

## TABLE OF CONTENTS

### Section 1 - References and Definitions

1.10 References

1.20 Definitions

### Section 2 - Court Administration

2.10 Hours

2.20 Conferences with Judge, Commissioner or Deputy Commissioner

2.30 Telephone Conferences

2.40 Telephone Numbers

2.50 Docket Clerk/Audio Reporter

2.60 Inquiries - File Status

### Section 3 - Attorneys

3.10 Attorney of Record

3.20 Pleadings

3.30 Change of Address

3.40 Withdrawal of Attorney

3.50 Local Counsel

### Section 4 - Court Docket

4.10 Kansas City

4.20 Independence

4.30 Trials

### Section 5 - Court Costs - Determination and Payment

5.10 In General

- 5.10.1 Cost Deposits
  - 5.10.1(a) Decedents' Estates
  - 5.10.1(b) Guardianships and Conservatorships
  - 5.10.1(c) Miscellaneous Matters
- 5.10.2 Copies
- 5.10.3 When Copies Charged to Estate
- 5.10.4 Estates Opened Solely for Litigation
- 5.20 Citations/Show Cause Orders
- 5.30 Costs Billed, When
- 5.40 How to Request an Estimate of Final Costs
  - 5.40.1 Completion of Form and to Whom Submitted
  - 5.40.2 Type of Closing
  - 5.40.3 Copies Necessary at Closing

Section 6 - Form, Contents, Execution and Filing of Pleadings and Other Documents

- 6.10 Form, Contents, Execution
  - 6.10.1 Form
  - 6.10.2 Approved Forms
  - 6.10.3 Contents
  - 6.10.4 Execution
- 6.20 Proof of Filing and Copies
- 6.30 Messenger Pick-Up Box
- 6.40 Venue
- 6.50 Filing Pleadings

6.60 Routing Files Between Kansas City and Independence

Section 7 - Adversary Proceedings

7.10 Jurisdiction of Probate Division

7.20 Concurrent Jurisdiction of Probate Division

7.30 Authority to Assign Cases to Probate Division

7.40 Adversary Probate Proceedings - Rules of Procedure

7.50 Adversary Civil Proceedings - Rules of Procedure

7.60 Special Statutory Proceedings - Rules of Procedure

7.70 Rules of the Circuit Court of Jackson County

7.80 Nature of Process to be Employed

7.90 Demand for Jury Trial

7.100 Hearings - As Required - When

7.110 Notice of Hearing Requested - How

7.120 Personal or Mail Service by Summons - Requirements

7.130 Pre-Trial Conferences

7.140 Motions

7.150 Appeals

7.160 Recording of Hearings

Section 8 - Refusals, Small Estates and Other Short Form Proceedings

8.10 Refusal of Letters to Spouse and Minor Children

8.10.1 Filing

8.10.2 Circumstances Under Which Issued

8.10.3 Application

- 8.10.4 Real Property
- 8.10.5 Multiple Applications
- 8.10.6 Amended Applications
- 8.20 Application for Refusal of Letters to Creditors
- 8.30 Collection of Small Estates on Affidavit
  - 8.30.1 Value of Estate - When Filed
  - 8.30.2 Bond
  - 8.30.3 Presentation of Will
- 8.40 Determination of Heirship
  - 8.40.1 Within a Decedent's Estate
  - 8.40.2 Where No Administration Commenced Within One Year
- 8.50 Termination of Administration on Return of Inventory

## Section 9 - Wills

- 9.10 Delivery to Court and Admitting Wills to Probate
  - 9.10.1 Will Filed
  - 9.10.2 Will Presented
- 9.20 Proof of Instrument
  - 9.20.1 Self-Proving Instruments
  - 9.20.2 When Will is Not Self-Proving
  - 9.20.3 Witness Deceased, Incapacitated or Whereabouts Unknown
  - 9.20.4 Commissions
  - 9.20.5 Lost Will, Alleged Revocation

