

CONSERVATORSHIP FOR ADULT

- 1) **Summons (SCCA-401PC)**
- 2) **Petition for Appointment of Conservator (#540GC)** must be filed in the Probate Court (original and one copy) along with filing fee. The complete mailing address is required for the proposed conservator(s) which must include the apartment number or mobile home lot number. The filing fee of \$150.00 must be paid when the **Petition for Appointment of Conservator** is filed. The check should be made to the "**County of Lexington**". When the Inventory and Appraisal is filed you will be notified if an additional filing fee is due. Please refer to the Probate Court Fees page of the Lexington County website for a complete listing of applicable fees.
- 3) **Proof of Delivery (Lexington County Form)** for Notice of Hearing to be filed. Notice must be by personal service for the person to be protected. In addition, notice must be given to the spouse and adult children, or, if none, his/her parents or nearest adult relatives.

SC Code §62-5-405 PLEASE NOTE: If guardianship petition has also been filed you must comply with the additional notice requirements imposed by SC Code §62-5-309(B).

- 4) **Order Appointing Counsel (#532PC)** should be filed with signed "ACCEPTANCE" by the proposed Counsel/Guardian ad Litem. This person must be an attorney.
- 5) **Order Appointing Physician/Examiner (#533PC)** must be submitted for approval. The original written examiner's report must be submitted prior to the hearing.
- 6) The physician should complete the **Doctor's Affidavit Regarding Capacity (541PC)**. The original report must be received by the Court prior to the hearing.
- 7) **Fiduciary Bond (Lexington County Form)** issued by a corporate surety. Please note that the local agent's name, address and telephone number must be completed on the form.
- 8) Attendance of the alleged incapacitated person is required unless a Waiver of Attendance is filed prior to the hearing by his/her Counsel/Guardian ad Litem.

NOTE: The Authority as Conservator is not effective until the Fiduciary Letters and Certificates of Appointment are issued.

- 9) After appointment the Fiduciary Letter should be recorded in each county where real estate is owned. A clocked/recorded should be filed with the Probate Court.
- 10) The **Inventory and Appraisal (#550PC)** must be filed within **Thirty (30)** days after the appointment of the Conservator. A confirmation of the deposit into the account listed on the Inventory will also need to be provided to the Court.
- 11) **Annual Accounting (#562PC)** must be filed annually. **Please note that state law mandates a filing fee of \$10.00 with each accounting.**

*You may obtain forms from the Probate Court or on the internet at: www.lex-co.sc.gov
Select Probate Court under Departments; select Probate Forms for a list of forms.*