

STATEMENT OF RELEASOR'S ATTORNEY

I, \_\_\_\_\_, am licensed to practice law in the State of \_\_\_\_\_ and have acted as counsel to \_\_\_\_\_, an infant/protected person, by \_\_\_\_\_, as guardian/conservator, in connection with a Complaint filed in the \_\_\_\_\_ Court of \_\_\_\_\_ County, \_\_\_\_\_, entitled \_\_\_\_\_ v. \_\_\_\_\_, being Civil Action No. \_\_\_\_\_. I declare that I have fully explained the foregoing Assignment and Assumption Agreement to the Releasor, who thereafter acknowledged to me an understanding of the Agreement and the legal effect thereof, and that the signature on the Agreement was personally made by the Releasor whose name it is.

\_\_\_\_\_  
(Attorney)

\_\_\_\_\_  
DATE



SECTION 6

LAND TRANSFER - Interest of Infant/Protected Person



IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

\_\_\_\_\_, and  
\_\_\_\_\_,  
as Guardians/Conservators for  
\_\_\_\_\_, Infant,  
Plaintiffs,

v.

CIVIL ACTION NO. \_\_\_\_\_  
SUMMARY PROCEEDING FOR THE  
SALE OF INFANT'S INTEREST  
IN REAL ESTATE

\_\_\_\_\_,  
Infant,  
Defendant.

PETITION OF \_\_\_\_\_ AND  
\_\_\_\_\_, AS GUARDIANS/CONSERVATORS FOR  
\_\_\_\_\_, AN INFANT  
AGAINST SAID INFANT

TO THE HONORABLE \_\_\_\_\_, JUDGE OF SAID COURT:

The undersigned petitioners respectfully represent unto Your Honor that:

1. The undersigned petitioners are residents of \_\_\_\_\_ County, West Virginia, and are the duly qualified and acting guardians/conservators for \_\_\_\_\_, an infant, having been so appointed by the Circuit Court of \_\_\_\_\_ County, West Virginia, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, as will appear from a certified copy of the appointing order, duly certified by

the Clerk of the Circuit Court of \_\_\_\_\_ County, West Virginia, and attached hereto and marked Exhibit 1.

2. The said infant is the owner of: an undivided \_\_\_\_\_ (\_\_\_\_\_) interest in certain improved real property which was inherited by him/her upon the intestate death of his/her father/mother, \_\_\_\_\_, and which was previously devised to \_\_\_\_\_ under the Last Will and Testament of his father, \_\_\_\_\_, duly probated on \_\_\_\_\_, and of record in the Office of the Clerk of \_\_\_\_\_ County, West Virginia, in Will Book \_\_\_\_\_, at page \_\_\_\_\_, subject to the life estate of \_\_\_\_\_, who is now deceased, said real property being described as all those certain lots or parcels of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in what is known as \_\_\_\_\_, in the City of \_\_\_\_\_, \_\_\_\_\_ County, West Virginia, and being designated as \_\_\_\_\_ (insert legal description from deed), of record in the aforesaid Clerk's Office in Deed/Map Book \_\_\_\_\_, at page \_\_\_\_\_.

3. On \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_, attorney for the owners and beneficiaries of the Estate of \_\_\_\_\_, deceased, entered into a contract and agreement with \_\_\_\_\_ for the sale of said property which is located at \_\_\_\_\_ (street address), for the sale price of \_\_\_\_\_ Dollars (\$\_\_\_\_) cash. Attached hereto as Exhibit 2 is a copy of said contract and agreement between the parties.

4. Additional property owned by the defendant, \_\_\_\_\_, infant, consists of the following: clothing and other personal property.

5. The petitioners are advised and believe that the aforesaid offer of \_\_\_\_\_ to purchase all of the undivided interests insaid property, including the undivided interest of said defendant for the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) is the highest price for which said property can be sold and that the interest of said infant will be promoted by a sale of said property to \_\_\_\_\_.

6. The property is presently in urgent need of repair and is depreciating in value, and the interest of the defendant will be promoted by such sale at this time since the sale of the property will bring the best possible price, and the interest of no other person or persons will be materially injured or prejudiced by such sale.