9.30 Foreign Wills

9.40 Disposition of Personal Property by List

9.40.1 Filing

9.40.2 Limitations on Disposition by List

9.40.3 Application for Letters

9.50 Pour-Over Wills, Copy of Trust Agreement

9.60 Will Construction

9.70 Will Contests

9.70.1 Where Filed

9.70.2 Designation

9.70.3 Effect of Filing

9.70.4 Authority of Fiduciary

9.70.4(a) Personal Representative's Authority

9.70.4(b) Administrator Pendente Lite's Authority

## Section 10 - Applications for Letters - Supervised Administration

10.10 Applications, Where Filed

10.20 Form and Contents

10.20.1 Court Form, Relationship to Decedent

10.20.2 Letters Testamentary

10.20.3 Letters of Administration

10.20.4 Current Addresses

10.30 Hearing on Applications for Letters

10.30.1 Intestate Estates

10.30.2 Testate Estates

10.30.3 Notice

10.40 Administrator Ad Litem

10.50 Filing Bond

10.60 Publication of Notice of Letters Granted

Section 11 - Application for Letters - Independent Administration

11.10 Applications, Where Filed

11.20 Form and Contents

11.30 Hearing on Applications for Letters

11.40 Administrator Ad Litem

11.50 Filing Bond

11.60 Publication of Notice of Letters Granted

Section 12 - Bonds in Decedents' Estates - Supervised Administration

12.10 Bond, When Filed

12.10.1 When Required

12.10.2 Type of Bond

12.20 Bond Form, Requirements

12.30 Uniformity of Sureties

12.40 Amount of Bond

12.50 Minimum Bond

12.60 Waiver of Bond

12.70 Increase of Bond

12.80 Citation - Failure to File Additional Bond

12.90 Reduction of Bond

12.100 Effect of Restricted Deposits on Bonds

12.100.1 Verification of Restriction Required

12.100.2 Amount of Bond

12.100.3 Release of Restricted Property

12.100.4 Method for Distribution of Assets Without Increasing Bond

12.100.5 Distribution of Bearer Securities or Stocks

Section 13 - Bonds in Decedent's Estates - Independent Administration  
[No Text]

Section 14 - Inventory - Supervised Administration

14.10 Time for Filing

14.20 Citation - Failure to File Inventory

14.30 Contents

14.40 Jointly Held Property

14.50 Description of Property

14.50.1 Real Property

14.50.2 Furniture, Household Goods & Wearing Apparel

14.50.3 Corporation Stocks

14.50.4 Mortgages, Deeds of Trust, Bonds, Notes and Other Written Evidence of Debt

14.50.5 Bank Accounts, Money, Insurance Policies Payable to the Personal Representative, Administrator or Estate and Life Insurance Policies Owned by the Decedent on the Life of Another Person

14.50.6 Contracts for Deed Relating to Sale of Decedent's Property

- 14.50.7 Contracts for Deed Relating to Purchase by Decedent
- 14.50.8 Real Property, Unperformed, Enforceable Contract
- 14.50.9 Oil and Gas Leases, Royalty and Mineral Interests
- 14.50.10 All Other Personal Property
- 14.50.11 Property Possessed by Decedent, But Owned or Claimed to be Owned by Another

14.60 Supplemental Inventory

14.70 Amended Inventory

14.80 Orders Pending Inventory

14.90 Lawsuits

14.90.1 Lawsuits Filed by Decedent Prior to Death

14.90.2 Lawsuits Against Decedent

Section 15 - Inventory - Independent Administration

Section 16 - Exempt Property, Family Allowance and Homestead Allowance - Supervised Administration

16.10 Exempt Property

16.20 Family Allowance

16.20.1 In General

16.20.2 Application, How Made and By Whom

16.20.3 Evidence of Standard of Living

16.20.4 Apportionment Between Spouse and Unmarried Minor Children, Ad Litem

16.20.5 Insolvent Estate

16.30 Homestead Allowance

16.30.1 In General

16.30.2 Application, How made and By Whom

16.30.3 Minor Child, Ad Litem or Conservator

16.30.4 Insolvent Estates

16.40 Allocation of Assets When Multiple Allowances are Involved

16.40.1 Calculation of Homestead Allowance and Affect on Distributive Share

16.40.2 Example One

16.40.3 Example Two

Section 17 - Exempt Property, Family Allowance and Homestead Allowance - Independent Administration

