

HOUSE BILL No. 6046

September 16, 1998, Introduced by Reps. Richner and Green and referred to the Committee on Judiciary.

A bill to amend 1978 PA 642, entitled
"Revised probate code,"
by amending sections 444, 454, 455, 468, 478, 484, and 636 (MCL
700.444, 700.454, 700.455, 700.468, 700.478, 700.484, and
700.636), sections 444, 454, and 455 as amended by 1988 PA 398
and section 468 as amended by 1980 PA 396.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 444. (1) The court may appoint a guardian if ~~it is~~
2 ~~satisfied~~ THE COURT FINDS by clear and convincing evidence BOTH
3 that the person for whom a guardian is sought is a legally inca-
4 pacitated person — and that the appointment is necessary as a
5 means of providing continuing care and supervision of the person
6 of the legally incapacitated person, WITH EACH FINDING SUPPORTED
7 SEPARATELY ON THE RECORD. THE FORM FOR RECORDING FINDINGS UNDER
8 THIS SUBSECTION SHALL REFLECT THE REQUIREMENT FOR SEPARATE

1 FINDINGS ON THESE ISSUES. Alternately, the court may dismiss the
2 proceeding ~~—, or may enter any other~~ ANOTHER appropriate
3 order.

4 (2) ~~A guardian shall be granted~~ THE COURT SHALL GRANT A
5 GUARDIAN only those powers and only for that period of time as is
6 necessary to provide for the demonstrated need of the legally
7 incapacitated person. ~~—, and the guardianship shall be designed—~~
8 THE COURT SHALL DESIGN THE GUARDIANSHIP to encourage the develop-
9 ment of maximum self-reliance and independence in the person.
10 EXCEPT AS PROVIDED IN SUBSECTION (5), A COURT SHALL NOT GRANT A
11 GUARDIAN THE SAME POWERS THAT ARE HELD BY A PATIENT ADVOCATE
12 UNDER A DESIGNATION UNDER SECTION 496. A court order establishing
13 a guardianship shall specify any limitations on the guardian's
14 powers and any time limits on the guardianship. EXCEPT AS PRO-
15 VIDED IN SECTION 468, THE COURT SHALL NOT AUTHORIZE A GUARDIAN
16 TO, AND A GUARDIAN DOES NOT HAVE THE POWER TO, SELL A WARD'S REAL
17 PROPERTY.

18 (3) If ~~it is found~~ THE COURT FINDS by clear and convincing
19 evidence that ~~the~~ A person is legally incapacitated and lacks
20 the capacity to do some, but not all, of the tasks necessary to
21 care for himself or herself, the court may appoint a limited
22 guardian to provide guardianship services to the person, but the
23 court shall not appoint a full guardian.

24 (4) If ~~it is found~~ THE COURT FINDS by clear and convincing
25 evidence that ~~the~~ A person is legally incapacitated and is
26 totally without capacity to care for himself or herself, the

1 court shall specify that finding of fact in any order and may
2 appoint a full guardian.

3 (5) IF THE GUARDIAN'S WARD EXECUTES A PATIENT ADVOCATE DES-
4 IGNATION IN COMPLIANCE WITH SECTION 496 AND NAMES A PERSON OTHER
5 THAN THE GUARDIAN AS HIS OR HER PATIENT ADVOCATE, FOR THOSE TIME
6 PERIODS WHEN THE PATIENT ADVOCATE'S AUTHORITY, RIGHTS, AND
7 RESPONSIBILITIES ARE EFFECTIVE AS PROVIDED IN SECTION 496, THE
8 COURT SHALL NOT GRANT AND THE GUARDIAN SHALL NOT EXERCISE A POWER
9 THAT THE DESIGNATION GIVES TO THE PATIENT ADVOCATE REGARDING THE
10 WARD'S CARE, CUSTODY, OR MEDICAL TREATMENT. IF, HOWEVER, A PETI-
11 TION FOR GUARDIANSHIP OR FOR MODIFICATION UNDER SECTION 447
12 ALLEGES AND THE COURT FINDS THAT THE PATIENT ADVOCATE DESIGNATION
13 WAS NOT EXECUTED IN COMPLIANCE WITH SECTION 496, THAT THE PATIENT
14 ADVOCATE IS NOT COMPLYING WITH THE TERMS OF THE DESIGNATION OR OF
15 SECTION 496, OR THAT THE PATIENT ADVOCATE IS NOT ACTING CONSIS-
16 TENT WITH THE WARD'S BEST INTERESTS, THE COURT MAY MODIFY THE
17 GUARDIANSHIP'S TERMS TO GRANT THOSE POWERS TO THE GUARDIAN.

