

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
IN THE MATTER OF THE APPLICATION OF

Index No: \_\_\_\_\_

\_\_\_\_\_

Petitioner,  
FOR THE APPOINTMENT OF A GUARDIAN FOR

VERIFIED PETITION FOR  
ORDER RELEASING AND  
DISCHARGING GUARDIAN  
AND SURETY UPON DEATH OF  
INCAPACITATED PERSON AND  
FILING OF INSTRUMENTS  
APPROVING ACCOUNT  
(Sec. 81.34 MHL)

\_\_\_\_\_

An Alleged Incapacitated Person.

-----X

The petitioner, \_\_\_\_\_, hereby states the following:

(1) I am the guardian of the person and the property of \_\_\_\_\_ an incapacitated person, having been appointed by Order and Judgment of this court dated \_\_\_\_\_. I duly filed a bond with the County Clerk of New York County pursuant to the Order and Judgment [The filing of a bond was waived by the Order and Judgment] and a commission was issued to me by the Clerk of this court on \_\_\_\_\_.

(2) The above-named incapacitated person died at \_\_\_\_\_ [place] on \_\_\_\_\_ [Date] attached hereto as Exhibit A is a certified copy of the death certificate. I bring on this petition in accordance with Mental Hygiene Law Section 81.34 for an order releasing and discharging me as guardian of the person and the property of \_\_\_\_\_ and filing of instruments approving the account of my actions as guardian.

(3) As provided in Section 81.16 (c) (3) of the Mental Hygiene Law, the following are the names and addresses of all persons entitled to notice:



(4) All annual reports have been filed as required by law.

(5) I have made a full report and full disclosure in writing to all interested persons, listed in Paragraph 3 hereof, regarding all of my actions as guardian affecting the property of the incapacitated person. I annex hereto as Exhibit B an informal accounting, a copy of which has been served upon all interested persons, as shown in the proof of service attached thereto.

(6) All interested persons [including the surety, the Attorney General, and the Veteran's Administration, if involved] have executed acknowledged waivers and consents approving the accounting, consenting to commissions, attorney's fees, and all other payments, and agreeing to the release and discharge of the petitioner. These instruments are annexed to this petition as Exhibit C.

(7) All debts and taxes have been paid or none is due in that \_\_\_\_\_.

(8) The balance of the assets as set forth in the annexed accounting has been distributed to \_\_\_\_\_, personal representative of the estate of the deceased incapacitated person.

(9) No previous application for the relief sought herein was made.

WHEREFORE, the petitioner respectfully requests that the court issue the annexed order releasing and discharging the petitioner [and the surety, if any] from any further liability to the persons interested/

Dated: New York, New York.

\_\_\_\_\_

\_\_\_\_\_  
[Name]  
Petitioner

VERIFICATION

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF NEW YORK        )

\_\_\_\_\_, being duly sworn, states as follows:

I am the petitioner in the within proceeding. I have read the foregoing petition and know the contents thereof and the same are true to petitioner's own knowledge.

\_\_\_\_\_

Sworn to before me this \_\_\_\_\_

day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Notary Public