Section 18 - Compensation - Supervised Administration

18.10 In General

18.10.1 Standard

18.10.2 Signatures

18.10.3 Effect of Citation, Show Cause or Exception Letter

18.10.4 Co-Personal Representatives

18.10.5 Hourly Compensation

18.10.6 Statutory Compensation

18.10.7 How Reflected on Settlement

18.10.8 Payment for Specialized Services in Addition to Statutory Fee

18.10.9 Expenses of Attorney, Corporate Personal Representative

18.10.10 Attorney as Personal Representative

18.20 Determination of Corporate Personal Representatives' Fees in Excess of Statutory Fee

18.30 Co-Personal Representatives' Statutory Fees

18.40 Hourly Compensation of Lay Personal Representatives

18.50 Computation of Statutory Fee

18.50.1 In General

18.50.2 Advancements to Estates

18.50.3 Proceeds of Sale

18.60 Allowance, Partial Fee, Decedents' Estates

Section 19 - Compensation - Independent Administration

19.10 Statutory Compensation

19.20 Compensation in Excess of the Statutory Fee

19.20.1 Court Order or Consents

19.20.2 Procedure for Obtaining Order

19.30 Partial Fees

19.40 Other Applicable Sections

Section 20 - Real and Personal Property - Supervised Administration

20.10 Real Property

20.10.1 Taking Charge

20.10.1(a) Pursuant to Order

20.10.1(b) Pursuant to Terms of Will

20.10.2 Discovery of Assets

20.10.3 Grounds for or Consents to Sale

- 20.10.3(a) Consents to Sale
- 20.10.3(b) Sale by Heirs or Devisees
- 20.10.4 Procedure for Private Sale
  - 20.10.4(a) Hearing
  - 20.10.4(b) Consents to Sale
  - 20.10.4(c) Report of Sale and Order Approving
  - 20.10.4(d) By Public Auction
- 20.10.5 Authority in Will to Sell Real Property
- 20.10.6 Purchase Price - Private Sale
- 20.10.7 Terms of Private Sale
- 20.10.8 Suggested Practice Aids
- 20.10.9 Reporting Real Property Sales on Settlement
  - 20.10.9(a) Time for Reporting
  - 20.10.9(b) Disbursement of Proceeds by Personal Representative or His Attorney
  - 20.10.9(c) Disbursement of Proceeds by Title Company or Real Estate Broker
- 20.10.10 Abandonment of Real Property
- 20.10.11 Foreclosure
- 20.20 Personal Property
  - 20.20.1 Values of Property
  - 20.20.2 Possession
  - 20.20.3 Discovery of Assets
  - 20.20.4 Sales

- 20.20.5 Abandonment of Personal Property
- 20.20.6 Secured Property
- 20.20.7 Expense Associated with Delivery of Specifically Devised Property
- 20.20.8 Continuation of Decedent's Business
  - 20.20.8(a) In General
  - 20.20.8(b) Financial Information Required
  - 20.20.8(c) Use of Estate Assets
  - 20.20.8(d) Confidential Financial Information
  - 20.20.8(e) Solvency of Estate
  - 20.20.8(f) Testamentary Authority
  - 20.20.8(g) Contents Show Cause Order
  - 20.20.8(h) Bond of Personal Representative
  - 20.20.8(i) Segregation of Business Assets
  - 20.20.8(j) Limitations on Operations
  - 20.20.8(k) Confirmation Order

## Section 21 - Real and Personal Property - Independent Administration

### 21.10 Real Property

- 21.10.1 Taking Charge
  - 21.10.1(a) Duty of Personal Representative
  - 21.10.1(b) Management, Protection, Preservation
  - 21.10.1(c) Specific Devise
- 21.10.2 Sale of Real Property
  - 21.10.2(a) Sale by Personal Representative