18 Sec. 454. (1) ~~Any~~ THE COURT MAY APPOINT A competent
19 person ~~may be appointed~~ AS guardian of a legally incapacitated
20 person. The court shall not appoint as guardian ~~any~~ AN agency,
21 public or private, ~~which~~ THAT financially benefits from
22 directly providing housing, medical, or social services to the
23 legally incapacitated person. IF THE COURT DETERMINES THAT THE
24 WARD'S PROPERTY NEEDS PROTECTION, THE COURT SHALL ORDER THE
25 GUARDIAN TO FURNISH A BOND OR SHALL INCLUDE RESTRICTIONS IN THE
26 LETTERS OF GUARDIANSHIP AS NECESSARY TO PROTECT THE PROPERTY.

1 (2) In appointing a guardian under this section, the court
2 shall appoint a person, if suitable and willing to serve,
3 designated by the person who is the subject of the petition. If
4 a specific designation is not made or a person designated is not
5 suitable or willing to serve, the court may appoint as guardian a
6 person named as attorney in fact through a durable power of
7 attorney.

8 (3) If a person is not designated under subsection (2) or a
9 person designated under subsection (2) is not suitable or willing
10 to serve, the court may appoint as a guardian a person who is
11 related to the subject of the petition, in the following order of
12 preference:

13 (a) The spouse of the legally incapacitated person, includ-
14 ing a person nominated by will or other writing signed by a
15 deceased spouse.

16 (b) An adult child of the legally incapacitated person.

17 (c) A parent of the legally incapacitated person, including
18 a person nominated by will or other writing signed by a deceased
19 parent.

20 (d) A relative of the legally incapacitated person with whom
21 the person has resided for more than 6 months before the filing
22 of the petition.

23 (e) A person nominated by the person who is caring for the
24 person or paying benefits to the person.

25 (4) If none of the persons listed in subsection (3) is suit-
26 able or willing to serve, the court may appoint any competent
27 person who is suitable and willing to serve.

1 Sec. 455. (1) Except as limited under section ~~444(3), a~~
2 ~~guardian of~~ 444, a legally incapacitated ~~person~~ PERSON'S
3 GUARDIAN is responsible for the WARD'S care, custody, and
4 control, ~~of the ward,~~ but is not liable to third persons by
5 reason of that responsibility for THE WARD'S acts. ~~of the ward.~~
6 In particular, and without qualifying the ~~foregoing~~ PROVISIONS
7 OF THE PREVIOUS SENTENCE, a guardian has the following powers and
8 duties, except as modified by COURT order: ~~of the court:~~

9 (a) To the extent that it is consistent with the terms of an
10 order by a court of competent jurisdiction relating to THE WARD'S
11 detention or commitment, ~~of the ward,~~ the guardian is entitled
12 to custody of the WARD'S person ~~of his or her ward~~ and may
13 establish the ward's place of residence within or without this
14 state. The guardian shall notify the court within 14 days of
15 ~~any~~ A change in the ward's place of residence.

