

SURROGATE'S COURT : COUNTY OF NASSAU

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In the Matter of the Petition of the  
Guardian of

PETITION TO  
INVEST FUNDS

File No.

Infant/Incapacitated Person,

for Leave to Invest Funds.  
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TO THE SURROGATE'S COURT OF THE COUNTY OF NASSAU:

It is respectfully alleged that:

(1) Letters of guardianship of the person and property of \_\_\_\_\_, (an infant) or (adult incapacitated person) were duly issued by this Court to petitioner(s) \_\_\_\_\_ residing at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(2) That such (infant) or (adult incapacitated person) was born on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(3) That such (infant) or (adult incapacitated person) resides at \_\_\_\_\_ together with petitioner(s) (or give full particulars as to residence)

\_\_\_\_\_  
(4) The last annual account of petitioner(s) as such guardian(s) was filed on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Such account shows that the property of such (infant) or (adult incapacitated person) consists of accounts located at the following banks (list each bank and the amount in each

institution: \_\_\_\_\_

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(5) That the petitioner(s) is/are concerned that the present investments are limited solely to interest-bearing accounts and do not afford an opportunity for growth or to avoid erosion due to the affects of inflation.

(6) That accordingly the petitioner(s) are desirous of obtaining permission to withdraw the funds from the present depositories for the purpose of investment of those funds in accordance with the laws of the State of New York and more particularly the Prudent Investor Act (EPTL 11-2.3).

(STRIKE OUT ONE OF THE FOLLOWING ALTERNATIVES)

(7) That the petitioner(s) agree(s) as a condition of the funds being released from joint control with the depositories, to file a bond in the amount of the total value of the assets held in the guardianship fund.

OR

(7) That petitioner(s), in consideration of being permitted to withdraw the funds from the depositories with joint control, annex the following documents:

(a) A custodial agreement with an institution acceptable to the court for the purpose of retaining control of all of the guardianship funds which agreement prohibits a release of such funds without further order of the court.

(b) An investment advisory agreement with an institution acceptable to the court which agreement must track

the provisions of the Prudent Investor Act set forth in EPTL 11-2.3(c) relating to delegation of investment or management functions (both agreements may be incorporated in one document if both the custodian and investment advisor are one and the same financial institution).

(c) That petitioner(s) acknowledge reading those provisions of the Prudent Investor Act dealing with delegation of investment powers to an investment advisor and agree in accordance with those provisions to take an active part together with the investment advisor in formulating a comprehensive investment program and to keep informed and knowledgeable concerning investments and the general market.

(8) That the guardian be permitted to pay the investment advisor and custodian in accordance with the attached agreement without further order of the court.

(9) That the guardian be permitted to pay any income taxes without further order of the court.

(10) That no persons other than those mentioned herein are interested in this application except \_\_\_\_\_

\_\_\_\_\_  
(In the guardianship of an infant over the age of fourteen [14], his or her consent is required to be annexed.)

(11) That the petitioner(s) as guardians(s) acknowledge(s) the responsibility to account annually to the court.

(12) (In the case of a guardianship of an infant)  
That the petitioner(s) as guardian acknowledge(s) that the guardianship funds cannot be distributed to the infant upon

his attaining majority without further order of the court.

(13) No other application has been made to the court the relief prayed for herein except \_\_\_\_\_.

WHEREFORE, petitioner(s) pray(s) that an order be made permitting the petitioner(s) to withdraw the guardianship funds from the present depository named above and to reinvest them in accordance with the laws of the State of New York and in particular the Prudent Investor Act upon the conditions set forth above and to pay the investment advisor and custodian and any income taxes of the ward without further order of the court.

\_\_\_\_\_  
PETITIONER

\_\_\_\_\_  
PETITIONER

\_\_\_\_\_  
INFANT FOURTEEN YEARS  
OF AGE OR OVER

VERIFICATION

STATE OF NEW YORK:      ss:  
COUNTY OF NASSAU :

\_\_\_\_\_

being duly sworn says, I(We)am(are)the petitioner(s) above named. I(We) have read the foregoing petition and the same is true of my(our)own, knowledge except as to the matters therein stated to be alleged on information and belief and as to those matters I(we) believe it to be true.

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Infant over 14