SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF	
X	
In the Matter of the Petition of	Index No.
Guardian of the Person and Property of	VERIFIED PETITION
An Incapacitated Person,	
For a Judgment Authorizing the Sale of Certain Real Property Belonging to the Said Incapacitated Person.	
TO THE SUPREME COURT OF THE STATE OF NEW COUNTY OF: The Petition of Guardian of	YORK, an
incapacitated person, respectfully shows:	
1. Petitioner commences these proceedings pursua Actions and Proceedings Law for a Judgment of this Cour incapacitated person's interest in and to real property loca, New York, to under a con	t authorizing the sale of the ted at,
Petitioner and, on the day of incapacitated person's interests will be substantially prom property. The said sale is required to provide liquid assets incapacitated person.	_, 20, on the grounds that the oted by the sale of the said real
2. That Petitioner is the daughter of,,, 00000, telephone ()	
3. That on the day of, 20, by Or, Petitioner was appointed Guardian or	der granted by Mr. Justice Annexed hereto
and made a part hereof, marked Exhibit "A," is a photocoaforesaid Order, Petitioner was required to file a bond in to That such bond was filed in the Office of the Clerk of the duly approved by a Justice of the Court and the said bond	he penal sum of \$ County of Queens, having first been
4. That the Commission to said Guardian issued from the day of, 20 That you from the said date and continues to so act.	
5. That the Initial Report of your Petitioner has no to Mental Hygiene Law section 81.30, since the same is n	

6. That the said incapacitated person is years of age and is a widow. I am the only	
child of is the sole owner of the premises which is the subject of the within proceeding.	
7 is presently residing with Petitioner in my home at,, In accordance with the plan set forth in the Order appointing me, my mother moved to the state of so that I could care for her. I	
is anticipated that after the sale of the premises which is the subject of the instant application and the further sale of my mother's residence at,, New York, which premises has been listed with a broker, I will make application to resign as Guardian in New York and transfer all of my mother's liquid assets to myself as her Conservator in the state of I have made inquiry to my attorneys in with respect to commencing the Conservator proceedings there.	i
8. That the said incapacitated person, at the time of the appointment of your Petitioner as Guardian aforesaid, and at the present time, is the owner of an undivided interest in and to certain real property more commonly known as:	
The legal description of the said property is annexed hereto and made a part hereof, marked Exhibit "B."	
9. It is respectfully submitted that the real property that is the subject of the proceeding herein is improved with a three-story building and cellar. It contains a commercial store on the first level, and a single apartment unit on each of the upper two levels. The first level commercial space is currently vacant and the two rental units are, upon information and belief, currently occupied.	ıl
10. It is respectfully submitted to the Court that the incapacitated person's interests will be substantially promoted by the disposition of the said real property because now resides in with your Petitioner and the logistics of maintaining the property and supervising the collection of rents from the tenants is extremely burdensome.	
11. The property subject to the proceedings herein is not encumbered by any mortgage.	
12. That the estimated fair market value of the said real property is \$ according to the appraisal of, a Certified Real Estate Appraiser, sworn to on the day of, 20 A photocopy of the appraisal is annexed hereto and made a part hereof, marked Exhibit "C."	
13. That upon information and belief, there are no other outstanding debts or claims against the said incapacitated person's estate and/or against your Petitioner, as Guardian, except current expenses for the care and maintenance of the incapacitated person, expenses with respect to the real property which is the subject of the instant application, expenses with respect to a second parcel of real property owned by the incapacitated person located at, New York and the expenses in respect of the administration of her estate.	
14. That the interests of the said incapacitated person and her estate will be substantially promoted by the sale of her real property for the following reasons:	
a) The annual carrying charges for the said real property amount to approximately \$ consisting of the following:	

	1) Real property taxes on the said premises in excess of \$ per annum;
	ii) Water and sewer charges in excess of approximately \$ per annum;
	iii) Premiums upon a policy of hazard insurance and liability insurance on the premises in excess of \$ per annum;
b)	It is respectfully submitted to the Court that in the opinion of your Petitioner, for my mother's estate to continue to incur such expenses would be detrimental to her; and
c)	The proceeds of the sale of the said real property will be utilized to provide for the care and maintenance of the incapacitated person.
	15. That on the day of, 20, your Petitioner, as Guardian of, d into a written contract of sale with The Purchaser is represented by, Esq., of, with offices at,, New York, telephone () Annexed hereto and made a part thereof, marked Exhibit is an originally executed copy of the said contract of sale as executed by the parties thereto.
no bro	16. That the aforesaid contract of sale sets forth a cash purchase price of \$, is \$ higher than the appraised value of the said real property. Furthermore, okerage commission is required to be paid pursuant to the terms of the said contract since Petitioner negotiated the sale with, the purchaser herein.
sale of premise to the Purchas subject	17. Your Petitioner respectfully states to the Court that the consummation of the contract with is in the best interests of the incapacitated person's estate since the fithe property will decrease the expenses incurred by the estate for the maintenance of the ses; that the contract terms include, <i>inter alia</i> , provisions that the said sale is made subject approval of the Supreme Court of the state of New York, is an all-cash transaction, that the aser takes the premises "as is" as of the date of closing, and that the premises are taken at to all notes or notices of violations of law or municipal ordinances, and all objections ed pursuant to the proper administrative codes and assessments.
	18. That in light of the principal terms of the contract of sale executed by, as tated, your Petitioner respectfully requests that the Court authorize her to consummate the the said Purchaser.
from t	19. Your Petitioner has retained the services of
	20. That the interested parties in this matter are as follows:
	[Name of Incapacitated Person] Incapacitated Person Address [Name of Purchaser] Purchaser

by his attorneys [Name of Attorneys] Address [Name of Surety] Surety Address Bond # 21. It is respectfully requested that the Court authorize the service of the Order to Show Cause to be granted herein and the papers upon which it is granted be made by certified mail to preserve the limited assets of the incapacitated person's estate which she sorely needs to provide for her extended care. 22. No prior application for the relief prayed for herein has been made. WHEREFORE, your Petitioner prays for an Order of this Court authorizing and directing your Petitioner to sell the real estate of said incapacitated person herein described, to pursuant to the aforesaid contract of sale dated the ____ day of _____, 20____; authorizing the attorney for the Guardianship to make application to the Court at the conclusion of this matter for a fee to be paid to her for her legal services rendered and to be rendered herein; and for such other and further relief as to the Court may seem just and proper. Dated: _____, New York [Name of Guardian] Guardian of [Signing Attorney's Name] Attorney for Guardian Address Telephone STATE OF _____) ss.: COUNTY OF _____

Address

, being duly sworn, deposes and says:
That she is the Petitioner in the within proceeding; that she has read the foregoing PETITION and knows the contents thereof; that the same are true to her own knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters she believes them to be true.
[Name of Petitioner] s/ [Signing Attorney's Name] [Certification pursuant to N.Y.C.R.R. tit. 22, § 130-1.1a(a).] Sworn to before me this day of, 20