

At IAS Part \_\_\_\_ of the Supreme Court of the State of New York, held in and for the County of \_\_\_\_\_, at the Courthouse thereof, at \_\_\_\_\_, \_\_\_\_\_, New York, on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

PRESENT:

HON. \_\_\_\_\_  
Justice

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In the Matter of the Petition of \_\_\_\_\_ Index No. \_\_\_\_\_

Guardian of the Person and Property of \_\_\_\_\_

\_\_\_\_\_

An Incapacitated Person,

ORDER AUTHORIZING  
SALE OF REAL  
PROPERTY<sup>1</sup>

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

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\_\_\_\_\_, Guardian of the person and property of \_\_\_\_\_, the above-named incapacitated person, having commenced this Proceeding by presentation to this Court of her petition duly verified on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ asking for an order authorizing the sale of certain real estate described therein belonging to the said incapacitated person to \_\_\_\_\_, purchaser, pursuant to a contract of sale executed on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the Guardian and the purchaser aforementioned, and fixing a fee for the legal services rendered by \_\_\_\_\_, Esq., attorney for the Guardian in the within proceedings, and for such other and further relief herein as might be just and proper; and an Order having been duly granted by HONORABLE \_\_\_\_\_, on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, requiring the above-named incapacitated person and the interested parties set forth therein to show cause at the above IAS Part of this Court as to why an Order for such sale, as aforesaid, should not be granted; and said Order to Show Cause, Petition, and proofs of service having been duly filed; and the matter having come on to be heard before HONORABLE \_\_\_\_\_, one of the justices of this Court, at an IAS Part \_\_\_\_ thereof held at the Courthouse on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_; and \_\_\_\_\_, Esq., having appeared herein for the Guardian; and \_\_\_\_\_, by \_\_\_\_\_, Esq., having

<sup>1</sup> Pursuant to 22 N.Y.C.R.R. § 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.

appeared for \_\_\_\_\_; and \_\_\_\_\_, Court-appointed appraiser having appeared; and there being no opposition thereto;

AND, it appearing that the interests of the incapacitated person will be substantially promoted by the sale of her real property described in the petition, upon the terms and conditions of the contract of sale dated \_\_\_\_\_, \_\_\_\_\_, entered into between \_\_\_\_\_, Guardian of \_\_\_\_\_, as seller and \_\_\_\_\_, as purchaser, as annexed to the petition, and it further appearing that the security heretofore filed is not sufficient to protect the interests of the incapacitated person in this proceeding;

AND on reading and filing the Petition of \_\_\_\_\_, Guardian of \_\_\_\_\_, an incapacitated person, duly verified on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_; the Order to Show Cause granted by Mr. Justice \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_; the Affidavit of \_\_\_\_\_, dated \_\_\_\_\_, \_\_\_\_; the appraisal of \_\_\_\_\_, dated \_\_\_\_\_, \_\_\_\_; and on proof of due service thereof; and after due deliberation thereon;

NOW, on motion of \_\_\_\_\_, Esq., Attorney for \_\_\_\_\_, Guardian, and Petitioner herein, it is

ORDERED, that the aforesaid contract of sale dated \_\_\_\_\_, \_\_\_\_\_, be, and the same is hereby approved and the said Guardian be, and is hereby authorized and directed to sell the real estate described in said contract and said petitions, more commonly known as [Address], owned by the said \_\_\_\_\_, the incapacitated person herein, to \_\_\_\_\_; and it is further

ORDERED, that the said Guardian be, and she hereby is authorized and directed in the name of and on behalf of said incapacitated person, to execute, acknowledge and deliver to \_\_\_\_\_ a good and sufficient deed of the right and interest of the said incapacitated person, in and to the premises aforesaid and in accordance with the terms and conditions upon which in said contract said deed is to be delivered; and it is further

ORDERED, that before the delivery of said deed, the said Guardian shall execute and cause to be approved and filed in the office of the Clerk of the County of \_\_\_\_\_ a good and sufficient realty bond, in the form required by law, in the sum of \$ \_\_\_\_\_ in this proceeding, the said bond to be approved before filing by one of the justices of this Court; and it is further

ORDERED, that the Guardian pay, from the proceeds of the incapacitated person's estate, the sum of \$ \_\_\_\_\_ to \_\_\_\_\_ as and for his services rendered as Court-appointed appraiser in this proceeding; and it is further

ORDERED, that the said Guardian shall, as soon as practicable after the said sale has been consummated, file her report of said sale, under oath, and her attorney shall file her Affidavit of Legal Services Rendered in connection with this proceeding and the said sale, and make application, *ex parte*, for an Order confirming the said sale and awarding to \_\_\_\_\_, Esq., a fee for the legal services so rendered by her to the Guardian herein.

ENTER,

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J.S.C.

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