WHEREFORE, your petitioners pray that the defendant be made a party to this proceeding; that a discreet and competent attorney at law, practicing at the Bar of this Court, be appointed guardian ad litem for \_\_\_\_\_, an infant, and be required to be present at all proceedings held in connection with this Petition; that this Petition be set for hearing and due notice thereof given to the defendant and to such guardian ad litem; that the contract and agreement to sell the aforesaid real estate, including the undivided interest of the said \_\_\_\_\_, an infant, therein

to \_\_\_\_\_ for the sum of \_\_\_\_\_ (\$\_\_\_\_\_), and all actions of the petitioners in connection therewith be ratified, approved and confirmed; that the Court decree a sale of said property in accordance with the terms and provisions of said contract and agreement, and authorize and direct the petitioners, as guardians/conservators for \_\_\_\_\_, an infant, to execute, acknowledge and deliver a deed conveying all of the undivided interest of \_\_\_\_\_, an infant, in said property to the purchaser, \_\_\_\_\_, upon payment in full of the value of his/her undivided interest, which sale shall be subject to confirmation by the Court and be reported for such confirmation by the Court and be reported for such confirmation; and that petitioners may have such other and further relief, both general and special, as the Court may deem proper and the nature of the case may require.

\_\_\_\_\_, and  
\_\_\_\_\_, as  
Guardians/Conservators for  
\_\_\_\_\_,  
an Infant

By Counsel

\_\_\_\_\_  
WV State Bar No. \_\_\_\_\_  
Counsel for Plaintiffs  
(Address)



V E R I F I C A T I O N

STATE OF WEST VIRGINIA,

COUNTY \_\_\_\_\_, to-wit:

\_\_\_\_\_, one of the petitioners named in the foregoing Petition, being first duly sworn, upon oath, says that he/she has read the same and that the facts and allegations therein contained are true, except insofar as they are therein stated to be upon information and belief, and that insofar as they are therein stated to be upon information, he/she believes them to be true.

\_\_\_\_\_

Taken, subscribed and sworn to before me this \_\_\_\_\_ day of

\_\_\_\_\_, 20 \_\_\_\_.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

V E R I F I C A T I O N

STATE OF WEST VIRGINIA,

COUNTY \_\_\_\_\_, to-wit:

\_\_\_\_\_, one of the petitioners named in the foregoing Petition, being first duly sworn, upon oath, says that he/she has read the same and that the facts and allegations therein contained are true, except insofar as they are therein stated to be upon information and belief, and that insofar as they are therein stated to be upon information, he/she believes them to be true.

\_\_\_\_\_  
Taken, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

\_\_\_\_\_, and  
\_\_\_\_\_,  
as Guardians/Conservators for  
\_\_\_\_\_, Infant,  
Plaintiffs,

v.

CIVIL ACTION NO. \_\_\_\_\_  
SUMMARY PROCEEDING FOR THE  
SALE OF INFANT'S INTEREST  
IN REAL ESTATE

\_\_\_\_\_,  
Infant,  
Defendant.

NOTICE

TO: \_\_\_\_\_,  
an Infant

YOU ARE HEREBY NOTIFIED that, on the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_, as  
Guardians/Conservators of \_\_\_\_\_, Infant, filed in  
the Circuit Court of \_\_\_\_\_ County, West Virginia, a  
Petition naming you as a defendant and seeking approval of said  
Court for the sale and conveyance to \_\_\_\_\_ of  
\_\_\_\_\_  
(Insert description of real estate) \_\_\_\_\_, all of  
which real estate is more particularly described in said Petition.

YOU ARE FURTHER NOTIFIED that the Judge of said Court has set  
the Petition down for hearing to be held in the Courtroom thereof

located at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, at \_\_\_\_\_ a.m., or as soon thereafter as said proceeding  
can be heard, at which time and place you may be present to be  
heard, if you so desire.

