

December 18, 1998

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON
(Eighth Judicial Circuit)

IN RE: REQUIREMENTS TO BE PLACED IN ORDER
APPOINTING CONSERVATOR WHO MANAGES REAL
ESTATE

Local Rule No. 98-3

ORDER ESTABLISHING RULE OF COURT

With the enactment of legislation pertaining to the appointment, duties, and powers of guardians and conservators effective January 1, 1998, as set out in Article 1.1 and Article 2, Chapter 4, Title 37.1 of the Code of Virginia, as amended, it is therein provided that a court may impose requirements to be satisfied by a conservator prior to the conveyance of any interest in real estate. The Court is of the opinion that certain requirements should be imposed upon any conservator who manages real estate to assure the conservators accountability when selling or conveying such real estate. Therefore, the Court doth ADJUDGE and ORDER as follows:

- I. All orders appointing a conservator for an incapacitated person wherein the conservator manages real property or may in the future manage or convey real property shall contain the following provisions in clearly numbered paragraphs (unless otherwise modified or expanded by this Court at the time of the hearing for such appointment):

See replacement order dated June 9, 2010

In the event real property is to be conveyed the conservator shall be subject to these requirements:

- A. *The conservator shall record a true copy of his order of appointment in the Office of the Clerk of any jurisdiction in which the incapacitated person owns real property.*
- B. *The conservator shall provide the Commissioner of Accounts with an independent real estate appraisal of the property or such other evidence of value of the property as may be acceptable to the Commissioner of Accounts.*
- C. *The conservator shall consult with the Commissioner of Accounts as to the propriety of the transaction and shall disclose anticipated net proceeds of sale of the property.*
- D. *The conservator shall be required to increase his/her bond to an appropriate amount taking into account the anticipated proceeds of sale; and, the Commissioner shall recommend to the Court in writing an amount by which the bond shall be increased.*
- E. *The conservator shall make a report of his/her compliance with each requirement set forth in this order as it pertains to the conveyance of real estate and shall file such report with the Commissioner of Accounts.*

- F. *The Conservator shall give notice to interested parties as the Court deems proper.*
- G. *In the event the Commissioner of Accounts does not consent to such sale, the conservator may file exceptions to the report of the Commissioner of Accounts.*
- H. *The conveyance shall not be closed until a report by the Commissioner of Accounts is filed with the Court and confirmed as provided in Sections 26-33, 26-34, and 26-35 of the Code of Virginia, as amended, and also recorded in the indices to deeds in the Office of the Clerk of the jurisdiction where the property is located.*
- I. *The Commissioner of Accounts shall be allowed a fee in addition to the fees for inventories and accounts based upon the hours expended by the Commissioner in providing services other than inventory and account approval at a rate of One Hundred Fifty Dollars (\$150) per hour.*
- II. The Clerk of this Court shall, upon the filing of a petition to appoint a conservator, tender or mail a copy of this order to the petitioner or petitioner's counsel who seeks appointment of a conservator for an incapacitated person.

Pursuant to Rule 1:15, *Virginia Rules of Procedures*—Local Rules of Court, the original of this Order shall be forthwith spread upon the Order Book and an


attested copy, with the date of entry, shall be (1) posted in the Clerk's Office; (2) filed with the Executive Secretary of the Supreme Court of Virginia; and, (3) furnished to the Commissioner of Accounts and to the Assistant Commissioner of Accounts.

This Order shall be effective forthwith without awaiting the rising of the Court.


ENTERED this 18 day of DECEMBER, 1998, and in the 222nd year of the Commonwealth.



Walter J. Ford, Judge, Part II



Wilford Taylor, Jr., Judge, Part IV



Christopher W. Hutton, Judge, Part I



William C. Andrews, III, Judge, Part III