21.10.2(b) Sale by Heirs or Devisees

21.10.3 Other Applicable Sections

21.20 Personal Property

21.20.1 Values of Property

21.20.2 Possession

21.20.3 Management, Protection, Preservation

21.20.4 Discovery of Assets

21.20.5 Sales

21.20.6 Abandonment

21.20.7 Secured Property

21.20.8 Expense Associated With Delivery of Specifically Devised Property

21.20.9 Continuation of Decedent's Business

Section 22 - Settlement - Supervised Administration

22.10 In General

22.20 Extensions

22.30 Failure to File Settlement

22.30.1 Citation

22.30.2 Continuance by Court on Its Own Motion

22.40 Settlement – Contents

22.40.1 Income - Disbursement, Additional Property

22.40.2 Disbursement Supported by Court Order

22.40.3 Estates Open More Than Two Years

- 22.40.4 Debits - Credits
- 22.50 Closing Costs of a Real Property Sale
- 22.60 Foreclosure, Abandonment or Surrender of Estate Property
  - 22.60.1 Real Property
  - 22.60.2 Personal Property
- 22.70 Original Vouchers (Receipts)
- 22.80 Corrections - Auditor's Exception Letter – Extensions
  - 22.80.1 In General
  - 22.80.2 Exception Letter - Errors in Settlement
  - 22.80.3 Show Cause Orders
  - 22.80.4 Effect of Exception Letter on Fees
  - 22.80.5 Rescission of Exceptions
- 22.90 Additional Bond
- 22.100 Orders Ratifying Expenditures
- 22.110 Funds Advanced from Source Outside the Estate
  - 22.110.1 To Prevent Sale of Assets or Where Estate is Not Liquid
  - 22.110.2 To Pay Debts of Decedent Prior to Opening of Estate
- 22.120 Sale or Redemption of Personal Property
- 22.130 Verification of Restricted Accounts
- 22.140 Will Contest
- 22.150 Waiver of Legal Requirements
- 22.160 Beginning and Ending Balances
- 22.170 Debit-Credit Entries

- 22.170.1 Chronological Order
- 22.170.2 Debits Segregated from Credits
- 22.170.3 Rental Income
- 22.170.4 Payment of Costs
- 22.180 Final Settlement
- 22.190 Settlement on Death, Resignation or Removal of Personal Representative
- 22.200 Liability of Successor Personal Representative
- 22.210 Settlement, Exhausted Estate
- 22.220 Costs - Final Settlement
- 22.230 Proof of Payment of Expenses of Administration
- 22.240 Final Compensation of Personal Representative and Attorney
- 22.250 Objections to Settlement
- 22.260 Checklist of Requirements to Be Satisfied Prior to Filing Final Settlement

Section 23 - Settlement or Statement of Account - Independent Administration

- 23.10 In General
- 23.20 Settlement - Judicial Closing - Section 473.837, RSMo
  - 23.20.1 Preparation and Notice
  - 23.20.2 Audit - Exceptions
- 23.30 Statement of Account - Non-Judicial Closing - Section 473.840, RSMo
  - 23.30.1 Preparation
  - 23.30.2 Notice
  - 23.30.3 Audit - Exceptions