16 (b) If entitled to custody of the ward, the guardian shall
17 make provision for the WARD'S care, comfort, and maintenance ~~of~~
18 ~~the ward~~ and, when appropriate, arrange for the ward's training
19 and education. The guardian ~~shall have~~ HAS the responsibility
20 of securing services to restore the ward to the best possible
21 state of mental and physical well-being so that the ward can
22 return to self-management at the earliest possible time. Without
23 regard to custodial rights of the ward's person, the guardian
24 shall take reasonable care of the ward's clothing, furniture,
25 vehicles, and other personal effects and commence protective pro-
26 ceedings if other property of the ward ~~is in need of~~ NEEDS
27 protection.

1 (c) A guardian may give ~~any~~ consent or approval that may
2 be necessary to enable the ward to receive medical or other pro-
3 fessional care, counsel, treatment, or service.

4 (d) If a conservator for the WARD'S estate ~~of the ward~~ is
5 not appointed, a guardian may DO ALL OF THE FOLLOWING:

6 (i) Institute proceedings to compel a person under a duty to
7 support the ward or to pay sums for the WARD'S welfare ~~of the~~
8 ~~ward~~ to perform that duty.

9 (ii) Receive money and tangible property deliverable to the
10 ward and apply the money and property for THE WARD'S support,
11 care, and education. ~~of the ward.~~ The guardian may not use
12 ~~funds~~ MONEY from the ward's estate for room and board ~~which~~
13 THAT the guardian or the guardian's spouse, parent, or child have
14 furnished the ward unless a charge for the service is approved by
15 COURT order ~~of the court~~ made upon notice to at least 1 of the
16 WARD'S next of kin, ~~of the incompetent ward,~~ if notice is
17 possible. The guardian shall exercise care to conserve any
18 excess for the ward's needs.

19 (e) ~~To~~ THE GUARDIAN SHALL report the WARD'S condition ~~of~~
20 ~~the ward and of the estate which is subject to the guardian's~~
21 ~~possession or control,~~ as required by the court, but not less
22 often than annually. ~~A~~ THE report shall contain all of the
23 following:

24 (i) The ward's current mental, physical, and social
25 condition.

1 (ii) Any improvement or deterioration in the ward's mental,
2 physical, and social condition that has occurred during the past
3 year.

4 (iii) The ward's present living arrangement and ~~any~~
5 changes in his or her living arrangement that have occurred
6 during the past year.

7 (iv) Whether the guardian recommends a more suitable living
8 arrangement for the ward.

9 (v) Any medical treatment received by the ward.

10 (vi) Services received by the ward.

11 (vii) A list of the guardian's visits with, and activities
12 on behalf of, the ward.

13 (viii) A recommendation as to the need for continued
14 guardianship.

15 (f) If a conservator is appointed, THE GUARDIAN SHALL PAY TO
16 THE CONSERVATOR, FOR MANAGEMENT AS PROVIDED IN THIS ACT, the
17 ward's estate received by the guardian in excess of ~~those funds~~
18 THE MONEY expended to meet current expenses for THE WARD'S sup-
19 port, care, and education. ~~of the ward shall be paid to the con-~~
20 ~~servator for management as provided in this act, and the~~ THE
21 guardian shall account to the conservator for ~~funds~~ MONEY
22 expended.

23 (G) IF A CONSERVATOR IS NOT APPOINTED FOR THE WARD AND THE
24 GUARDIAN HAS CONTROL OF ANY OF THE WARD'S ESTATE, WITHIN 63 DAYS
25 AFTER APPOINTMENT, THE GUARDIAN SHALL PREPARE AND FILE WITH THE
26 APPOINTING COURT A COMPLETE INVENTORY OF THE ESTATE THAT IS
27 SUBJECT TO THE GUARDIANSHIP.

1 (H) IF A CONSERVATOR IS NOT APPOINTED FOR THE WARD, THE
2 GUARDIAN SHALL FILE AN ACCOUNT WITH THE COURT OF ALL INCOME AND
3 ASSETS IN THE GUARDIAN'S CONTROL. THE GUARDIAN SHALL FILE THE
4 ACCOUNT AS REQUIRED BY THE COURT, BUT NOT LESS THAN ANNUALLY.
5 THE COURT, OR STAFF ASSIGNED BY THE COURT, SHALL REVIEW THE
6 ACCOUNTING.

