest”. “Persons of Interest” must file a notice with the Court in order to receive notice of accountings and actions in the Guardianship case. However, in most cases “Persons of Interest” are unaware of their rights, lack the knowledge of the process, and/or lack financial resources. In such a case it is prudent for the Guardian, the Guardian Attorney, and the Elisor to inform and assist a “Persons of Interest” in the process of providing notice to the Court if they wish to receive copies of pertinent documents. It may be prudent for the Guardian to provide a form to the interested parties with the notice of Guardianship proceedings to avoid later problems.

When a “Person of Interest” is also interested in assuming the responsibilities as Guardian of Person, Property or both, the Guardian and the Guardian’s Attorney should assist such person with the process to become the successor Guardian.

Wards with Limited Income

At the onset of the guardianship, if the Ward has less than **\$25,000** in assets and the Ward's income is not sufficient to cover ALL expenses (living expenses, medical costs, personal use, and all guardianship related costs) the Ward should be considered as having "Limited Income". In such a case the Guardian should plan the use of the funds that best benefits the Ward. The plan should include normal living costs, special medical needs, guardianship costs, and "Personal Use". Guardianship costs should be kept at a minimum.

Once the Ward's assets fall below \$2,000, and the Ward then receives assistance through Medicaid such that all income is paid to a nursing facility, and the only funds available are \$130 for personal needs per month, the Guardian should cease charging and petitioning for any kind of guardianship costs.

Cases of this nature should be considered for transfer to the Public Guardian. As of 2018, the state appointed Public Guardian for Brevard County is Aging Solutions, Inc. However, please note the number of cases the Public Guardian may work during a fiscal year is set during the state budget process. Pre-planning for suggested inclusion in the Public Guardian program for the next fiscal year needs to be reviewed by the present Guardian when the Ward approaches the limited Medicaid support.

Definitions:

Personal Use: Hair and nail care services, clothing, personal hygiene supplies, medical costs not covered by Medicaid, and minor personal expenses. Guardianship costs should not be considered personal use.

Guardianship Costs: Any cost or fee pertaining to the Guardianship, such as, guardianship, case management, accounting services for the ward's assets, guardianship administration charges, and attorney fees of the Guardian or the ward.

Clerk of Courts

Audit Responsibilities & Local Audit Procedures

What is an “Audit”?

The term “Audit” is defined in FS §744.102 as: *“Audit means a systematic review of financial and all other documents to ensure compliance with s. 744.368, rules of court, and local procedures using generally accepted accounting principles. The term includes various practices that meet professional standards, such as verifications, reviews of substantiating papers and accounts, interviews, inspections, and investigations.”*

The Clerk of Courts, by statutory authority (FS §744.368), is charged with a review of the initial and annual plans, and audit of all accountings (initial, annual and final). After the Clerk reviews and audits these required documents, they prepare a Report to the Court listing their findings and concerns. When document(s) do not comply with the Florida Statutes or the Guardian has not submitted a required document(s), the Clerk of Courts must report this to the Court for action. The Court then may set a Rule to Show Cause.

Below are “Local Procedures”. These “Local Procedures” are not meant to be a complete list. A guardianship may have special or unique assets, liabilities or transactions. Audit procedures are based on the unique nature of each case. The Auditors use their professional judgment as they perform each audit.

Local Procedures - General Procedures:

1. Confirm that the clerk audit fee was received.
2. Confirm the name and case number.
3. Confirm that the report was signed by the Guardian and the Guardian Attorney.
4. Update the guardianship audit working papers.
5. Document findings and concerns.
6. Contact the Guardian Attorney and/or Guardian for additional documents and/or information on findings and concerns.
7. Document all discussions with the Guardian and/or Guardian Attorney in the audit working papers. If information or discussions clears a finding or concern, provide that information.
8. If the Auditor is unable to obtain the information necessary to complete the audit in a timely manner, the auditor shall report the delinquency to the Court in one of three ways:
 - a. The auditor may request the Court set a Status Hearing before the Court.
 - b. The auditor may prepare a “Non Comply” Report to the Court listing the missing information, and state the auditors are unable to complete the audit; therefore, the Guardian is in noncompliance.
 - c. The Clerk’s office prepares a monthly delinquency report for the Court.
9. Prepare the “Report to the Court” within the statutory time.
10. File the “Report to the Court” through the Florida Courts E-Filing Portal, noticing the Court Judge’s Judicial Assistant, Guardian attorney, attorney for the Ward, and any other required interested parties. *Note: If a Guardian wishes to be included in this notification, a valid e-mail address should be provided to their attorney for inclusion of notice on the E-Filing portal.*