23.40 Other Applicable Sections

Section 24 - Distribution and Discharge - Supervised Administration

24.10 Partial Distribution to Beneficiaries

24.10.1 When Allowed: Bond Required, When

24.10.2 Unequal Distributions

24.10.3 Real Property

24.20 Payment of Tax on Specific or General Devises

24.30 Final Distribution

24.30.1 Order

24.30.2 To Whom Distributed

24.30.3 Description of Property

24.30.4 Equal Distribution Required

24.30.5 Rents or Income on Specifically Devised Property

24.30.6 Sale of Personal Property to Effect Distribution

24.30.7 Balance as Shown on Distribution

24.30.8 Real Property Sold by Heirs or Devisees Without Court Order

24.30.9 Minor Distributees

24.30.10 Nonresident Corporate Fiduciaries – Reciprocity

24.30.11 IRS Closing Letter - Marital/Non Marital Trusts

24.30.12 Marital/Non-Marital Distribution

24.30.13 Assignment

24.30.14 Renunciation or Disclaimer

24.30.15 Escheats - Missing Heirs

24.30.16 Abatement

24.40 Judgment Creditors

24.50 Discharge

24.50.1 Time for Filing Receipts

24.50.2 Receipts Must Conform With Order

24.50.3 Acceptable Receipts

24.50.4 Citation for Failure to File

24.50.5 Effect of Discharge

Section 25 - Distribution and Discharge - Independent Administration

25.10 Partial Distribution to Beneficiaries

25.10.1 Order Not Required

25.10.2 Procedure

25.10.2(a) Title to an Automobile

25.10.2(b) Stocks or Bonds

25.20 Final Distribution - Judicial Closing - Section 473.837, RSMo

25.30 Schedule of Distribution - Non-Judicial Closing - Section 473.840, RSMo

25.40 Discharge

25.40.1 Judicial Closing - Section 473.837, RSMo

25.40.2 Non-Judicial Closing - Section 473.840, RSMo

25.50 Other Applicable Sections

Section 26 - Forms - Closing Supervised Estates

26.10 Decedents' Estates with Assets

26.20 All Exhausted Estates

26.30 Personal Representative Resigned/Removed - Successor Appointed

26.40 Personal Representative - Deceased

26.50 Subsequently Discovered Assets (after Estate Closed)

Section 27 - Forms - Closing Independently Administered Estates

27.10 Judicial Closing - Section 473.837, RSMo

27.20 Non-Judicial Closing - Section 473.840, RSMo

27.30 Personal Representative Resigned/Removed - Successor Appointed

Section 28 - Claims - Decedents' Estates - Supervised and Independent Administration

28.10 In General

28.20 Time for Filing

28.30 Debts Due United States and Other Taxing Authorities

28.40 Lawsuits Pending at or Commenced After Decedent's Death

28.50 Judgments as Claims

28.60 Form of Pleading and Hearing

28.60.1 Sufficiency of Pleading

28.60.2 Procedure

28.70 Secured Claims

28.80 Classification

28.90 Claims for Funeral Expenses and Tombstones

28.90.1 Funeral Expenses

28.90.2 Tombstones

28.100 Allowance by Court

28.110 Payment of Claims

28.120 Compromise of a Claim

28.130 Insolvent Estates

28.140 Personal Representative as Claimant

28.150 Disposition of Claims

28.160 Other Applicable Sections

Section 29 - Guardianship and Conservatorship Proceedings

29.10 In General

29.20 Nature of Proceeding

29.20.1 Adults

29.20.2 Minors

29.30 Who May File - Who May Serve

29.30.1 In General

29.30.2 Adults

29.30.3 Minors

29.30.4 The Jackson County Public Administrator

29.40 Petition – Contents

29.40.1 In General

29.40.2 Adults

29.40.3 Minors

29.40.4 Successor Guardian/Conservator

29.50 Personal Service and Notice of Hearing

29.50.1 Adults

29.50.2 Minors

29.60 Temporary Emergency Detention Procedures

29.70 Prehearing Procedures

29.70.1 Adults

29.70.1(a) Appointment of Attorney for Respondent

29.70.1(b) Appointment of Examining Physician

29.70.1(c) Jury Trial Request or Waiver

29.70.2 Minors

29.80 Hearing

29.80.1 In General

29.80.2 Expert Medical Evidence

29.80.3 Adults – Evidence

29.80.4 Minors - Evidence

29.90 Guardian or Conservator Ad Litem – Emergencies

29.90.1 Adults - Prior to Adjudication

29.90.2 Adults or Minors - Where Existing  
Guardian/Conservator

29.100 Issuance of Letters Granted

29.100.1 Adults

29.100.2 Minors

29.110 Annual Report of Guardian

29.110.1 In General

29.110.2 Citation

29.110.3 Contents

- 29.110.4 Corrections - Exception Letter – Extension
- 29.110.5 Show Cause Order
- 29.120 Death of Protectee - Distribution Without Administration
  - 29.120.1 In General
  - 29.120.2 Suggestion of Death - Form and Contents
  - 29.120.3 Order to Proceed
  - 29.120.4 Publication of Notice, Bond
  - 29.120.5 Final Settlement
  - 29.120.6 Distribution and Discharge
- 29.130 Restoration

## Section 30 - Bonds - Conservatorship Estates

- 30.10 Bond, When Required
- 30.20 Type of Bond
- 30.30 Bond Form, Requirements
  - 30.30.1 Condition of Bond and Signatures
  - 30.30.2 Uniformity of Sureties
- 30.40 Amount of Bond
  - 30.40.1 In General
  - 30.40.2 Trust Assets
  - 30.40.3 Minimum Bond
- 30.50 Increase of Bond
- 30.60 Citation - Failure to File Additional Bond
- 30.70 Reduction of Bond

