

IN THE GUARDIANSHIP
OF

§ IN THE COUNTY COURTS
§ AT LAW NO. 1 OF
§ HUNT COUNTY, TEXAS

ORDER REMOVING GUARDIAN

On this day, the Court heard and considered the Court’s own motion, motion of an interested person, to show cause why _____, the Guardian in the above matter should not be removed pursuant to §1203.051 / §1203.052 of the Texas Estates Code.

The Guardian was notified by certified mail, return receipt pursuant to §1203.052(a-1) cited by personal service pursuant to §1203.52(a-1)(2) and appeared failed to appear at the hearing or as authorized under §1203.051 notice was not given to the Guardian.

THE COURT FINDS that the Guardian should be removed for the following reasons:

A. Pursuant to §1203.051

- 1. Neglects to qualify in the manner and time required by law;
- 2. Fails to return, not later than the 30th day after the date the guardian qualifies, an inventory of the guardianship estate property and a list of claims that have come to the guardian’s knowledge and the deadline was not extended by court order;
- 3. If required, fails to give a new bond within the time prescribed;
- 4. Is absent from the state for a consecutive period of three or more months without the court’s permission, or removes from the state;
- 5. Cannot be served with notices or other process because: (a) the guardians’ whereabouts are unknown; (b) the guardian is eluding service; or (c) the guardian is a nonresident of this state who does not have a resident agent to accept service of process in any guardianship proceeding or other matter relating to the guardianship;
- 6. Subject to §1203.056(a) Guardian has: (a) misapplied, embezzled, or removed from the state, or is about to misapply, embezzle, or remove from the state, any of the property entrusted to the guardians’ care, (b) has engaged in conducted that would be considered to be abuse, neglect, or exploitation, as those terms are defined by §48.002 Human Resource Code, if engaged in with respect to an elderly or disabled person as defined by that section;
- 7. Has neglected to educate or maintain the ward as liberally as the means of the ward and the condition of the ward’s estate permit.

B. Pursuant to §1203.052

- 1. Sufficient grounds appear to support a belief that the guardian has misapplied, embezzled, or removed form the state, or is about to misapply, embezzle, or remove form the state, and of the property entrusted to the guardian’s care;
- 2. The guardian failed to return any account or report that is required by law to be made;
- 3. The guardian failed to obey a proper order of the court that has jurisdiction with respect to the performance of the guardian’s duties;
- 4. The guardian: (a) has become incapacitated; (b) is sentenced to the penitentiary; or for any other cause has become incapable of properly performing the duties of the guardian’s trust;
- 5. The guardian has engaged in conduct with respect to the ward that would be considered to be abuse, neglect, or exploitation, as those terms are defined by §48.002, Human Resources Code, if engaged in with respect to an elderly person or person with a disability, as defined by that section;

- 6. The guardian neglects to educate or maintain the ward as liberally as the means of the wards' estate and the ward's ability or condition permit;
- 7. The guardian interferes with the ward's progress or participation in programs in the community;
- 8. The guardian fails to comply the requirements of Subchapter G., Chapter 1104;
- 9. The court determines that, because of the dissolution of the joint guardians' marriage, the termination of the guardians' joint appointment and the continuation of only one of the joint guardians as the sole guardian is in the best interest of the ward;
- 10. The guardian would be ineligible for appointment as a guardian under Subchapter H, Chapter 1104

THE COURT FURTHER FINDS:

- No necessity for the immediate appointment of a successor Guardian
- A necessity exists for the immediate appointment of a successor Guardian, that _____ is eligible and not disqualified to serve as Guardian, and that he/she should be appointed successor Guardian

IT IS, THEREFORE, ORDERED that:

- (1) _____ is removed as Guardian,
- (2) He/she shall immediately surrender any and all letters of guardianship issued to him/her to the County Clerk for immediate destruction by the County Clerk,
- (3) Any and all letters of guardianship issued to him/her are cancelled of record,
- (4) He/she shall immediately deliver any and all estate property in his/her possession to the person who has been appointed and qualified as successor Guardian. If no person has been appointed and qualified as successor Guardian, then he/she shall immediately deliver any and all estate property in his/her possession to the persons entitled to the property,
- (5) He/she shall immediately relinquish control of the ward's person.

No successor Guardian is appointed;

OR

_____ is immediately appointed successor Guardian of the Person the Estate both the Person and the Estate, with bond set at \$_____, and that Letters of Guardianship shall issue upon taking the oath of Guardian and the Court's approval of the successor Guardian's bond. _____ is ORDERED immediately to deliver all of the estate to the successor Guardian.

All costs of removal, including attorneys' fees, are to be taxed and adjudged against _____, individually, and the surety on the Guardian's bond.

The clerk shall issue notice pursuant to §1203.0531.

Signed this _____ day of _____, 20_____.

JUDGE TIMOTHY S. LINDEN
HUNT COUNTY, TEXAS