Local Procedures - Audit of the Verified Inventory:

1. Confirm the date the guardianship began.
Note: All assets and liabilities should be valued as of the date of Letters.
2. Check math.
3. Agree the totals per the schedules to the summary page.
4. Cash Assets:
 - a. Confirm the name and date on the bank statement (state ownership percentage if joint account).
 - b. Agree the balance on the bank statement and/or the bank reconciliation.
 - c. Review account for transfers and/or cash withdrawals close to inventory date.
5. Intangible Assets:
 - a. Confirm the name and date on the supporting document (state ownership percentage if joint account).
 - b. Agree the value to the supporting document and/or reconciliation.
 - c. Review all information and ensure all relevant information was received.
6. Real Estate and Related Liabilities:
 - a. Confirm the owner and percent ownership.
 - b. Agree the value of the asset to the supporting document and confirm the supporting document is appropriate for the valuation.
 - c. Review and agree the information concerning the debt and/or outstanding liens.
 - d. Review publicly recorded real properties using available resources.
7. Personal Property:
 - a. Review the information submitted for reasonableness (i.e., Ward owns a home, but no personal property is listed).
 - b. For automobiles, include a copy of a recent Kelley Blue Book, Edmunds, or other estimate of value.
 - c. Review the explanation for assets listed as “unknown” or with no value.
 - d. Review publicly registered vehicles, boats and aircraft using available resources.
8. Other Financial Information:
 - a. Review the information for reasonableness.
 - b. Agree the information to the appropriate back up document(s).
 - c. Has the Guardian included and completed all sections.
9. Review case pleadings for additional information.

Local Procedures - Audit of the Annual Accounting:

1. Confirm the accounting period and that all transactions are in the accounting period.
2. Confirm the opening balance agrees to either:
 - a. **First Annual Accounting:** Agrees to the Verified Inventory.
 - b. **All future Annual Accountings:** Agrees to the total ending net assets from the Prior Annual Accounting.
3. Check math.
4. Agree the totals per the schedules to the summary page.
5. As the auditor reviews transactions, close attention is paid to transactions associated with a **“related party”**. Such transactions may require a comment in the concern section in the Report to the Court.
6. Review each income item.
 - a. Insure all monthly income is received and is timely deposited.

- b. Compare current year income to prior year's income for reasonableness.
 - c. Unusual items should include an explanation and supporting documentation. (Insurance policy proceeds, inheritance, lawsuit proceeds, etc.)
 - d. Review receipts that may indicate a sale of a capital asset incorrectly recorded as a receipt.
7. Review each disbursement.
- a. Confirm Guardian fees and attorney fees were approved by the Court prior to payment and are in compliance with Court orders.
 - b. Confirm other Court ordered payments are in compliance with Court orders.
 - c. Confirm the reasonableness for all other disbursements.
 - d. For unusual transactions, the auditor may consider either inquiring or requesting a copy of the backup document.
 - e. Review any related party transactions.
 - f. Review expenditures that may indicate a purchase of a capital asset incorrectly recorded as a disbursement.
8. Compare total current year's expenses to prior year's total expenses for reasonableness.
9. Review each capital transaction.
- a. Sale of Residence - review the final closing statement for reasonableness and compare it to the petition and order to sell.
 - b. Sale of Vehicle - confirm the final sales invoice to the petition and order to sell.
 - c. Sale of Personal Property - confirm the information received to the petition and order to sell.
 - d. Other capital transactions - confirm the reasonableness and if a Court order was required, compare the information to the petition and order.
10. Review each adjustment and transfer.
- a. Confirm the reasonableness.
 - b. For unusual adjustments, the auditor may consider either inquiring or requesting a copy of the backup document.
 - c. If a Court order was required, compare the information to the petition and order.
11. Review the list of assets
 See: *Local Procedures - Audit of the Verified Inventory*
12. Review case pleadings for additional information

Local Procedures - Audit of the Final Accounting:

The Auditor will perform the following:

- 1. Confirm the final accounting period.
- 2. Perform procedures: *Local Procedures – Audit of the Annual Accounting*
- 3. Perform a limited review of all accounting information received over the life of the guardianship and note any concerns.
- 4. Review the list of ending assets and the proposed final disposition of those assets.

Local Procedures – “Report to the Court”:

After any audit, the clerk will write a “Report to the Court”. This report provides the Court a summary of “findings” and/or “concerns”.

Findings - Findings are based on specific requirements of the Florida Statutes.

