

# -SAMPLE "6"-

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
ORPHANS' COURT DIVISION

O. C. NO. \_\_\_\_AI of 20\_\_

Estate of IVAN INCAPACITATED,  
an alleged incapacitated person

## DECREE

AND NOW, this                    day of   , 20\_\_ , upon consideration of the petition and after hearing held following due service of the Citation with Notice and a copy of the petition upon Ivan Incapacitated, this court finds by clear and convincing evidence that:

1. Ivan Incapacitated is 75 years of age and is a domiciliary of the City and County of Philadelphia.
2. Ivan Incapacitated suffers from dementia which totally impairs his capacity to receive and evaluate information effectively and to make and communicate decisions concerning management of her financial affairs or to meet essential requirements for her physical health and safety.
3. He is totally dependent upon others for assistance in her daily activities.

Accordingly, it is hereby ORDERED and DECREED that Ivan Incapacitated is adjudged a totally incapacitated person and that Gladys Guardian is appointed plenary guardian of the estate and person of Ivan Incapacitated, an incapacitated person.

The said guardian shall enter security, with corporate surety, in the amount of \$                    . In the event said incapacitated person has a safe deposit box, an Official Examiner of this court shall be in attendance when said safe deposit box is opened. The Certificate of the Official Examiner of

his examination of the assets in such safe deposit box shall be submitted to the court, and, when approved by the hearing judge, shall be filed with the record in this case. The amount and manner of compensation for these services of the Official Examiner shall be determined by the hearing judge.

The said guardian is directed to file an inventory within ninety (90) days of the date of this Decree in accordance with the provisions of 20 Pa.C.S.A. §5521(b) and §5142.

The said guardian is not permitted to expend the principal of the incapacitated person's estate without permission of the court in accordance with the provisions of 20 Pa.C.S.A. §5536.

Furthermore, the said guardian shall file a Report at least once within the first twelve months of his/her appointment and at least annually thereafter in accordance with the provisions of 20 Pa.C.S.A. §5521(c)(1)(i) and (ii).

Within sixty (60) days after the death of the incapacitated person or an adjudication of capacity, the guardians shall file a Final Report with the court pursuant to 20 Pa.C.S.A. §5521(c)(2).

Ivan Incapacitated was not present at the hearing and was not represented by counsel. The court finds from clear and convincing medical evidence that Ivan Incapacitated's physical and mental health would have been harmed by requiring her presence at the hearing. Accordingly, counsel for the petitioner shall cause to be served upon and read to Ivan Incapacitated a copy of this Decree and the Statement of Rights, a copy of which is attached to this Decree as Exhibit "A", and file proof of such service with the Clerk of the Orphans' Court within ten (10) days.

The filing of exceptions or appeals from this Decree is governed by Phila. O.C. Rule 7.1.A and Pa. O. C. Rule 7.1, as amended, and by Pa. R.A.P. 902 and 903.

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J.