

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

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In the Matter of the Application of

_____,

Index No.

as Guardian of

**PETITION TO
DISCOVER PROPERTY**

An Incapacitated Person,

To Discover Property.

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TO THE SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____:

The Petition of _____, Guardian herein, with offices at _____, _____, New York _____, respectfully shows:

1. That Pursuant to Mental Hygiene Law section 81.43, your Petitioner respectfully states to the Court that this proceeding is commenced to discover property of the incapacitated person in a sum in excess of \$_____, upon information and belief, being withheld by _____ and _____ and which property should be delivered to Petitioner as Guardian of _____; and, pursuant to Mental Hygiene Law section 81.23 and/or CPLR sections 6301 and 6313 for a temporary restraining Order and preliminary injunction to be granted by the Court in connection with the various accounts of _____ and _____ in which the incapacitated person's property is held by them.

2. That your Petitioner makes this application for an Order directing, *inter alia*, an inquiry be held regarding assets of the incapacitated person in the possession of _____ and _____ either individually, jointly or severally with any other person more particularly unknown to your Petitioner, and directing that said _____ and _____ attend the inquiry and be examined accordingly, and to deliver the property if in their control.

3. That your Petitioner was appointed Guardian of _____, by an Order of this Court granted the ___ day of _____, 20___, by Mr. Justice _____. A photocopy of the said Order is annexed hereto and made a part hereof, marked Exhibit "A." That pursuant to the aforesaid Order, she qualified to act as such Guardian by giving a bond with the _____ Surety Co. (Bond #_____) as surety thereon in the penal sum of \$_____. The surety is in as good financial standing as when the bond was given. That the Commission to Guardian issued from the Court on the ___ day of _____, 20___.

4. That your Petitioner has acted as Guardian since the aforesaid date of her qualification, to wit _____, 20___, and continues to so act.

5. That the incapacitated person has no known distributees.