- **No Findings:** The auditors will state there is “No Finding” and the report is in compliance with the Florida Statutes.
- **Findings:** The auditor will list each finding and state what is necessary to clear each finding. The report then will state the accounting is **not** in compliance with Florida Statutes. The Guardian should respond or remedy deficiencies within 30 days. If the Guardian does not address the noncompliance within 30 days, the Court may set a Status Hearing to determine Guardian actions to remedy the noncompliance, or the Court can approve the accounting.

Concerns & Acknowledgements - In the course of the audit, the auditor may come across a transaction(s) not specifically addressed in the Florida Statutes, but they believe should be brought to the Court’s attention. The auditors will use their professional judgment for these items.

- **No Concerns:** This section will be blank.
- **Concerns:** The auditor will list each concern and state remedial actions to clear each concern. The Court will then determine if further Guardian action is required, or the Court can approve the accounting.
- **Acknowledgements:** Acknowledgements are for informational purposes only, and would not affect the approval or disapproval of the accounting. The Clerk’s office may list the receipt of supplemental information filed by the Guardian. The Clerk may also inform the Guardian of upcoming important events or due dates.

Appendix A – Guardianship Chart of Accounts

Schedule A: Income Income

| | |
|----------------------|--------------------------|
| Social Security | Regular and Supplemental |
| Pension | |
| Interest & Dividends | |
| Other Income | |

Principal

| | |
|---------------|--|
| Tax Refunds | Income Tax |
| Other Refunds | Deposits, utilities, overpayment of expenses |

Schedule B: Disbursement

Attorney Fees & Costs

| | |
|-------------------|-------------------------|
| Guardian Attorney | Requires Court Approval |
| Ward Attorney | Requires Court Approval |
| Other Legal Costs | Requires Court Approval |

Guardianship Costs

| | |
|-----------------------------------|--|
| Guardian Fees | Requires Court Approval |
| Guardian Related Services - Reimb | Requires Court Approval |
| Guardian Costs - Reimb | Requires Court Approval |
| Case Management Services | Those paid directly to an outside services |
| Bookkeeping Services | Those paid directly to an outside services |
| Investment Company Service Charge | These may require court approval |

Other Court Ordered Disbursements

| | |
|------------------------------------|----------------------------|
| Guardian Reimb - Care & Maint Ward | May Require Court Approval |
| Major Repairs | Requires Court Approval |
| Funeral Cost | Requires Court Approval |
| Gifts Given | Requires Court Approval |

All Other Disbursements

| | |
|---------------------------------|---|
| Nursing Facility | |
| Medical - Hospital & Physicians | |
| Medical - Medication | |
| Medical - Other | |
| Guardian Reimb - Other | Minor purchase for the Ward |
| Housing | Rent, mortgage, insurance, property taxes |
| House Care | Cleaning and Yard Services |
| Utilities | All: water, electric, telephone, cable |
| Travel | May require Court order |
| Entertainment | |
| Clothing and Basic Needs | Clothing, basic supplies, hair care |
| Groceries and Supplies | Includes all household supplies |
| Bank Service Charges | |
| Income Taxes | Quarterly, or paid with annual tax return |
| Ward's Personal Use | Cash given to the ward |
| Gifts Given | Gifts of less than \$100 paid to any one person in a given year |
| Other | Provide an Explanation for each |

The above list of recommended accounts is not intended to be the only accounts allowed. Guardians may delete those accounts not required and add accounts for their specific needs.

Appendix B – Inventory of Personal Property (Sample)

GUARDIANSHIP OF: JANE DOE

DATE INVENTORY TAKEN: July 15, 2017

| Valuation of Personal Property | | |
|--------------------------------|-----------------------------------|-------|
| Description by Location | Method of Valuation and Condition | Value |

| Disposition | | | |
|-------------|--------------|-----------------|------------------|
| Date | Method/Buyer | Amount Received | Remaining Assets |

Living Room

| | | |
|--------------------------|-----------------------|--------|
| Couch | Estimated - Fair | 25.00 |
| 2 End Tables | Estimated - Fair | 50.00 |
| Chair – medium | Estimated - Fair | 30.00 |
| 2 Lamps | Estimated - Good | 10.00 |
| DVD Player | Estimated - Good | 50.00 |
| 30" Flat Screen TV (new) | Appraised - Excellent | 800.00 |
| Rack with 42 DVD movies | Estimated - Fair | 50.00 |

| | | | |
|--|--|--|--|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Dining Room

| | | |
|--|----------------------------|----------|
| Cherry Dinning Table, 8 Chairs, China Cabinet | Appraised - Fair - Antique | 1,500.00 |
| China - 12 place settings & serving pieces | Appraised - Good | 600.00 |
| Sterling Silver - 12 place settings (pieces missing) | Appraised - Good | 450.00 |

