

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
Superior Court Division
Before The Clerk

IN THE MATTER OF THE ESTATE OF

Name Of Decedent Or Ward

Name And Address Of Fiduciary 1

Title Of Fiduciary 1

Name And Address Of Fiduciary 2

Title Of Fiduciary 2

ORDER AS TO COMMISSIONS ON
 DECEDENT'S ESTATE
 GUARDIANSHIP ESTATE

G.S. 28A-23-3, -4; 35A-1269

Name And Address Of Attorney For Fiduciary(ies)

Starting Date This Accounting Period

Ending Date This Accounting Period

FINDINGS

THIS MATTER came to be heard before the undersigned Clerk of Superior Court upon the petition of the above named Fiduciary for commissions and payment of the same.

Upon hearing of such petition, and after considering the time, responsibility, trouble and skill involved in the management of the estate, the Court finds as fact that:

Receipts reported during this period equal: \$_____.

Disbursements reported during this period equal: \$_____.

- The Last Will and Testament in this matter includes terms that commissions may be allowed.
- The Last Will and Testament in this matter does not include terms that commissions may be allowed.
- There is no Last Will and Testament in this matter.
- The gross value of the estate is \$2,000 or less.
- Other Findings:

NOTE: The clerk will pro-rate any commission awarded to a guardian over the lifetime of the guardianship (e.g., life expectancy of adult based on mortuary table or number of years until minor reaches age 18).

CONCLUSIONS

Under G.S. 28A-23-3, the Clerk of Superior Court has jurisdiction over this matter. After a review of the file and the facts above, the Court concludes as a matter of law that the fiduciary:

is entitled to the requested commission, a different commission, as set forth below:

is **not** entitled to a commission for the following reason(s): *(state reason for denial)*

ORDER

Based upon the foregoing findings and conclusion, the Court ORDERS that the payment of commissions is hereby

approved, and the Fiduciary is hereby authorized to pay commissions in the amount of \$_____ from the funds held in this Estate.

denied.

Date	Name Of Clerk (type or print)	Signature Of Clerk	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
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CERTIFICATE OF SERVICE

PERSON 1

<i>Date Served</i>	<i>Name Of Person Served 1</i>	<i>Name Of Attorney For Person Served (if applicable)</i>
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Service Address

The undersigned hereby certifies that this Order As To Commissions was served on the date below upon the person named above by:

- hand delivery to the person person's attorney named above.
 leaving a copy with a partner or employee of the above-named attorney at the address shown above.

Name Of Person With Whom Copy Left (type or print)

- depositing a copy in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to the person person's attorney at the address shown above.
 email to the person person's attorney at _____ (email address)
NOTE: Service by email upon counsel must be to an email address of record with the court. Service by email upon a party is permitted only if the party has consented to receive email service at a particular address, and that consent is filed with the court. Service by email sent after 5:00 PM Eastern Time on a regular business day will be deemed sent on the next business day.
 telefacsimile (fax) to the person's attorney's office at _____ (fax number), as evidenced by fax receipt confirmation, attached. **NOTE: Service by fax received after 5:00 PM Eastern Time on a regular business day will be deemed completed on the next business day.**
 filing a copy with the clerk of superior court, as no address for the person is known.
 the following method of service under Rule 4, _____ (method), Rule 4(____) (subsection), as evidenced by the attached proof of service. **NOTE: Service pursuant to Rule 4 must be proved according to the relevant provision of Rule 4 and G.S. 1-75.10.**
 acceptance of service.

<i>Date</i>	<i>Name Of Person Accepting Service (type or print)</i>	<i>Signature</i>	<input type="checkbox"/> Person Served
			<input type="checkbox"/> Attorney For Person Served

PERSON 2

<i>Date Served</i>	<i>Name Of Person Served 2</i>	<i>Name Of Attorney For Person Served (if applicable)</i>
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Service Address

The undersigned hereby certifies that this Order As To Commissions was served on the date below upon the person named above by:

- hand delivery to the person person's attorney named above.
 leaving a copy with a partner or employee of the above-named attorney at the address shown above.

Name Of Person With Whom Copy Left (type or print)

- depositing a copy in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to the person person's attorney at the address shown above.
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NOTE: Service by email upon counsel must be to an email address of record with the court. Service by email upon a party is permitted only if the party has consented to receive email service at a particular address, and that consent is filed with the court. Service by email sent after 5:00 PM Eastern Time on a regular business day will be deemed sent on the next business day.
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 acceptance of service.

<i>Date</i>	<i>Name Of Person Accepting Service (type or print)</i>	<i>Signature</i>	<input type="checkbox"/> Person Served
			<input type="checkbox"/> Attorney For Person Served

SIGNATURE

<i>Date</i>	<i>Name Of Person Serving (type or print)</i>	<i>Signature Of Person Serving</i>	<input type="checkbox"/> Party
			<input type="checkbox"/> Attorney for _____
			<input type="checkbox"/> Other: _____

NOTE: Do not use this form to certify service if service was performed through the court's electronic filing system. When served in that manner, the automated certificate of service generated by that system satisfies the requirement of a certificate of service under Rule 5(b1).