YOU ARE FURTHER NOTIFIED that said Court has appointed  
\_\_\_\_\_, an attorney at law, whose office is located at  
\_\_\_\_\_, as Guardian Ad Litem for \_\_\_\_\_, an  
Infant, to represent his/her interest while this proceeding is  
pending.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_ and  
\_\_\_\_\_  
Guardians/Conservators of  
\_\_\_\_\_, an Infant

\_\_\_\_\_  
WV State Bar No. \_\_\_\_\_  
Counsel for Plaintiff  
(Address)

STATE OF WEST VIRGINIA,

COUNTY OF \_\_\_\_\_, TO-WIT:

\_\_\_\_\_, a credible person over the age of  
eighteen years, being first duly sworn, upon his oath, says that he  
served the attached Notice upon \_\_\_\_\_, an infant, by hand  
delivering a true copy thereof to him/her personally at \_\_\_\_\_  
(Address) \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Taken, subscribed and sworn to before the undersigned, a  
Notary Public in and for the County of \_\_\_\_\_ and State of  
West Virginia, this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

STATE OF WEST VIRGINIA,

COUNTY OF \_\_\_\_\_, TO-WIT:

\_\_\_\_\_, a credible person over the age of  
eighteen years, being first duly sworn, upon his oath, says that he  
served the attached Notice upon \_\_\_\_\_, Guardian Ad Litem,

by hand delivering a true copy thereof to him/her personally at  
\_\_\_\_\_(Address)\_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Taken, subscribed and sworn to before the undersigned, a  
Notary Public in and for the County of \_\_\_\_\_ and State of  
West Virginia, this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

\_\_\_\_\_ and  
\_\_\_\_\_,  
as GuardiansConservators for  
\_\_\_\_\_, Infant,  
Plaintiffs,

v.

CIVIL ACTION NO. \_\_\_\_\_  
SUMMARY PROCEEDING FOR THE  
SALE OF INFANT'S INTEREST  
IN REAL ESTATE

\_\_\_\_\_,  
Infant,  
Defendant.

AFFIDAVIT IN SUPPORT OF ORDER OF PUBLICATION

STATE OF WEST VIRGINIA,

COUNTY OF \_\_\_\_\_, TO-WIT:

\_\_\_\_\_, being first duly sworn, deposes and  
says:

1. That he/she is the attorney in fact for the petitioners  
in the above-styled proceeding and that he/she has personal  
knowledge of the facts set forth within this affidavit except to  
the extent that such facts are on information and belief and, as to  
facts stated on information and belief, affiant believes the same  
to be true.

2. That the affiant is advised and believes that the defendant, \_\_\_\_\_, infant, is not a resident of the State of West Virginia and has not appointed an attorney at law to accept service for him/her in this state.

3. That the last known address for said defendant is listed on the Memorandum to Clerk for Instituting Civil Action filed with this affidavit in the above-styled civil action.

4. This affidavit is executed by the affiant in accordance with Rule 4(e) of the West Virginia Rules of Civil Procedure for the purpose of enabling the petitioners to obtain an order of publication against said defendant, \_\_\_\_\_.

\_\_\_\_\_  
Taken, subscribed and sworn to before the undersigned, a Notary Public in and for the County of \_\_\_\_\_ and State of \_\_\_\_\_, this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public



6.04 -- Order of Publication

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

\_\_\_\_\_, and  
\_\_\_\_\_,  
as GuardiansConservators for  
\_\_\_\_\_, Infant,  
Plaintiffs,

v.

CIVIL ACTION NO. \_\_\_\_\_  
SUMMARY PROCEEDING FOR THE  
SALE OF INFANT'S INTEREST  
IN REAL ESTATE

\_\_\_\_\_,  
Infant,  
Defendant.

ORDER OF PUBLICATION

The object of the above-styled summary proceeding is to secure the approval of the Court of a contract of sale by plaintiffs and others of undivided interests in property located at \_\_\_\_\_, to \_\_\_\_\_, for the purchase price of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) and a court decree for the sale of said property by plaintiffs and said other owners in strict compliance with the provisions of \_\_\_\_\_ of the Code of \_\_\_\_\_, and any other matters the Court finds appropriate to address, so plaintiffs can complete the sale of the property in accordance with the terms and provisions of the contract.

It appears by Affidavit filed in this proceeding that

\_\_\_\_\_, infant, is a non-resident of the State of West Virginia and has not appointed an attorney at law to accept service of process for him/her in this state; it is

ORDERED that he/she appear and serve upon \_\_\_\_\_, plaintiffs' attorney, whose address is \_\_\_\_\_, an answer or other defense to the Petition filed in this proceeding on or before \_\_\_\_\_, 20\_\_\_\_, or otherwise judgment by default will be taken against him/her any time thereafter.