| | | | |
|--|--|--|--|
| | | | |
| | | | |
| | | | |

Kitchen and Nook

| | | |
|--------------------------------------|------------------|-------|
| Dishes Set for 8 (pieces missing) | Estimated - Good | 10.00 |
| Stainless Set for 8 (pieces missing) | Estimated - Good | 20.00 |
| Various Posts and Pans | Estimated - Poor | 10.00 |
| Microwave Oven (not built in) | Estimated - Good | 10.00 |
| Various Small Appliances | Estimated - Fair | 50.00 |
| | | |

| | | | |
|--|--|--|--|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Master Bed Room

| | | |
|--|------------------|--------|
| Bedroom Set, bed, dresser, night stand | Estimated - Fair | 200.00 |
| Bedding various | Estimated - Fair | 50.00 |
| Clothes used by Ward | Estimated - Fair | 100.00 |
| Clothes not used by Ward | Estimated - Poor | 50.00 |
| | | |

| | | | |
|--|--|--|--|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Other

| | | |
|--|-----------------------|----------|
| Wedding Ring | Appraised - Good | 1,200.00 |
| Costume Jewelry - 4 necklaces, 8 pins, 10 earrings | Appraised - Good/Poor | 50.00 |
| Family Pictures | Estimated - Good | 0.00 |

| | | | |
|--|--|--|--|
| | | | |
| | | | |
| | | | |

TOTAL

\$ 5,315.00

Appendix C
Form for
Verified Inventory

**IN THE CIRCUIT COURT, EIGHTEENTH JUDICIAL CIRCUIT, BREVARD COUNTY, FL
GUARDIANSHIP DIVISION**

IN RE :
GUARDIANSHIP OF: [Ward Name](#)
FILE NUMBER: [05-2017 -GA-012345-XXXX-XX](#)

**VERIFIED INVENTORY OF GUARDIAN
 (Initial Guardianship Report of Guardian of the Property)
 ASSETS ON HAND AS OF: [July 15, 2017](#)**

| | |
|---------------|-------------------|
| Original Form | X |
| Amended Form | |

SUMMARY

Schedule A: Cash and Intangible Assets

| | | | |
|---|--|----|------|
| 1 | Cash: Checking, Savings, Money Markets | \$ | - |
| 2 | Intangibles | | 0.00 |
| | | | 0.00 |
| 3 | Total Cash and Intangible Assets | \$ | - |

Schedule B: Real Estate Assets and Related Liabilities

| | | | |
|---|---|--|------|
| 4 | Estimated Fair Market Value | | 0.00 |
| 5 | Less: Liens, Encumbrance, and Security Interest | | 0.00 |
| | | | 0.00 |
| 6 | Total Estimated Net Value | | 0.00 |

Schedule C: Personal Property

| | | | |
|---|-----------------------------|--|------|
| 7 | Estimated Personal Property | | 0.00 |
| 8 | Less: Other Liabilities | | 0.00 |
| | | | 0.00 |
| 9 | Total Estimated Net Value | | 0.00 |

| | | | |
|-----------|-------------------------|-----------|----------|
| 10 | TOTAL NET ASSETS | \$ | - |
|-----------|-------------------------|-----------|----------|

GUARDIANSHIP OF: Ward Name
FILE NUMBER: 05-2017 -GA-012345-XXXX-XX
ASSETS ON HAND AS OF: July 15, 2017

Schedule A: Cash and Intangible Assets

| Cash (Checking, Savings, Money Markets) | | | |
|--|-------------------------------|--|--------|
| Name and Address of Financial Institution | Type of Account and Account # | | Amount |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| do not use this line (insert rows above this line) | | | |

Total Cash (enter on Summary line 1) \$ -

| Intangibles (CD's, IRA's, Stocks, Bonds, Investments held by Investment Companies) | | | |
|---|-----------------------------------|-----------------|-------------------|
| Legal Description of Asset <i>(see instructions)</i> | Total Estimated Fair Market Value | % Owned by Ward | FMV Owned by Ward |
| | | | \$ - |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| do not use this line (insert rows above this line) | | | |