30.80 Effect of Restricted Assets on Bonds

30.80.1 Verification of Restriction Required

30.80.2 Amount of Bond

30.80.3 Release of Restricted Property

Section 31 - Inventory - Conservatorship Estates

31.10 Time for Filing

31.20 Citation - Failure to File Inventory

31.30 Contents

31.40 Multiple Party Accounts - Jointly Held Property

31.50 Description of Property

31.50.1 Real Property

31.50.2 Furniture, Household Goods & Wearing Apparel

31.50.3 Corporation Stocks

31.50.4 Mortgages, Deeds of Trust, Bonds, Notes and Other  
Written Evidence of Debt

31.50.5 Bank Accounts, Money, Burial Plans and Insurance Policies

31.50.6 Contracts for Deed Relating to Sale of Protectee's  
Property

31.50.7 Contracts for Deed Relating to Purchase by Protectee

31.50.8 Real Property, Unperformed, Enforceable Contract

31.50.9 Oil and Gas Leases, Royalty and Mineral Interests

31.50.10 Trust Assets of Which Protectee Is Beneficiary

31.50.11 Periodic Income

31.50.12 All Other Personal Property

31.50.13 Property Possessed by Protectee but Owned or Claimed to be Owned by Another

31.60 Supplemental Inventory

31.70 Amended Inventory

31.80 Orders Pending Inventory

31.90 Lawsuits

Section 32 - Compensation - Guardianship and Conservatorship Estates

32.10 In General

32.10.1 Fee Standard

32.10.2 Fee Applications

32.10.3 Effect of Citation, Show Cause or Exception Letter

32.10.4 Attorney as Guardian/Conservator

32.10.5 Notice to Veterans Administration

32.20 Determination of Corporate Conservators' Fees

32.30 Compensation of Lay Fiduciaries

32.40 Fees, When Allowed

32.50 Reimbursement for Expenses

Section 33 - Claims - Conservatorship Estates

33.10 In General

33.20 Time for Filing - Adults

33.30 Time for Filing - Minors

33.40 Form of Pleading and Hearing

33.40.1 Sufficiency of Pleading

33.40.2 Procedure

33.50 Classification

- 33.60 Allowance by Court
- 33.70 Payment of Claims
- 33.80 Compromise of a Claim
- 33.90 Insolvent Estates
- 33.100 Conservator as Claimant
- 33.110 Disposition of Claims

Section 34 - Real and Personal Property - Conservatorship Estates

- 34.10 Taking Charge
- 34.20 Discovery of Assets - Action to Obtain Assets of Protectee
- 34.30 Real Property
  - 34.30.1 Procedure for Private Sale
    - 34.30.1(a) Petition - Notice
    - 34.30.1(b) Report of Sale and Order Approving
    - 34.30.1(c) By Public Auction
  - 34.30.2 Purchase Price - Private Sale
  - 34.30.3 Terms of Private Sale
  - 34.30.4 Suggested Practice Aids
  - 34.30.5 Reporting Real Property Sales on Settlement
    - 34.30.5(a) Time for Reporting
    - 34.30.5(b) Disbursement of Proceeds by Conservator or His Attorney
    - 34.30.5(c) Disbursement of Proceeds by Title Company or Real Estate Broker
  - 34.30.6 Purposes for Sale
  - 34.30.7 Abandonment of Real Property
  - 34.30.8 Foreclosure