A copy of said Petition can be obtained from the undersigned Clerk at his/her office located at \_\_\_\_\_.

Entered by the Clerk of said Court the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Teste: \_\_\_\_\_  
Clerk of Court

BY: \_\_\_\_\_  
Deputy

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

\_\_\_\_\_, and  
\_\_\_\_\_,  
as Guardians/Conservators for  
\_\_\_\_\_, Infant,  
Plaintiffs,

v.

CIVIL ACTION NO. \_\_\_\_\_  
SUMMARY PROCEEDING FOR THE  
SALE OF INFANT'S INTEREST  
IN REAL ESTATE

\_\_\_\_\_,  
Infant,  
Defendant.

O R D E R

This day came the petitioners, by \_\_\_\_\_, their attorney, and tendered unto the Court and asked leave to file their duly verified Petition wherein they asked approval by the Court for the sale and conveyance to \_\_\_\_\_ of the undivided interest of \_\_\_\_\_, an infant, in and to those certain lots or parcels of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in what is known as \_\_\_\_\_ District, in the City of \_\_\_\_\_, \_\_\_\_\_ County, West Virginia, being designated as all of \_\_\_\_\_ (Specify Lot

Numbers, Etc.) \_\_\_\_\_, and being more particularly described in said Petition; and further praying that a proper guardian ad litem be appointed to represent said infant; that said Petition be set for hearing; and that due notice of the filing of said Petition, the appointment of said guardian ad litem, and the time and place of said hearing be given to the infant defendant.

And it appearing to the Court that the Petition is duly verified by said petitioners, that it states a proper case entitling them to a hearing thereon, and that the matters set out are within the jurisdiction of this Court, it is accordingly, ADJUDGED, ORDERED AND DECREED that said Petition be, and it is hereby, filed and said proceeding docketed; that \_\_\_\_\_, a discreet and competent attorney at law and in all respects a suitable person, be and he/she hereby is, appointed guardian ad litem for the said \_\_\_\_\_, an infant; that he/she appear for said infant and answer the Petition, make a full investigation of the matters set out in said Petition, attend the hearing or hearings had thereon, and faithfully represent said infant and protect his/her interest herein.

And it is FURTHER ADJUDGED, ORDERED AND DECREED that this proceeding and all matters arising on said Petition be set down for hearing in the Courtroom of this Court at \_\_\_\_\_ o'clock, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, or as soon thereafter as said

proceeding can be heard, and that due and sufficient notice thereof  
be given to the infant defendant.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

ENTER: \_\_\_\_\_

Judge



IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

\_\_\_\_\_ and  
\_\_\_\_\_,  
as Guardians/Conservators for  
\_\_\_\_\_, Infant,  
Plaintiffs,

v.

CIVIL ACTION NO. \_\_\_\_\_  
SUMMARY PROCEEDING FOR THE  
SALE OF INFANT'S INTEREST  
IN REAL ESTATE

\_\_\_\_\_,  
Infant,

Defendant.

ANSWER OF \_\_\_\_\_,  
GUARDIAN AD LITEM FOR  
\_\_\_\_\_, AN INFANT

Comes now the defendant, \_\_\_\_\_, an infant, by  
\_\_\_\_\_, attorney at law and appointed guardian ad litem,  
in answer to the Petition of \_\_\_\_\_ and \_\_\_\_\_,  
guardians/conservators for \_\_\_\_\_, infant, and states as  
follows:

1. The defendant admits the allegations contained in  
paragraphs 1, 2, 3, 4, 5 and 6 of the plaintiffs' Petition.

2. Your guardian ad litem is in possession of an uniform  
residential appraisal report from \_\_\_\_\_ dated \_\_\_\_\_  
\_\_\_\_\_, which indicates that the estimated fair market value of

the subject property is \$\_\_\_\_\_; and further attached is an addendum to said appraisal which indicates that an estimated cost of \$\_\_\_\_\_ is needed to make the necessary repairs to the property that would bring the value of the property up to the value of \$\_\_\_\_\_. A copy of said appraisal and addendum are attached hereto as Exhibits A and B.