Total Intangibles (enter on Summary line 2) \$ -

GUARDIANSHIP OF: Ward Name
FILE NUMBER: 05-2017 -GA-012345-XXXX-XX
ASSETS ON HAND AS OF: July 15, 2017

SCHEDULE D - Other Financial Information

| Sources of Income | | | |
|--|----------------------------|----------------------------------|-------------------------|
| Source of Income | Description (if necessary) | Frequency & amount per frequency | Estimated Annual Amount |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| <i>do not use or delete this line (always insert rows above this line)</i> | | | |
| Total Amount of Estimated Annual Income | | | <u>\$0.00</u> |

| Lawsuits against the Ward and/or outstanding unsecured debts | | | |
|--|---|---------------------|--------------------------|
| Name and Address of Potential Claimant | Basis of Claim (any additional information) | Date Debt Occurance | Estimated Amount of Debt |
| | | | |
| | | | |
| | | | |
| | | | |
| <i>do not use or delete this line (always insert rows above this line)</i> | | | |
| Total Amount of Estimated Claims against the Ward | | | <u>\$0.00</u> |

| The Ward has the right to Sue on the following (including estimated Inheritances) | | | |
|--|--|----------------|----------------------|
| Type of Action and Statue | Description (any additional information) | Date of Action | Estimated Amount |
| | | | |
| | | | |
| | | | |
| | | | |
| <i>do not use or delete this line (always insert rows above this line)</i> | | | |
| Total Amount of Estimated Claims due the Ward | | | <u>\$0.00</u> |

| To the best of the Guardian's knowledge: | | | |
|---|--------------|-----|----|
| Does the Ward own a Safe Deposit Box? | (circle one) | Yes | No |
| Is the Ward the beneficiary of a Trust? | (circle one) | Yes | No |
| If "Yes," who is the Trustee? | | | |

REPORT OF THE GUARDIAN OF PROPERTY – VERIFIED INVENTORY

GUARDIANSHIP OF: (Ward name)

CASE NUMBER: (05-2017-GA-012345-XXX-XX)

INVENTORY AS OF: (Date of Letters of Guardianship)

GUARDIAN NAME, the Guardian of the property of **(Ward name)** (the Ward), file, as the Initial Guardianship Report of the Guardian of the Property, this initial verified inventory of all the property of the Ward that has come into the Guardian's possession or knowledge, including identification of any trust of which the Ward is a beneficiary and specifying all encumbrances, liens and other secured claims on any item, sources of income, lawsuits against the Ward, right for the Ward to sue, and the existence of any safe deposit boxes. Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on: _____, 2017

Guardian name, Guardian

Attorney Name, Esq.
Attorney for the Guardian
Florida Bar #
Firm Name
Street or PO BOX
City, ST, Zip
Telephone: _____
Email: _____

NOTE: Your attorney may have a similar preferred verification form. This suggested form is for illustration only.

Appendix D

Form for

Annual Accounting Part I: Changes in Net Assets

**IN THE CIRCUIT COURT, EIGHTEENTH JUDICIAL CIRCUIT, BREVARD COUNTY, FL
GUARDIANSHIP DIVISION**

IN RE:

GUARDIANSHIP OF: [Ward Name](#)

FILE NUMBER: [05-2017-GA-012345-XXXX-XX](#)

**ANNUAL ACCOUNTING PART I: Changes in Net Assets
FOR THE PERIOD COMMENCING: [August 1, 2018](#)
THROUGH: [July 31, 2019](#)**

Original Form
Amended Form

| |
|-------------------|
| X |
| |

SUMMARY

Starting Balance

| | | |
|----------|--|--------|
| 1 | Assets per "Inventory" or "Assets on Hand" at the close of the last accounting period. | \$0.00 |
|----------|--|--------|

Schedule A: Income

| | | |
|----------|--------------|--------|
| 2 | Income | \$0.00 |
| 3 | Principal | - |
| 4 | Total Income | 0.00 |

Schedule B: Disbursements

| | | |
|----------|-----------------------------------|------|
| 5 | Attorney Fees and Costs | 0.00 |
| 6 | Guardian Fees and Reimbursements | 0.00 |
| 7 | Other Court Ordered Disbursements | 0.00 |
| 8 | All Other Disbursements | 0.00 |
| 9 | Total Disbursements | 0.00 |

Schedule C: Net Capital Transactions and Net Adjustments

| | | |
|-----------|--|------|
| 10 | Net Capital Transactions - Gain/(Loss) | 0.00 |
| 11 | Net Adjustments - Increase/(Decrease) | 0.00 |
| 12 | Total Net Capital Transactions and Net Adjustments | 0.00 |

Total Net Assets (At the Close of Accounting Period)

| | | |
|-----------|--|--------|
| 13 | Total Net Assets (must agree with Part II total) | \$0.00 |
|-----------|--|--------|

GUARDIANSHIP OF: Ward Name

FILE NUMBER: 05-2017-GA-012345-XXXX-XX

Beginning Assets on: August 1, 2018

(this should equal Ending Assets on previous accounting, or if this is the first accounting, total assets on the verified inventory)

