At an IAS Part __ of the Supreme Court of the State of New York, held in and for the County of _____ at the Courthouse at _____, _____, New York on the ____ day of _____, 20__.

P R E S E N T:
HON. _____
Justice

----------X

In the Matter of the Application of
_____,
as Guardian of
_____,
an Incapacitated Person,

To Discover Property.

----------X

Index No.

ORDER TO SHOW CAUSE[1]

On reading and filing the Petition of _____, Guardian *pro se* herein, verified on the___ day of _____, 20___, setting forth facts tending to show that money which should be delivered to the Petitioner is in the possession, or within the knowledge or information of _____and/or _____ who withhold the same from Petitioner, as Guardian of the incapacitated person above named, and praying for an inquiry respecting the same and for the delivery to Petitioner of the same, and the Court being satisfied on the papers so presented that there are reasonable grounds for the inquiry,

LET _____, the incapacitated person herein, _____, _____,_____ Surety Company, the Bureau of the Public Debt, _____ Savings Bank and_____ Savings Bank

SHOW CAUSE before me or one of the Justices presiding at IAS Part __ of this Court, to be held at the Courthouse at _____, Room __, _____, New York on the ___ day of _____, 20___, at _____ o'clock on the [forenoon/afternoon] of that day or as soon thereafter as counsel can be heard,

A) WHY _____ and _____ shall not attend such inquiry and be examined according to the prayer of said Petition and why they should not deliver to the Petitioner the funds alleged in the Petition to be in their possession; and

B) WHY a temporary restraining order and preliminary injunction should not issue prohibiting _____ and/or _____ during the pendency of this proceeding and until the

1 Pursuant to N.Y.C.R.R. tit. 22, § 130-1.1a(a) an attorney signature is required. An attorney can comply by signing one of the following
as long as it accompanies the papers: a cover page, a litigation back or a separate certification. Many counties have their own local forms. You should consult with the clerks of the court in which you are commencing this proceeding before using this form.

Sample
Sample

final determination hereof from obtaining or receiving or disposing of the proceeds of Treasury Direct Accounts numbered _____, _____, _____ and _____; _____ Savings Bank accounts numbered _____ and _____; and _____ Savings Bank account numbered _____; and

C) Enjoining and restraining _____ Savings Bank and _____ Savings Bank, during the pendency of this proceeding and until the final determination thereof, from releasing the proceeds of the aforesaid respective accounts to _____ and _____ and;

D) WHY an order should not be made directing Respondents to pay reasonable attorney's fees and the costs of this proceeding; and

E) WHY Petitioner, *pro se*, should not be granted the authority to serve subpoenae *duces tecum* upon _____ Savings Bank, _____ Savings Bank, the Bureau of the Public Debt, _____ Bank for Savings, and _____ Bank, to produce true copies of all of their records pertaining to accounts of the incapacitated person, _____ and _____; and

F) WHY petitioner should not have such other and further or different relief as may be just in the premises.

SUFFICIENT REASON APPEARING THEREFOR, it is

ORDERED, that pending the hearing and determination of this application, the said _____ and _____ be, and the same hereby are restrained from obtaining or receiving the proceeds of above stated Treasury Direct accounts, _____ Savings Bank accounts, and _____ Savings Bank account and the said _____ Savings Bank and _____ Savings Bank be, and the same hereby are restrained from releasing the proceeds of the aforesaid respective accounts to _____and/or _____; and it is further

ORDERED, that the foregoing temporary restraining order shall have the effect of a restraining notice when served in the manner hereinafter set forth upon said _____, _____, _____ Savings Bank and _____ Savings Bank; and it is further

ORDERED, that personal service of a copy of this Order and the papers upon which it is granted, upon _____, the incapacitated person herein, and by certified mail, return receipt requested upon _____, _____, _____ Surety Company, the Bureau of the Public Debt, _____ Savings Bank, and _____ Savings Bank on or before the ___ day of _____, 20___, shall be deemed good and sufficient service.

E N T E R,

_____

J.S.C.

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