

INSTRUCTIONS

Petition to Decrease or Waive Surety Bond in Conservatorship

Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have questions about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the Statewide Self-Help Center at 651-435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact court administration or call the Minnesota State Law Library at 651-297-7651.

Forms You May Need

- *Petition to Decrease or Waive Surety Bond* (GAC302);
- *Affidavit of Service (Guardianship/Conservatorship)* (GAC 2-U).

Forms are available online at <https://mncourts.gov/GetForms.aspx?c=21&p=130>.

What You Need to Do

1. Complete the *Petition*, following all the steps in these instructions.
2. Sign the *Petition* under penalty of perjury.
3. Serve the person subject to conservatorship and interested persons with a copy of the *Petition* and file the completed paperwork with the court.
4. Wait to hear from the court and appear at the hearing if one is scheduled.

General Information about Conservatorship Bonds

What is a conservatorship bond?

[Minn. Stat. § 524.5-415](https://revisor.mn.gov/statutes/cite/524.5-415) (revisor.mn.gov/statutes/cite/524.5-415) gives the court the ability to require a conservator to purchase a conservatorship bond. A *conservatorship bond* is a type of surety bond which protects the assets of the person subject to conservatorship.

Conservatorship bonds protect against theft, fraud, misrepresentation, or improper handling of assets by the conservator. The amount of the bond needed depends on the amount of assets that are under the control of the conservator:

- If the person subject to conservatorship has limited assets, the court may find that a bond is not needed.
- If the value of the personal property of the person subject to conservatorship is at least \$10,000, the judicial officer will require the conservator to post a bond.

Why might a conservatorship bond be decreased?

The amount of a conservatorship bond required by the court might be lowered if the assets of the person subject to conservatorship under the control of the conservator:

- Decrease to be under \$10,000; or
- Are placed in a restricted account that prevents access to the assets by the conservator; or
- Are required by the Veterans Administration to have a separate bond for VA funds.

Do you have all the information you need to fill out the forms?

The *Petition to Decrease or Waive Surety Bond* form (GAC302) asks for the following information:

- The county and Judicial District number where the Conservatorship case was filed;
- The court file number of the case;
- The bondable asset value of the person subject to conservatorship according to the last annual accounting report filed;
- Whether a bond has been filed in the case and, if so, the date and value; and
- If the Veterans Administration has required a bond, the amount and evidence of that bond.

Step 1

Fill Out *Petition to Decrease or Waive Surety Bond* (GAC302)

The “Caption”

The top part of the page is where you will find the case *caption*. It looks like this:

<p>State of Minnesota</p> <p>County A</p> <p>In Re the Conservatorship of</p> <p>C</p> <p>My name is E, and I am the conservator in this case.</p>	<p style="text-align: right;">District Court</p> <p>Judicial District: B</p> <p>Court File Number: B</p> <p>Case Type: Guardianship/Conservatorship</p> <p>Petition to</p> <p><input type="checkbox"/> Decrease</p> <p><input type="checkbox"/> Waive</p> <p>Surety Bond</p> <p>D</p>
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- A. List the county where the conservatorship case was filed.
- B. List the Judicial District and the Court File Number for the case.
- C. List the full name of the person subject to conservatorship (first, middle, and last).
- D. Check the box to let the court know whether you are asking to *decrease* the surety bond, or to *waive* the surety bond.
- E. List your name.

Fill Out the Rest of the Form:

<p>1. According to the last report filed, the bondable asset value of the person subject to conservatorship is \$ 1.</p> <p>2. The bondable asset value of the person subject to conservatorship has changed in the following ways: 2</p> <p>3. <input type="checkbox"/> A bond has not been filed in this case</p> <p>OR 3</p> <p><input type="checkbox"/> A bond in the amount of \$ _____ was filed with the court on _____.</p> <p>4. Veterans Administration has required a bond in the amount of \$ 4. I am including evidence of that bond with my <i>Petition</i>.</p> <p>5 I ask the court to <input type="checkbox"/> <u>Decrease</u> / <input type="checkbox"/> <u>Waive</u> the surety bond ordered by the court.</p>

1. The last annual accounting filed into the conservatorship case should include the bondable asset value of the person subject to conservatorship. Fill in this amount.
2. Explain how the bondable asset value has changed.
3. Check a box to say whether a bond has been filed in the case and, if so, fill in the amount of the bond and the date it was filed.
4. If the Veterans Administration has required a bond, fill in the amount. **You must provide evidence of that bond along with your *Petition*.**
5. Check a box to ask the court to either *decrease* the surety bond that was previously ordered by the court, or to *waive* the surety bond altogether.

Signature Block

Sign the Petition form and print your contact information in the blanks under the signature line.

When you sign the Petition, you are signing under penalty of perjury. This means you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury. See [Minn. Stat. § 609.48](https://revisor.mn.gov/statutes/cite/609.48) (revisor.mn.gov/statutes/cite/609.48).

Step 2

Serve the Person Subject to Conservatorship, Interested Persons, and the Surety

Make copies of the completed *Petition to Decrease or Waive Surety Bond*.

Keep one copy for your own records and mail one copy to the person subject to conservatorship and to each interested person listed in the conservatorship case.

You must also serve the surety at the address shown in the conservatorship case and to any other address that is known to you for that surety.

Step 3

Fill Out the *Affidavit of Service (GAC 2-U)*

Complete an *Affidavit of Service (Guardianship/Conservatorship) (GAC 2-U)* giving the details of when, where, and how you served the person subject to conservatorship, interested persons, and the surety.

The *Affidavit of Service (GAC 2-U)* is available online at <https://mncourts.gov/GetForms.aspx?c=21&f=428>.

Step 4

File the Completed Forms with the Court

File the *Affidavit of Service* and your completed *Petition to Decrease or Waive Surety Bond* with the court.

HOW TO FILE:

At the Courthouse:

- File the forms with court administration.
- This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at <https://www.mncourts.gov/Find-Courts.aspx>.

Electronic Filing through eFS System:

- If you have an account, or want to create one, with the eFS System, you can file electronically (eFile). See <https://www.mncourts.gov/eFile>.

- NOTE: Once you decide to eFile, you must continue to eFile for the entire case.

Step 5
Wait to Hear from the Court
Attend the Court Hearing, if One Is Scheduled

If a hearing is scheduled, court administration will send you a notice with the hearing details.

If the judicial officer decides that a hearing is not needed, court administration will send you a copy of the order issued by the judicial officer either granting or denying your petition.

If a hearing is scheduled, you must appear at the hearing and be ready to testify to the facts included in your petition. If your petition is approved at the hearing, the judicial officer will sign an order that decreases or waives the surety bond.

What to Expect Next...

Once you get an order, read it carefully. It will contain important information.

If the court changes the amount of the surety bond, you will need to take your order to the bonding company.

If the court *decreases* the surety bond, you will need to file a new bond with the court (the order may have more details).