CASH AND EQUIVALENTS

Bank account - Bank name, account #

Money Market, Savings account - Bank name, account #

Total Cash Assets

\$0.00

INTANGIBLE ASSETS

Certificate of Deposit

IRA , 401k, Pensions

Investments, Annuities, Cash Surrender Value of Insurance

Total Intangible Assets

\$0.00

REAL ESTATE

Ward's Home (mortgage if applicable)

Rental Property

Total Real Estate

\$0.00

PERSONAL PROPERTY

Personal property

Vehicles - Year, Make, Model

Total Personal Property

\$0.00

OTHER LIABILITIES

Credit Card & Medical bills

Loans - Creditor name & acct. #

Total Other Liabilities

\$0.00

Net Beginning Assets (Enter on Summary Line 1)

\$0.00

GUARDIANSHIP OF: Ward Name
FILE NUMBER: 05-2017-GA-012345-XXXX-XX

FOR THE PERIOD COMMENCING: August 1, 2018
THROUGH: July 31, 2019

SCHEDULE C - Capital Transactions and Adjustments

| Capital Transactions <i>(includes bank transfers that zero out)</i> | | | | |
|--|-----------------|-------------|----------------|----------------|
| Date | Asset/Liability | Description | Amount of Gain | Amount of Loss |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| <i>do not use or delete this line (always insert rows above this line)</i> | | | | |

| | | |
|---|---------------|---------------|
| Total Capital Transactions Gains and Losses | \$0.00 | \$0.00 |
| Net Capital Gains/(Losses) <i>(agrees to summary line 10)</i> | | \$0.00 |

| Adjustments | | | | |
|--|--------------|-------------|----------|----------|
| Date | Source/Payee | Description | Increase | Decrease |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| <i>do not use or delete this line (always insert rows above this line)</i> | | | | |

| | | |
|--|---------------|---------------|
| Total Adjustments- Increases and (Decreases) | \$0.00 | \$0.00 |
| Net Adjustments Increases/(Decreases) <i>(agrees to summary line 11)</i> | | \$0.00 |

Appendix E

Form for

Annual Accounting Part II: Net Assets at End of Accounting Period

IN THE CIRCUIT COURT, EIGHTEENTH JUDICIAL CIRCUIT, BREVARD COUN
GUARDIANSHIP DIVISION

IN RE:

GUARDIANSHIP OF: **Ward Name**

FILE NUMBER: **05-2017 -GA-012345-XXXX-XX**

ANNUAL REPORT OF GUARDIAN OF PROPERTY

PART II: Net Assets on Hand at End of Year

Ending Net Assets: **July 31, 2019**

| | |
|---------------|----------|
| Original Form | X |
| Amended Form | |

SUMMARY

Schedule A: Cash and Intangible Assets

| | | |
|---|----|-------------|
| 1 Cash: Checking, Savings, Money Markets | \$ | - |
| 2 Intangibles | | 0.00 |
| 3 Total Cash and Intangible Assets | | 0.00 |

Schedule B: Real Estate Assets and Related Liabilities

| | | |
|---|--|-------------|
| 4 Estimated Fair Market Value | | 0.00 |
| 5 Less: Liens, Encumbrance, and Security Interest | | 0.00 |
| 6 Total Estimated Net Value of Real Estate | | 0.00 |

Schedule C: Personal Property

| | | |
|---|--|-------------|
| 7 Estimated Personal Property | | 0.00 |
| 8 Less: Other Liabilities | | 0.00 |
| 9 Total Estimated Net Value of Personal Property | | 0.00 |

10 TOTAL NET ASSETS AT END OF YEAR **\$ -**

GUARDIANSHIP OF: Ward Name
FILE NUMBER: 05-2017 -GA-012345-XXXX-XX
ASSETS ON HAND AS OF: July 31, 2019

Schedule A: Cash and Intangible Assets

| Cash (Checking, Savings, Money Markets) | | | |
|--|-------------------------------|--|--------|
| Name and Address of Financial Institution | Type of Account and Account # | | Amount |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| do not use this line (insert rows above this line) | | | |

Total Cash (enter on Summary line 1) \$ -

| Intangibles (CD's, IRA's, Stocks, Bonds, Investments held by Investment Companies) | | | |
|---|-----------------------------------|-----------------|-------------------|
| Legal Description of Asset <i>(see instructions)</i> | Total Estimated Fair Market Value | % Owned by Ward | FMV Owned by Ward |
| | | | \$ - |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| | | | 0.00 |
| do not use this line (insert rows above this line) | | | |