34.40 Personal Property

34.40.1 Values of Property

34.40.2 Possession

34.40.3 Multiple Party Accounts and Joint Property

34.40.4 Investment of Funds

34.40.5 Sales

34.40.6 Abandonment of Personal Property

34.40.7 Secured Property

34.40.8 Storage Fees and Moving Expenses

Section 35 - Settlement - Conservatorship Estates

35.10 In General

35.10.1 Notice to File

35.10.2 Notice/Waiver - Veterans Administration

35.20 Extensions

35.30 Failure to File Settlement

35.30.1 Citation

35.30.2 Continuance by Court on Its Own Motion

35.40 Settlement – Contents

35.40.1 Income - Disbursement, Additional Property

35.40.2 Disbursement Supported by Court Order

35.40.3 Debits - Credits

35.50 Closing Costs of a Real Property Sale

35.60 Foreclosure, Abandonment or Surrender of Estate Property

35.60.1 Real Property

35.60.2 Personal Property

35.70 Original Vouchers (Receipts)

35.80 Verification of Assets

- 35.90 Corrections - Auditor's Exception Letter – Extensions
  - 35.90.1 In General
  - 35.90.2 Exception Letter - Errors in Settlement
  - 35.90.3 Show Cause Orders
  - 35.90.4 Effect of Exception Letter
  - 35.90.5 Rescission of Exceptions
- 35.100 Additional Bond or Reduction in Bond
- 35.110 Support and Maintenance
  - 35.110.1 Adults
  - 35.110.2 Minors
- 35.120 Investments
- 35.130 Orders Ratifying Expenditures
- 35.140 Funds Advanced from Source Outside the Estate
- 35.150 Sale or Redemption of Personal Property
- 35.160 Beginning and Ending Balances
- 35.170 Debit-Credit Entries
  - 35.170.1 Chronological Order
  - 35.170.2 Debits Segregated From Credits
  - 35.170.3 Support and Maintenance - Lump Sum
  - 35.170.4 Support and Maintenance - To Custodian
  - 35.170.5 Periodic Income
  - 35.170.6 Rental Income
- 35.180 Waiver of Settlement - No Further Process (NFP)
  - 35.180.1 In General
  - 35.180.2 Requirements
  - 35.180.3 Adult Protectee

- 35.180.3(a) Meets Indigency Standards of Chapter 208, RSMo, Eligible for Welfare
- 35.180.3(b) Meets Indigency Standards of Chapter 208, RSMo, Ineligible for Welfare
- 35.180.3(c) All Assets of Protectee Restricted or in Trust With Corporate Trustee
- 35.180.3(d) Accumulation of Assets - Purchase of Burial Plan
- 35.180.4 Minors
  - 35.180.4(a) Meets Indigency Standards of Chapter 208, RSMo, Eligible or Ineligible for Welfare
  - 35.180.4(b) All Assets of Minor Restricted
    - 35.180.4(b)(1) Immediately After Opening
    - 35.180.4(b)(2) At the Time of Filing Settlement
  - 35.180.4(c) Effect of Court Order
  - 35.180.4(d) Exception – Taxes
- 35.180.5 Termination of NFP
  - 35.180.5(a) Receipt of Property
  - 35.180.5(b) Restoration of the Protectee
  - 35.180.5(c) Minor Reaching Majority
  - 35.180.5(d) Death of the Protectee
- 35.190 Accounting for Trust Assets
- 35.200 Accounting for Multiple Party Accounts and Tenancy by the Entirety Property
- 35.210 Payment of Costs
- 35.220 Final Settlement
  - 35.220.1 Resignation or Removal of Conservator

- 35.220.2 Death of Conservator
- 35.230 Liability of Successor Conservator
- 35.240 Costs - Final Settlement
- 35.250 Proof of Payment of Expenses of Administration and Taxes
- 35.260 Final Compensation - Fiduciary and Attorney
- 35.270 Objections to Settlement
- 35.280 Check List of Requirements to be Satisfied Prior to Filing Final Settlement

Section 36 - Distribution and Discharge - Conservatorship Estates

- 36.10 When Distributed
- 36.20 All Distributions
  - 36.20.1 Order of Distribution
  - 36.20.2 Description of Property
  - 36.20.3 Assignment
  - 36.20.4 Escheat
- 36.30 Distribution Pursuant to Section 475,320.1., RSMo, Where Protectee Deceased
  - 36.30.1 Partial Distribution to Heirs
  - 36.30.2 To Whom Distributed
  - 36.30.3 Equal Distribution Required
  - 36.30.4 Sale of Personal Property to Effect Distribution
  - 36.30.5 Minor Distributees
  - 36.30.6 Renunciation or Disclaimer
  - 36.30.7 Judgment Creditors

36.40 Distribution From Conservatorship Estate Pursuant to Refusal of Letters or Small Estate Affidavit (Sections 473.090 and 473.097, RSMo) Where Protectee Deceased