7 (2) A guardian of a person for whom a conservator also is
8 appointed shall control the custody and care of the ward and is
9 entitled to receive reasonable sums for his or her services and
10 for room and board furnished to the ward as agreed upon between
11 the guardian and the conservator if the amounts agreed upon are
12 reasonable under the circumstances. The guardian may request the
13 conservator to expend the ward's estate by payment to third per-
14 sons or institutions for the ward's care and maintenance.

15 (3) If a ward dies while under guardianship ~~—~~ and a con-
16 servator has not been appointed for the WARD'S estate, ~~of the~~
17 ~~ward,~~ and if the guardian has possession of any ~~money~~ of the
18 deceased ~~ward~~ WARD'S MONEY, the court may, upon THE GUARDIAN'S
19 petition ~~of the guardian~~ and with or without notice, hear a
20 claim for burial expense or any other claim as the court consid-
21 ers advisable. Upon hearing the claim, the court may enter an
22 order allowing or disallowing the claim or any part of it and
23 provide in the order of allowance that the claim or any part of
24 it be paid immediately if the payment can be made without injury
25 or serious inconvenience to the ward's estate.

1 Sec. 468. (1) The court has the following powers, which may
 2 be exercised directly or through a conservator, with respect to
 3 the estate and affairs of protected persons:

4 (a) While a petition for appointment of a conservator or
 5 other protective order is pending and after preliminary hearing
 6 and without notice to others, the court may preserve and apply
 7 the property of the person to be protected as may be required for
 8 the person's benefit or the benefit of the person's dependents.

9 (b) After a hearing, and upon determining that a basis for
 10 an appointment or other protective order exists with respect to a
 11 minor without other disability, the court has all those powers
 12 over the MINOR'S estate and affairs ~~of the minor which~~ THAT are
 13 or may be necessary for the best interests of the minor, the
 14 minor's family, and members of the minor's household.

15 (c) After a hearing, and upon determining that a basis for
 16 an appointment or other protective order exists with respect to a
 17 person for reasons other than minority, the court, for the bene-
 18 fit of the person and members of the person's household, has all
 19 the powers over the person's estate and affairs ~~which~~ THAT the
 20 person could exercise if present and not under disability, except
 21 the power to make a will. These powers include ~~the power to~~
 22 ALL OF THE FOLLOWING:

23 (i) TO make gifts. ~~, to~~

24 (ii) TO convey or release contingent and expectant interests
 25 in property including marital property rights and ~~any~~ A
 26 SURVIVORSHIP right ~~of survivorship~~ incident to joint tenancy or
 27 tenancy by the entirety. ~~, to~~

1 (iii) TO exercise or release powers as trustee, personal
 2 representative, custodian for minors, conservator, or donee of a
 3 power of appointment. ~~-, to~~

4 (iv) TO enter into contracts. ~~-, to~~

5 (v) TO create revocable or irrevocable trusts of ESTATE
 6 property ~~of the estate which~~ THAT may extend beyond disability
 7 or life. ~~-, to~~

8 (vi) TO exercise ~~options of~~ the disabled ~~person~~ PERSON'S
 9 OPTIONS to purchase securities or other property. ~~-, to~~

10 (vii) TO exercise rights to elect options and change benefi-
 11 ciaries under insurance and annuity policies and to surrender the
 12 policies for their cash value. ~~-, to~~

13 (viii) TO exercise the right to an elective share in ~~the~~ A
 14 DECEASED SPOUSE'S estate. ~~of a deceased spouse, and to~~

15 (ix) TO renounce ~~any~~ AN interest by testate or intestate
 16 succession or by inter vivos transfer.