Total Intangibles (enter on Summary line 2) \$ -

GUARDIANSHIP OF: Ward Name
FILE NUMBER: 05-2017 -GA-012345-XXXX-XX
ASSETS ON HAND AS OF: July 31, 2019

SCHEDULE D - Other Financial Information

| Sources of Income | | | |
|---|----------------------------|----------------------------------|-------------------------|
| Source of Income | Description (if necessary) | Frequency & amount per frequency | Estimated Annual Amount |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| do not use or delete this line (always insert rows above this line) | | | |
| Total Amount of Estimated Annual Income | | | <u>\$0.00</u> |

| Lawsuits against the Ward and/or outstanding unsecured debts | | | |
|---|---|---------------------|--------------------------|
| Name and Address of Potential Claimant | Basis of Claim (any additional information) | Date Debt Occurance | Estimated Amount of Debt |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| do not use or delete this line (always insert rows above this line) | | | |
| Total Amount of Estimated Claims against the Ward | | | <u>\$0.00</u> |

| The Ward has the right to Sue on the following (including estimated Inheritances) | | | |
|--|--|----------------|----------------------|
| Type of Action and Statue | Description (any additional information) | Date of Action | Estimated Amount |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| do not use or delete this line (always insert rows above this line) | | | |
| Total Amount of Estimated Claims due the Ward | | | <u>\$0.00</u> |

REPORT OF THE GUARDIAN OF PROPERTY – ANNUAL ACCOUNTING

GUARDIANSHIP OF: **(Ward name)**
CASE NUMBER: **(05-2017-GA-012345-XXXX-XX)**
FOR THE PERIOD: **(beginning date) through (ending date)**

The undersigned Guardian certifies that the Guardian has obtained a receipt, cancelled check, or other proof of payment for all expenditures and disbursements made on behalf of the Ward, which said Guardian will preserve along with other substantiating papers for a three (3) year period after discharge of the Guardian, and will upon request be made available for inspection as the Court may order.

Attached are copies of the annual or year-end statements of all the Ward's cash accounts from each of the institutions where the cash is deposited. Attached is the required fee for the auditing of this accounting (unless waived by Court order).

Under penalties of perjury, I declare that I have read and examined the foregoing accounting and that, to the best of my knowledge and belief, it constitutes a full and correct account of the receipts and disbursements of all of the Ward's property over which the Guardian has control, including a complete report of all cash and property transactions and of all receipts and disbursements by the Guardian from (beginning date) through (ending date) and a statement of the Ward's assets at the end of the accounting period. This accounting has been reviewed with the Ward to the extent possible.

Signed on: _____, 2019

Guardian name, Guardian

Attorney Name, Esq.
Attorney for the Guardian
Florida Bar #
Firm Name
Street or PO BOX
City, ST, Zip
Telephone: _____
Email: _____

NOTE: Your attorney may have a similar preferred verification form. This suggested form is for illustration only.

Appendix G

SUBMISSION REVIEW CHECKLISTS

VERIFIED INVENTORY SUBMISSION REVIEW

REVIEW THE FOLLOWING ITEMS BEFORE SUBMISSION TO THE COURT

- Is the “As of” date correct? *(Use the date Letters were issued)*
- Has verification been signed by the Guardian and the Guardian Attorney?
- Have you paid the correct Fee?
- Have you checked the report for math errors?
- Do the schedule totals agree with the summary?
- Have you included reconciled bank statements that include the correct “As of” date?
- Have you listed all assets and included documentation for asset values?
- Are assets 100% owned by the Ward?
- Have you included documentation for any debts or loans?
- Have you included documentation for sources of income?
- Have you filed a copy of any Trusts? If the Guardian is also Trustee, have you included an inventory of Trust assets?
- Have you listed any information on lawsuits and possible settlements due to the Ward?
- Have you disclosed the existence of a Safe Deposit Box?
- Have you disclosed the existence of a Power of Attorney prior to Guardianship?

These are some of the more common omissions found on Verified Inventories. It is not meant to be an all-inclusive list of filing requirements.

ANNUAL ACCOUNTINGS SUBMISSION REVIEW

REVIEW THE FOLLOWING ITEMS BEFORE SUBMISSION TO THE COURT

- Have you obtained a Court Order approving the prior accounting?
- Are the dates of the period covered correct?
- Has certification been signed by the Guardian and the Guardian Attorney?
- Have you paid the correct Fee?
- Have you checked the report for math errors?
- Do the schedule totals agree with the summary page?
- Have you attached reconciled bank statements that include the ending period date?
- Have you listed all assets and included documentation for any change in asset values?
- Are assets 100% owned by the Ward?
- Have included documentation for any debts or loans?
- Have you filed a copy of any Trusts? If the Guardian is also Trustee, have you included an accounting of the Trust?
- Have you included documentation for sources of income? Included documentation for unusual items (life insurance, inheritance, etc.)?
- Have you listed any information on lawsuits and possible settlements due to the Ward?
- Have you received Court Orders for sale of any assets (& closing statement), Guardian fees, attorney fees, unusual items?
- Have you attached closing statement for Real Estate sales?
- Have you attached documentation for vehicle sales?
- Have you petitioned for fees for the period covered by the report?