WHEREFORE, your guardian ad litem requests that the Court hold a hearing and make its determination as to the interest of the infant in having his/her property sold; that said infant's rights be protected according to law; and that the Court grant such other relief as it shall deem proper and the notice of this case may require.

(Name, WV State Bar No.,  
& Address)

\_\_\_\_\_, INFANT  
By \_\_\_\_\_  
GUARDIAN AD LITEM



V E R I F I C A T I O N

STATE OF WEST VIRGINIA,

COUNTY OF \_\_\_\_\_, to-wit:

\_\_\_\_\_, guardian ad litem for \_\_\_\_\_,  
infant, being first duly sworn, upon oath, says that the facts and  
allegations contained in the foregoing Answer are true, except  
insofar as they are therein stated to be upon information and  
belief and that insofar as they are therein stated to be upon  
information, he/she believes them to be true.

\_\_\_\_\_

Taken, subscribed and sworn to before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 20 \_\_\_\_\_.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

CERTIFICATE OF SERVICE

I, \_\_\_\_\_, guardian ad litem for defendant,  
\_\_\_\_\_, an infant, hereby certify that I served the  
foregoing Answer upon all parties concerned by depositing true  
copies thereof in the United States Mail, postage prepaid, to  
counsel of record at the following addresses this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_:

\_\_\_\_\_. Esquire  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

\_\_\_\_\_ and  
\_\_\_\_\_,  
as Guardians/Conservators for  
\_\_\_\_\_, Infant,

Plaintiffs,

v.

CIVIL ACTION NO. \_\_\_\_\_  
SUMMARY PROCEEDING FOR THE  
SALE OF INFANT'S INTEREST  
IN REAL ESTATE

\_\_\_\_\_,  
Infant,

Defendant.

ORDER

This day came \_\_\_\_\_, the guardian ad litem heretofore appointed by the Court for \_\_\_\_\_, an infant, and tendered to the Court the duly verified Answer of said guardian ad litem and asked leave to file the same. Upon motion, it is ORDERED that said Answer be, and hereby is FILED.

Thereupon came \_\_\_\_\_ and \_\_\_\_\_, as guardians/conservators for \_\_\_\_\_, infant, and by their attorney, \_\_\_\_\_, and tendered and asked leave to file the separate notice given to said infant and his/her guardian ad litem, with the returns of service endorsed thereon. Upon consideration thereof, the Court does ORDER that said notices and returns of service upon the same be, and they hereby are, FILED.

Thereupon, in the presence of \_\_\_\_\_, guardian ad litem for \_\_\_\_\_, infant, \_\_\_\_\_ and \_\_\_\_\_, guardians/conservators for said infant, and \_\_\_\_\_, attorney for petitioners, this proceeding came on to be heard upon the Petition and exhibits heretofore filed herein, upon the notices of this hearing and the returns of service thereof filed herein, and upon the Answer of the guardian ad litem, and it appearing to the Court that this proceeding is properly on the docket for hearing at this time, that the guardian ad litem is present, the guardians/conservators for the infant are present in person and by their attorney, \_\_\_\_\_, and that more than \_\_\_\_\_ (\_\_\_\_) days' notice has been duly given to the guardian ad litem and to the defendant herein that this hearing would be held at this time and place, the Court proceeded to hear all of the evidence adduced upon the matters arising upon said Petition, exhibits, Answer and the argument of counsel thereon.

Upon the consideration of all of which, it being clearly shown independently of the Petition, exhibits and Answer, and this Court being of the opinion that the real estate containing \_\_\_\_\_ acres described as \_\_\_\_\_ in \_\_\_\_\_, West Virginia, is improved by a residence which is in very poor condition requiring extensive repairs; that said property produces no income in its present condition and is deteriorating; and that \_\_\_\_\_ Dollars (\$\_\_\_\_) is a fair and just consideration to be paid to the said infant for the conveyance of his/her interest in said real

estate; this Court finds that the interest of said infant will be promoted by such sale and conveyance and this Court further finds that the lawful interests of no other person will be adversely affected or violated by the sale of such infant's interest in said property in the manner proposed in said Petition; and it appearing to the Court from the evidence and from the Petition that \_\_\_\_\_ has agreed to purchase said real estate for the consideration of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) cash.

