

_____ County

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

IN THE MATTER OF THE ESTATE OF:

Name Of Decedent/Trust/Ward

Name And Address Of Fiduciary

CIVIL CONTEMPT ORDER
FAILURE TO FILE
INVENTORY/ACCOUNT/
AFFIDAVIT OF COLLECTION/
GUARDIANSHIP STATUS REPORT

Estate Trust Guardianship

G.S. 5A-23; 28A-20-2, -3; 28A-21-4; 28A-25-4; 35A-1244; 35A-1265; 36C-2-209

FINDINGS

The Court makes the following findings of fact:

1. A contempt hearing was held before the clerk named below, pursuant to a show cause order which was personally served on the fiduciary at least five (5) days before the hearing.
2. An order from this Court was personally served on the fiduciary on _____, requiring the fiduciary to file an/a
(Date)
 inventory account final affidavit of collection guardianship status report.
3. The fiduciary has has not filed the required report.
4. The fiduciary was not present in court.
 The fiduciary was present in court. (Complete no. 5 below.)
 The fiduciary was not present in court; however, _____ appeared and offered evidence on the
fiduciary's behalf. (Complete no. 5 below.)
5. (Complete this finding if either the fiduciary or counsel for the fiduciary appeared.)
 The fiduciary was represented by retained appointed counsel.
 The fiduciary waived representation by counsel. (Attach form AOC-CR-227.)
 The Court determined that the fiduciary was not indigent and therefore not entitled to court appointed counsel.
(Attach form AOC-CR-224.)
6. The fiduciary has has not willfully failed to comply with the order of this Court, and at this time has the ability to
comply with the order, in that (Set out facts relating to willfulness and present ability to comply.)

7. Other: (specify) _____

CONCLUSIONS

This matter is properly before the Court and the Court has jurisdiction over the fiduciary and the subject matter.

1. The fiduciary willfully failed to comply with the Order of the Court to file an/a inventory, account,
 final affidavit of collection, guardianship status report, has the present ability to comply, and is in CIVIL CONTEMPT.
2. The evidence does not support a conclusion that the fiduciary is in contempt, and this proceeding should be dismissed.
3. Other: (specify) _____

Original & Copy - Sheriff Copy - File
(Over)

ORDER

It is ORDERED that:

- 1. The fiduciary be committed to the county jail for an indefinite period, for as long as the contempt continues. The fiduciary may purge himself/herself from contempt and be released from incarceration by filing an adequate inventory account final affidavit of collection guardianship status report with the Clerk.
- 2. The fiduciary is removed as personal representative.
- 3. This proceeding is dismissed.

<i>Date</i>	<i>Signature</i>	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	SEAL
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RETURN OF SERVICE

I certify that this Order was received and served as follows:

- By taking the fiduciary into custody and placing him/her in the county jail.
- The order WAS NOT served for the following reason:

<i>Date Received</i>	<i>Date Served</i>	<i>Date Returned</i>	<i>Name Of Deputy Sheriff Making Return (type or print)</i>
<i>County Of Deputy Sheriff Making Return</i>			<i>Signature Of Deputy Sheriff Making Return</i>

RELEASE FROM CONTEMPT ORDER

The fiduciary has purged himself/herself from contempt and it is hereby ordered that he/she be released from incarceration.

<i>Date</i>	<i>Signature</i>	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	SEAL
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