17 (d) ~~The~~ ONLY IF SATISFIED AFTER NOTICE AND A HEARING THAT
 18 IT IS IN THE PROTECTED PERSON'S BEST INTERESTS AND THAT THE PRO-
 19 TECTED PERSON IS INCAPABLE OF CONSENTING OR HAS CONSENTED TO THE
 20 PROPOSED EXERCISE OF THE POWER, THE court may exercise, or direct
 21 the exercise of, its authority to ~~exercise~~ DO 1 OR MORE OF THE
 22 FOLLOWING:

23 (i) EXERCISE or release powers of appointment of which the
 24 protected person is donee. ~~-, to renounce~~

25 (ii) RENOUNCE interests. ~~-, to make~~

26 (iii) MAKE gifts in trust or otherwise exceeding 20% of any
 27 year's ESTATE income. ~~of the estate, or to change~~

1 (iv) CHANGE beneficiaries under insurance and annuity
2 policies. ~~, only if satisfied, after notice and hearing, that it~~
3 ~~is in the best interests of the protected person, and that the~~
4 ~~person is incapable of consenting or has consented to the pro-~~
5 ~~posed exercise of power.~~

6 (v) SELL THE PROTECTED PERSON'S REAL PROPERTY. IF THE COURT
7 DIRECTS OR AUTHORIZES A FIDUCIARY TO SELL A WARD'S REAL PROPERTY,
8 THE SALE MUST COMPLY WITH SECTIONS 634 AND 636.

9 (2) An order made ~~pursuant to~~ UNDER this section determin-
10 ing that a basis for appointment of a conservator or other pro-
11 tective order exists ~~,~~ does not affect the capacity of the pro-
12 tected person.

13 (3) To encourage the self-reliance and independence of a
14 protected person, the court may authorize the individual to func-
15 tion without the consent or supervision of the person's conserva-
16 tor in the handling of part of his or her money or property,
17 including the maintenance of a savings or checking account in a
18 bank or other institution. ~~, and, to~~ TO the extent authorized
19 ~~, any~~ UNDER THIS SUBSECTION, A person may deal with that indi-
20 vidual as though the individual were mentally competent.

21 Sec. 478. (1) Within ~~60~~ 63 days after ~~his or her~~
22 appointment, a conservator shall prepare and file with the
23 appointing court a complete inventory AND ACCOUNTING of the
24 PROTECTED PERSON'S estate ~~of the protected person~~ together with
25 an oath or affirmation that it is complete and accurate so far as
26 the conservator is informed. THE COURT, OR STAFF ASSIGNED BY THE
27 COURT, SHALL REVIEW THE ACCOUNTING.

1 (2) The conservator shall provide a copy of the inventory
2 AND ACCOUNTING to the protected person if the person can be
3 located, ~~has attained the age of~~ IS 14 years OF AGE OR OLDER,
4 and has sufficient mental capacity to understand these matters
5 and to ~~any~~ A parent or guardian with whom the protected person
6 resides. The conservator shall keep suitable records of the
7 administration and exhibit the records on request of an inter-
8 ested person.

9 Sec. 484. (1) A conservator has all of the powers conferred
10 in this section. In addition, a conservator of the estate of an
11 unmarried minor as to whom no person has parental rights ~~—~~ has
12 the duties and powers of a MINOR'S guardian ~~of a minor~~
13 described in section 431 until the minor marries. ~~but~~ HOWEVER,
14 the parental rights ~~so~~ conferred BY THIS SUBSECTION on a con-
15 servator do not preclude appointment of a guardian as provided
16 ~~by sections 421 to 437~~ IN THIS ARTICLE.

17 (2) A conservator, without court authorization or confirma-
18 tion, may invest ~~and~~ OR reinvest ~~funds of the~~ estate MONEY as
19 would a trustee.

20 (3) A conservator, acting reasonably in efforts to accom-
21 plish the purpose for which he or she was appointed, may act
22 without court authorization or confirmation to DO ALL OF THE
23 FOLLOWING:

24 (a) Collect, hold, ~~and~~ OR retain ESTATE assets ~~of the~~
25 ~~estate~~ including land in another state, until in the
26 conservator's judgment, disposition of the assets should be made,

1 which assets may be retained even though they include an asset in
2 which the conservator is personally interested.