It is, therefore, ADJUDGED, ORDERED AND DECREED that said property be sold at private sale to \_\_\_\_\_, for the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), and that petitioners, as guardians/conservators of \_\_\_\_\_, infant, are authorized to execute, acknowledge and deliver a deed conveying said property to the purchaser, \_\_\_\_\_, upon payment to them of the full purchase price for said property, which sale shall be subject to confirmation by this Court and be reported for such confirmation.

It further appearing to the Court that the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) receivable from such sale, when added to the personal property now owned by the infant as shown by the evidence herein, will be less than the continuing bond of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) now in force for his/her said guardians/conservators, it is ADJUDGED, ORDERED and DECREED that no bond need to be posted in this proceeding.

The Court does hereby certify that \_\_\_\_\_, in

his/her capacity as guardian ad litem as aforesaid, was present in court in person during all proceedings had herein and has properly protected the interest of said infant. It is FURTHER ORDERED that, as a part of the costs of these proceedings, the said \_\_\_\_\_ be paid the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) for his/her services as guardian ad litem herein, and that what the guardians/conservators shall do under this decree, they shall report to this Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ENTER:

\_\_\_\_\_  
Judge

PRESENTED BY:

\_\_\_\_\_  
WV State Bar No. \_\_\_\_\_  
Counsel for Petitioners  
(Address)

APPROVED BY:

\_\_\_\_\_  
WV State Bar No. \_\_\_\_\_  
Guardian ad Litem

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

\_\_\_\_\_, and  
\_\_\_\_\_,  
as Guardians/Conservators for  
\_\_\_\_\_, Infant,  
  
Plaintiffs,

v.

CIVIL ACTION NO. \_\_\_\_\_  
SUMMARY PROCEEDING FOR THE  
SALE OF INFANT'S INTEREST  
IN REAL ESTATE

\_\_\_\_\_,  
Infant,  
  
Defendant.

REPORT OF SALE  
BY \_\_\_\_\_ AND \_\_\_\_\_,  
GUARDIANS/CONSERVATORS

The undersigned, \_\_\_\_\_ and \_\_\_\_\_, as  
Guardians/Conservators for \_\_\_\_\_, an infant, respectfully  
report that, pursuant to the Order entered by this Court on  
\_\_\_\_\_, they sold to \_\_\_\_\_, for the sum of  
\_\_\_\_\_ Dollars (\$\_\_\_\_\_), cash in hand paid, all of that certain  
real property as described in said Order. The seller was charged  
with the total sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), which is  
itemized in full on the settlement statement attached hereto and  
made a part of this report, leaving a balance received by the

Guardians/Conservators of the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_).

These Guardians/Conservators further report that such act and conveyance are a good sale, beneficial to their infant ward, whose interest will be promoted thereby, and they recommend that this sale and conveyance be confirmed.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Guardian/Conservator of \_\_\_\_\_, Infant

\_\_\_\_\_  
Guardian/Conservator of \_\_\_\_\_, Infant

APPROVED:

\_\_\_\_\_  
WV State Bar No. \_\_\_\_\_  
Guardian ad Litem



Memorandum of Closing Between  
Guardians/Conservators for \_\_\_\_\_ and \_\_\_\_\_,  
Infant, Seller  
and \_\_\_\_\_, Purchaser

Purchase Price \$ \_\_\_\_\_

Credits:

Down Payment \$ \_\_\_\_\_

Deed Stamp Taxes \$ \_\_\_\_\_

Prorated Real Property Taxes \$ \_\_\_\_\_

Total Credits \$ \_\_\_\_\_

Balance Owing Guardians \$ \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Guardian/Conservator for  
\_\_\_\_\_, Seller

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Guardian/Conservator for  
\_\_\_\_\_, Seller

\_\_\_\_\_  
(Date)



IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

\_\_\_\_\_, and  
\_\_\_\_\_,  
as Guardians/Conservators for  
\_\_\_\_\_, Infant,  
Plaintiffs,

v.

CIVIL ACTION NO. \_\_\_\_\_  
SUMMARY PROCEEDING FOR THE  
SALE OF INFANT'S INTEREST  
IN REAL ESTATE

\_\_\_\_\_,  
Infant,  
Defendant.