36.40.1 To Whom Distributed

36.40.2 Equal Distribution Required

36.40.3 Sale of Personal Property to Effect Distribution

36.40.4 Minor Distributee

36.40.5 Renunciation or Disclaimer

36.40.6 Judgment Creditors

36.50 Discharge

36.50.1 Time for Filing Receipts – Extensions

36.50.2 Receipts Must Conform With Order

36.50.3 Acceptable Receipts

36.50.4 Citation for Failure to File

36.50.5 Effect of Discharge

Section 37 - Forms - Final Settlement or Closing in Conservatorship Estates

37.10 Conservator Resigned/Removed - Successor Appointed

37.20 Conservator-Deceased

37.30 Minor Reaching Majority - Estate With Assets  
Disabled Persons Restored - Estate With Assets

37.40 All Exhausted Estates - Protectee Reaching Majority, Restored or Deceased

37.50 Death of Protectee - With Assets - Section 475.320.2., RSMo

37.60 Intestate Protectee Without Debts - Close Without Administration Pursuant to Section 475.320.1. RSMo

Section 38 - Minors' Estates - Miscellaneous Provisions

38.10 Choosing a Method of Distribution to a Minor

- 38.10.1 In General
- 38.10.2 Conservatorship
- 38.10.3 Dispensing With Conservatorship
- 38.10.4 Transfer Pursuant to the Missouri Transfers to Minors Act
- 38.10.5 Cost Variables

38.20 Minors' Estates - Procedure for Settlement of Personal Injury Claims

- 38.20.1 Jurisdiction
- 38.20.2 Bond
- 38.20.3 How Inventoried

38.30 Dispensing With Conservatorship

Section 39 - Involuntary Civil Commitments: Mental Health and Substance Abuse Proceedings

39.10 In General

39.20 Initial Detention

39.30 Detention After 96 Hours

- 39.30.1 Mental Health Coordinators
- 39.30.2 Due Process Requirement
- 39.30.3 Jackson County Counselor's Office
- 39.30.4 References

Section 40 - Transfers to Minors and Personal Custodian Law

40.10 Missouri Transfers to Minors Law

- 40.10.1 In General
- 40.10.2 Creation
- 40.10.3 Types of Property
- 40.10.4 Transferors

40.10.4(a) Donors

40.10.4(b) Obligors

40.10.4(c) Minors

40.10.5 Custodians

40.10.6 Custodial Designation on Distribution from a Decedent's Estate

40.10.7 Court Approval - Property in Excess of \$10,000

40.10.8 Termination

40.20 Missouri Personal Custodian Law

40.20.1 In General

40.20.2 Creation

40.20.3 Types of Property

40.20.4 Transferors

40.20.4(a) Donors

40.20.4(b) Obligors

40.20.4(c) The Property Owner

40.20.5 Court Designation of Custodian

40.20.6 Custodians

40.20.7 Custodial Designation on Distribution from a Decedent's Estate

40.20.8 Court Approval - Property in Excess of \$10,000

40.20.9 Effect of Incapacity of Beneficiary

40.20.10 Termination

Section 41 - Trusts

41.10 In General

41.20 Jurisdiction

- 41.30 Trust Registration
- 41.40 Adversary Proceeding
- 41.50 Testamentary Trusts
  - 41.50.1 Terms of a Will
  - 41.50.2 "Pour-Over" Provisions
- 41.60 Trustees
  - 41.60.1 Identity of Trustee and Beneficiaries
  - 41.60.2 Personal Representative as Trustee
  - 41.60.3 Nonresident Corporate Fiduciaries - Reciprocity
  - 41.60.4 Resignation, Death, Inability or Refusal to Act – Successor Trustee
  - 41.60.5 Accounting
- 41.70 Modification, Revocation and Termination

Section 42 - Durable Power of Attorney

- 42.10 In General
- 42.20 Jurisdiction of Probate Division
- 42.30 Court Appointment of Guardian/Conservator for Principal
- 42.40 Court Appointment of Personal Representative for Principal
- 42.50 Accounting
  - 42.50.1 Who May Petition
  - 42.50.2 Waiver or Ex Parte Approval
- 42.60 Declaration of Incapacity or Disability
  - 42.60.1 Petition for Court Action
  - 42.60.2 Accounting to Successor
  - 42.60.3 Duties and Powers Specified by Court Order
- 42.70 Appointment of Guardian Ad Litem or Conservator Ad Litem