3 (b) Receive additions to the estate.

4 (c) Continue or participate in the operation of a business
5 or other enterprise.

6 (d) Acquire an undivided interest in an estate asset in
7 which the conservator, in any fiduciary capacity, holds an undi-
8 vided interest.

9 (e) Invest ~~and~~ OR reinvest estate assets pursuant to sub-
10 section (2).

11 (f) Deposit estate funds in a bank including a bank operated
12 by the conservator.

13 (g) Acquire or, SUBJECT TO SUBSECTION (4), dispose of an
14 estate asset including land in another state for cash or on
15 credit, at public or private sale; ~~and to~~ OR manage, develop,
16 improve, exchange, partition, change the character of, or abandon
17 an estate asset.

18 (h) Make ordinary or extraordinary repairs or alterations in
19 buildings or other structures, ~~to~~ demolish ~~any~~ improvements,
20 ~~and to~~ OR raze existing or erect new party walls or buildings.

21 (i) Subdivide, develop, or dedicate land to public use; ~~to~~
22 make or obtain the vacation of plats ~~and~~ OR adjust boundaries;
23 ~~to~~ adjust differences in valuation on exchange, or ~~to~~ parti-
24 tion by giving or receiving consideration; ~~and to~~ OR dedicate
25 easements to public use without consideration.

26 (j) Enter for any purpose into a lease as lessor or lessee
27 with or without option to purchase or renew for a term within or

1 extending beyond the CONSERVATORSHIP'S term. ~~of the~~
2 ~~conservatorship.~~

3 (k) Enter into a lease or arrangement for exploration ~~and~~
4 OR removal of minerals or other natural resources, or enter into
5 a pooling or unitization agreement.

6 (l) Grant an option involving disposition of an estate asset
7 or ~~to~~ take an option for the acquisition of ~~any~~ AN asset.

8 (m) Vote a security, in person or by general or limited
9 proxy.

10 (n) Pay calls, assessments, ~~and any~~ OR other sums charge-
11 able or accruing against or on account of securities.

12 (o) Sell or exercise stock subscription or conversion
13 rights; ~~to~~ OR consent, directly or through a committee or other
14 agent, to the reorganization, consolidation, merger, dissolution,
15 or liquidation of a corporation or other business enterprise.

16 (p) Hold a security in the name of a nominee or in other
17 form without disclosure of the conservatorship so that title to
18 the security may pass by delivery. The conservator is liable for
19 ~~any~~ AN act of the nominee in connection with the stock so
20 held.

21 (q) Insure the ESTATE assets ~~of the estate~~ against damage
22 or loss, ~~and~~ OR the conservator against liability with respect
23 to third persons.

24 (r) Borrow money to be repaid from estate assets or other-
25 wise; ~~to~~ advance money for the protection of the estate or the
26 protected person ~~and for all~~ OR FOR expenses, losses, ~~and~~ OR
27 liability sustained in the administration of the estate or

1 because of the holding or ownership of any estate assets. The
2 conservator has a lien on the estate as against the protected
3 person for advances made under this subdivision.

4 (s) Pay or contest a claim; ~~to~~ settle a claim by or
5 against the estate or the protected person by compromise, arbi-
6 tration, or otherwise; ~~and to~~ OR release, in whole or in part,
7 a claim belonging to the estate to the extent that the claim is
8 uncollectible.

9 (t) Pay taxes, assessments, reasonable compensation of the
10 conservator, ~~and~~ OR other expenses incurred in the collection,
11 care, administration, ~~and~~ OR protection of the estate.

12 (u) Allocate items of income or expense to estate income or
13 principal, as provided by law, including creation of reserves out
14 of income for depreciation, obsolescence, or amortization, or for
15 depletion in mineral or timber properties.

16 (v) Pay ~~any~~ A sum distributable to a protected person or
17 that person's dependent without liability to the conservator, by
18 paying the sum to the distributee or by paying the sum for the
19 use of the distributee to his or her guardian or if none, to a
20 relative or other person with custody of his or her person.