ORDER

This day came \_\_\_\_\_, the guardian ad litem heretofore appointed by the Court for the infant defendant, \_\_\_\_\_, and came also \_\_\_\_\_ and \_\_\_\_\_, guardians/conservators of said infant, by their attorney, \_\_\_\_\_, and said guardians tendered their report of sale to \_\_\_\_\_, purchaser, for the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) for that certain real property situate in \_\_\_\_\_, and more particularly described in the Petition heretofore filed herein, and which property was, by an Order of this Court entered on \_\_\_\_\_, authorized and directed to be sold and conveyed by said guardians/conservators; and upon motion by counsel for said guardians/

conservators that the report of sale be filed, it is ORDERED that said report be, and it hereby is, FILED.

Thereupon, this cause came on again this day to be heard upon the Petition, exhibits and Answer of the guardian ad litem, all heretofore filed herein, upon the Orders heretofore entered herein, upon the Report of Sale of the Guardians/Conservators filed herewith, the evidence heretofore adduced in this proceeding and the arguments of counsel, with the guardian ad litem, \_\_\_\_\_, being present in Court throughout this proceeding and hearing. Upon consideration of all of which, and no objections or exceptions having been made to the Report of Sale of said Guardians/Conservators, and the said guardian ad litem now concurring therein, and the Court perceiving no just grounds of exception or objection thereto, the said report and the sale and conveyance set forth therein are hereby RATIFIED, APPROVED AND CONFIRMED, and it is ORDERED that the petitioners shall be charged with an account for the total amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), after deducting therefrom the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) as seller's settlement charges, and the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) to \_\_\_\_\_, for attorney fees and costs incurred in the bringing and completion of this proceeding, leaving a balance of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) as part of the personal estate of the infant in their custody as guardians/conservators.

The Court does hereby certify that the said \_\_\_\_\_, in his/her capacity as guardian ad litem as aforesaid, was present

in Court in person during all proceedings had herein and has properly protected the interest of said infant.

And it appearing to this Court that there is nothing further to be done herein, the Clerk of this Court is directed to strike the above civil action from the docket of this Court. A copy of this Order is to be recorded in the \_\_\_\_\_ County Clerk's Office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ENTER:

\_\_\_\_\_  
Judge

PRESENTED BY:

\_\_\_\_\_  
WV State Bar No. \_\_\_\_\_  
Counsel for Petitioners  
(Address)

APPROVED BY:

\_\_\_\_\_  
WV State Bar No. \_\_\_\_\_  
Guardian ad Litem



D E E D

THIS DEED, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
and between \_\_\_\_\_, an infant, by \_\_\_\_\_ and  
\_\_\_\_\_ his/her Guardians/Conservators, parties of the  
first part, and \_\_\_\_\_, party of the second part.

WITNESSETH:

WHEREAS, the said \_\_\_\_\_, an infant, is the  
owner of the hereinafter described and conveyed property; and,

WHEREAS, by an Order entered by the Circuit Court of  
\_\_\_\_\_ County, West Virginia, on \_\_\_\_\_, 20\_\_\_\_, in a  
certain Summary Proceeding pending therein, designated Civil Action  
No. \_\_\_\_\_, and styled, "\_\_\_\_\_ and \_\_\_\_\_, as  
Guardians/Conservators for \_\_\_\_\_, an Infant, Plaintiffs  
v. \_\_\_\_\_, an Infant, Defendant," the said plaintiffs as  
such guardians/conservators were authorized to make private sale of  
the hereinafter described property to the said \_\_\_\_\_,  
party of the second part herein, for the purchase price of  
\_\_\_\_\_ Dollars (\$\_\_\_\_), cash, and were further authorized to  
execute, acknowledge and deliver a deed conveying the said property  
to the said \_\_\_\_\_, party of the second part herein; and

WHEREAS, by further Order of the Circuit Court of \_\_\_\_\_ County, West Virginia, entered on \_\_\_\_\_, 20\_\_\_\_, the Report of Sale by said \_\_\_\_\_ and \_\_\_\_\_, as guardians/conservators for \_\_\_\_\_, an infant, was filed and all of their previous actions as authorized by the Order of the Circuit Court of \_\_\_\_\_ County, West Virginia, entered on \_\_\_\_\_, 20\_\_\_\_, were ratified, approved and confirmed.

