

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

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In the Matter of the Petition of

\_\_\_\_\_

Index No. \_\_\_\_\_

Guardian of the Person and Property of

\_\_\_\_\_

REPORT OF SALE

An Incapacitated Person,

For a Judgment Authorizing the Sale  
of Certain Real Property Belonging to  
the Said Incapacitated Person.

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TO THE SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_:

\_\_\_\_\_, Guardian of \_\_\_\_\_, residing at [Address], respectfully makes this Report of Sale of the incapacitated person's real property located at [Address], pursuant to the Order of this Court granted the \_\_\_ day of \_\_\_\_\_, \_\_\_\_, a copy of which Order is annexed hereto, marked Exhibit A.

1. That the said Order authorized and directed the Guardian to sell the incapacitated person's interest in and to the said real estate to \_\_\_\_\_, pursuant to the terms of a contract of sale executed on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_, and that the closing of title on the said transaction occurred on [date], as set forth in the Closing Statement annexed hereto and made a part hereof, marked Exhibit B.

2. The said Order further directed me to file a realty bond in the sum of \$\_\_\_\_\_ before I delivered the deed, and I did so on or about [date], with \_\_\_\_\_ as the surety thereon (Bond number \_\_\_\_\_).

3. The said Order further directed me to pay, from the proceeds of my mother's estate, the fee fixed by the Court in the sum of \$\_\_\_\_\_ to \_\_\_\_\_, the appraiser appointed by the Court. I mailed the Guardian's check for the said sum to \_\_\_\_\_ on or about [date].

4. Given that the undersigned resides in the state of \_\_\_\_\_ and the aforementioned closing was scheduled to occur in New York and, in an effort to preserve the limited assets of my mother's estate, all closing documents were executed by me in advance of the closing date, and I executed a power of attorney dated \_\_\_\_\_, \_\_\_\_, wherein the undersigned, as principal, appointed my attorney, \_\_\_\_\_, Esq., as attorney-in-fact to act on my behalf with respect

to the execution of any additional documents necessary to effectuate the closing of the transaction. The undersigned also executed a revocation of the aforementioned Power of Attorney that was held in escrow until after the closing of my mother's premises. Photocopies of the aforesaid Power of Attorney and revocation are annexed as exhibits to the Closing Statement (Exhibit B).

5. Pursuant to the contract of sale, all adjustments in connection with rents, real property taxes, water and sewer rents and fuel oil were made as of [date]. As Guardian of my mother's estate, I paid real property taxes and home heating oil with respect to the said premises since the inception of my service as Guardian. Water and sewer rents for the period commencing [date], were disposed of at closing since I had not received the bills with respect to the same. All adjustments due were received from the Purchaser, as more fully hereinafter set forth.

6. That on [date], the Purchaser tendered the balance of the consideration due in connection with this transaction by certified check delivered to my attorney-in-fact, \_\_\_\_\_, Esq., payable to \_\_\_\_\_, Guardian of \_\_\_\_\_. The expenses in connection with the transaction, to wit, Power of Attorney recording fee, New York City Real Property Transfer Tax were paid by the incapacitated person's estate pursuant to the terms of the contract of sale. No broker was involved in the transaction. Payments were made with respect to the [year(s)] water and sewer rents.

7. That the estate realized proceeds on the sale of \$\_\_\_\_\_ after adjustments, including \$\_\_\_\_\_ in favor of purchaser for tenants' security deposit and a refund of \$\_\_\_\_\_ for overpayment by \_\_\_\_\_ of the balance of proceeds due. The expenses with respect to the transaction amounted to the sum of \$\_\_\_\_\_, including Real Property Gains Tax of \$\_\_\_\_\_, a Power of Attorney recording fee of \$\_\_\_\_\_; [year(s)] Water Rents (due \_\_\_\_\_) of \$\_\_\_\_\_, including interest; [year(s)] Sewer Rents (due \_\_\_\_\_) of \$\_\_\_\_\_, including interest; and an escrow service charge of \$\_\_\_\_\_. The title company required the escrowing of \$\_\_\_\_\_ which constitutes estimated additional interest charges for Water and Sewer rents. It is anticipated that some portion of the said sum will be returned to the estate.