These are some of the more common omissions found on Annual Accountings. It is not meant to be an all-inclusive list of filing requirements.

FINAL ACCOUNTINGS SUBMISSION REVIEW

REVIEW THE FOLLOWING ITEMS BEFORE SUBMISSION TO THE COURT

- Are the dates of the period covered correct?
- Has the verification been signed by the Guardian and the Guardian Attorney?
- Have you paid the correct Fee?
- Have you checked the report for math errors?
- Do the schedule totals agree with the summary page? Do Ending assets on Part I & Part II agree?
- Have you attached reconciled bank statements that include the ending period date?
- Have you listed all assets and included documentation for any change in asset values? (If the Ward has died, the accounting should list assets prior to transfer to the personal representative)
- Are assets 100% owned by the Ward?
- Have you included documentation for any debts or loans?
- Have you filed a copy of any Trusts? If the Guardian is also Trustee, have you included an accounting of the Trust?
- Have you included documentation for sources of income?
- Have you listed any information on lawsuits and possible settlements due to the Ward?
- Have you received Court Orders for the sale of any assets (& closing statements), Guardian fees, attorney fees, unusual items?
- Have you petitioned for fees for the period covered by the report?
- Have you filed a Final Report and transferred control of assets to a successor Guardian to ensure a smooth transition? Have you filed a receipt of assets from the successor Guardian or personal rep? If the Ward died, has a copy of the Death Certificate been filed?

These are some of the more common omissions found on Final Accountings. It is not meant to be an all-inclusive list of filing requirements.

Appendix F

VERIFICATION FORMS

REPORT OF THE GUARDIAN OF PROPERTY – VERIFIED INVENTORY

GUARDIANSHIP OF: (Ward name)

CASE NUMBER: (05-2018-GA-012345-XXX-XX)

INVENTORY AS OF: (Date of Letters of Guardianship)

GUARDIAN NAME, the Guardian of the property of (Ward name) (the Ward), file, as the Initial Guardianship Report of the Guardian of the Property, this initial verified inventory of all the property of the Ward that has come into the Guardian's possession or knowledge, including identification of any trust of which the Ward is a beneficiary and specifying all encumbrances, liens and other secured claims on any item, sources of income, lawsuits against the Ward, right for the Ward to sue, and the existence of any safe deposit boxes. Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on: _____, 2018

Guardian name, Guardian

Attorney Name, Esq.
Attorney for the Guardian
Florida Bar #
Firm Name
Street or PO BOX
City, ST, Zip
Telephone: _____
Email: _____

NOTE: Your attorney may have a similar preferred verification form. This suggested form is for illustration only.

REPORT OF THE GUARDIAN OF PROPERTY – ANNUAL ACCOUNTING

GUARDIANSHIP OF: **(Ward name)**

CASE NUMBER: **(05-2018-GA-012345-XXXX-XX)**

FOR THE PERIOD: **(beginning date) through (ending date)**

The undersigned Guardian certifies that the Guardian has obtained a receipt, cancelled check, or other proof of payment for all expenditures and disbursements made on behalf of the Ward, which said Guardian will preserve along with other substantiating papers for a three (3) year period after discharge of the Guardian, and will upon request be made available for inspection as the Court may order.

Attached are copies of the annual or year-end statements of all the Ward's cash accounts from each of the institutions where the cash is deposited. Attached is the required fee for the auditing of this accounting (unless waived by Court order).

Under penalties of perjury, I declare that I have read and examined the foregoing accounting and that, to the best of my knowledge and belief, it constitutes a full and correct account of the receipts and disbursements of all of the Ward's property over which the Guardian has control, including a complete report of all cash and property transactions and of all receipts and disbursements by the Guardian from (beginning date) through (ending date) and a statement of the Ward's assets at the end of the accounting period. This accounting has been reviewed with the Ward to the extent possible.

Signed on: _____, 2018

Guardian name, Guardian

Attorney Name, Esq.
Attorney for the Guardian
Florida Bar #
Firm Name
Street or PO BOX
City, ST, Zip
Telephone: _____
Email: _____

NOTE: Your attorney may have a similar preferred verification form. This suggested form is for illustration only.