21 (w) Employ persons, including attorneys, auditors, invest-
22 ment advisors, or agents, even though they are associated with
23 the conservator, to advise or assist the conservator in the per-
24 formance of his or her administrative duties; to act upon their
25 recommendation without independent investigation; and instead of
26 acting personally, to employ 1 or more agents to perform ~~any~~ AN
27 act of administration, whether or not discretionary.

1 (x) Prosecute or defend actions, claims, or proceedings in
2 any jurisdiction for the protection of estate assets ~~and~~ OR of
3 the conservator in the performance of his or her duties.

4 (y) Execute and deliver ~~any~~ AN instrument ~~which~~ THAT
5 will accomplish or facilitate the exercise of the powers vested
6 in the conservator.

7 (4) A CONSERVATOR SHALL NOT SELL A PROTECTED PERSON'S REAL
8 PROPERTY EXCEPT AS PROVIDED IN SECTION 468.

9 Sec. 636. (1) Subject to confirmation by the court, ~~the~~
10 A FIDUCIARY MAY SELL A WARD'S real estate, ~~an~~ interest
11 ~~therein~~ IN REAL ESTATE, or easement ~~of a ward may be sold by~~
12 ~~the fiduciary in any~~ IN 1 OR MORE of the following instances:

13 (a) ~~When the~~ IF THE WARD'S personal property ~~of the~~
14 ~~person~~ is insufficient to pay ~~his just~~ THE WARD'S debts,
15 together with the charges of managing ~~his~~ THE estate or ~~when~~
16 IF it appears that it is for the WARD'S best interest ~~of the~~
17 ~~ward~~ that ~~his~~ THE real estate or some part ~~thereof~~ OF IT be
18 sold for that purpose ~~in lieu~~ INSTEAD of disposing of the per-
19 sonal estate.

20 (b) ~~When the~~ IF THE WARD'S personal property ~~of the~~
21 ~~person~~ is insufficient to pay the expenses incurred by ~~any~~ A
22 county or by the state ~~in the~~ FOR THE WARD'S care, support, or
23 maintenance, ~~of the ward,~~ together with the charges of managing
24 ~~his~~ THE WARD'S estate.

25 (c) ~~When~~ IF the income of the WARD'S estate ~~of a ward~~ is
26 insufficient to maintain the ward and ~~his~~ THE WARD'S family or

1 is insufficient to educate a minor ward or the WARD'S children.
2 ~~of a ward.~~

3 (d) ~~When~~ IF it appears that it would be for the WARD'S
4 benefit ~~of the ward~~ that ~~his~~ THE real estate or ~~any~~ A part
5 ~~thereof~~ OF IT be sold and the proceeds ~~thereof~~ reinvested.

6 (e) ~~When the~~ IF THE WARD'S interest ~~of the ward~~ is that
7 of tenant by the entirety or is that of a joint tenant.

8 (2) For the purposes of the sale and the distribution of the
9 SALE proceeds ~~of the sale~~ under ~~subdivision (e)~~ SUBSECTION
10 (1)(E), the interest of the WARD'S estate ~~of the ward~~ and the
11 other tenant shall be ~~deemed to be~~ CONSIDERED equal. If the
12 sale is made of the entirety or joint interest with right of sur-
13 vivorship of the ward, upon the WARD'S death, ~~of the ward any~~ A
14 surplus of the SALE proceeds ~~of the sale~~ coming to the ward's
15 estate ~~shall remain~~ REMAINS a part of the ward's estate and
16 ~~shall~~ DOES not belong or ~~be~~ IS NOT subject to ~~any~~ A claim
17 of the other tenant by the entirety or other joint tenant or
18 joint tenants.

19 (3) THE COURT SHALL NOT CONFIRM A SALE UNDER THIS SECTION
20 UNLESS THE COURT FINDS THAT THE SALE AND THE SALE PRICE ARE IN
21 THE WARD'S BEST INTEREST.