8. Consequently, the estate realized net proceeds after expenses of \$\_\_\_\_\_ which proceeds, except for adjusted rent, were deposited on [date], into the Guardian's checking account at \_\_\_\_\_ Bank, \_\_\_\_\_, New York, which account is entitled "\_\_\_\_\_" and which account is numbered \_\_\_\_\_. \$\_\_\_\_\_ of said proceeds were transferred to the Guardian's account at \_\_\_\_\_ numbered \_\_\_\_\_ on or about [date], and were invested in 90-day U.S. Treasury bills. Annexed hereto and made a part hereof, marked Exhibit C, is a photocopy of the statement of the said company with respect to the same. The balance of the proceeds will be used for the care and maintenance of the incapacitated person who presently resides at \_\_\_\_\_ Nursing Home, located at [Address]. I respectfully request that the Court approve the investment of the said proceeds, *nunc pro tunc*.

9. The tenants who are occupying the two apartments in the premises failed to pay rent for [date], in a timely manner since they were aware of the pending sale. Accordingly, at the closing, Ms. \_\_\_\_\_, as attorney-in-fact entered into an agreement with the purchaser whereby he agreed to pay to my mother's estate the adjusted amount of \$\_\_\_\_\_ rents if and when he collected the same. A copy of the said agreement is annexed as an exhibit to the Closing

Statement at Exhibit B. Thereafter, on [date], Mr. \_\_\_\_\_ delivered to Ms. \_\_\_\_\_ his check in the sum of \$\_\_\_\_\_, representing the adjustment for rents he collected for [date], and the said sum was deposited in the Guardian's checking account at \_\_\_\_\_ Bank. The said adjustment is set forth on the Closing Statement and, consequently, the incapacitated person's estate received all sums to which it was entitled.

10. It is respectfully submitted to the Court that the said transaction concluded without any deviation from any material term of the contract of sale and I have fully complied with the Order of the Court authorizing the said sale.

11. My attorney, \_\_\_\_\_, Esq., represented me in the preparation of the contract of sale, the supervision of the notices that were published with respect to the sale, in the conduct of the proceedings before this Court, the preparation of verified interrogatories in lieu of the undersigned's testimony to this Court, the preparation of all necessary documents with respect to the closing including the aforementioned Power of Attorney and revocation of Power of Attorney, the supervision of the closing of this transaction, and the preparation of the Closing Statement and this Report of Sale. It is respectfully requested that the Court fix a reasonable fee to be paid to Ms. \_\_\_\_\_ from the proceeds of the incapacitated person's estate for her said professional services rendered.

12. It is respectfully requested that the realty bond be cancelled and that the Court authorize the filing of an additional Guardian bond.

WHEREFORE, the undersigned respectfully prays for an Order of this Court confirming the said sale and directing the payment of a fee for the legal services rendered by her aforesaid attorney in this matter as more fully set forth in the Affidavit of Legal Services of \_\_\_\_\_, Esq., filed simultaneously herewith.

Dated: \_\_\_\_\_, New York  
\_\_\_\_\_, \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
[Name of Guardian]

Guardian of \_\_\_\_\_

s/\_\_\_\_\_  
[Signature of Attorney for Guardian]  
Attorney for Guardian  
[Address]  
[Telephone No.]

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

\_\_\_\_\_, being duly sworn, deposes and says:

That I am the Petitioner in the within proceeding; I have read the foregoing REPORT OF SALE and know the contents thereof; the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe them to be true.

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

s/ \_\_\_\_\_

[Signing Attorney's Name]

[Certification pursuant to  
22 N.Y.C.R.R. § 130-1.1a(a).]

Sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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