NOW, THEREFORE, THIS DEED FURTHER WITNESSETH: That for and in consideration of the sum of \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_) cash in hand paid, the receipt whereof is hereby acknowledged, the said parties of the first part do hereby GRANT AND CONVEY (with covenants of special warranty) unto the said party of the second part all of that certain lot or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in the City of \_\_\_\_\_, County of \_\_\_\_\_, West Virginia, and being designated as \_\_\_\_\_, as shown upon a map of said City made by \_\_\_\_\_, C.E., which map is of record in the Office of the Clerk of the County Court/Commission of \_\_\_\_\_ County, West Virginia, in Map Book \_\_\_\_\_ as Map No. \_\_\_\_\_, said property hereby conveyed being more particularly bounded and described as follows:

(INSERT LEGAL DESCRIPTION)

and being all of the same property conveyed by \_\_\_\_\_ and



\_\_\_\_\_, his wife, to \_\_\_\_\_, by deed dated \_\_\_\_\_, and of record in the aforesaid Clerk's Office in Deed Book \_\_\_\_\_, at page \_\_\_\_\_, to which map and deed reference is here made for all pertinent purposes, the said \_\_\_\_\_ having died testate on \_\_\_\_\_, a resident of \_\_\_\_\_ County, \_\_\_\_\_, and by his Last Will and Testament, duly probated and of record in the aforesaid Clerk's Office in Will Book \_\_\_\_\_, at page \_\_\_\_\_, he devised the hereinbefore described property to the party of the first part, subject to the life estate of \_\_\_\_\_, who died on \_\_\_\_\_.

SUBJECT, HOWEVER, to the covenants, conditions and stipulations, omitting any restrictions based on race, color, religion or natural origin, that are contained in the deed from \_\_\_\_\_ to \_\_\_\_\_, dated \_\_\_\_\_, \_\_\_\_\_, and of record in the aforesaid Clerk's Office in Deed Book \_\_\_\_\_, at page \_\_\_\_\_.

This conveyance is made expressly subject to real property taxes for the year \_\_\_\_\_, which are to be pro-rated between parties hereto as of the date of delivery of this deed.

DECLARATION OF CONSIDERATION OF VALUE

Grantors hereby declare that the total consideration for the property transferred by this document is \$\_\_\_\_\_.

WITNESS the following signatures and seals:

\_\_\_\_\_, AN INFANT

By \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
Guardian/Conservator

By \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
Guardian/Conservator

STATE OF WEST VIRGINIA,

COUNTY OF \_\_\_\_\_, TO-WIT:

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, do hereby certify that \_\_\_\_\_ and \_\_\_\_\_, who signed the foregoing writing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, as Guardians/Conservators of \_\_\_\_\_, an infant, have this day acknowledged the same before me in my said County.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

THIS INSTRUMENT PREPARED BY:

Attorney's Name  
(Address)



APPENDIX A

INFORMATION SHEETS



INFORMATION FORM FOR SUMMARY PROCEEDING

Plaintiff	Defendants
Plaintiff's Attorney	Our Client
	Insurer:
Name of Court	Civil Action No.
=====	
<u>Infant's Name:</u> _____	<u>Birth Date:</u> _____
_____	_____
_____	_____
<u>Petitioner/Guardian:</u> _____	<u>Appointed:</u> _____
<u>Guardian Ad Litem:</u> _____	
<b><u>IF LITIGATION:</u></b>	
\$ _____ <b><u>TOTAL SETTLEMENT AMOUNT</u></b>	
\$ _____	BY DEFENDANT: _____
	ATTORNEY: _____
	INSURER: _____
\$ _____	BY DEFENDANT: _____
	ATTORNEY: _____
	INSURER: _____
\$ _____	BY DEFENDANT: _____
	ATTORNEY: _____
	INSURER: _____

An information form which can be filled out by the attorney for the secretary to use as a typing guide for specific names, dates and amounts to be inserted into the summary documents will help to expedite and simplify their preparation.

**IF WRONGFUL DEATH:**

DECEDENT'S NAME: \_\_\_\_\_

DATE OF DEATH: \_\_\_\_\_

RELATIONSHIP TO INFANT: \_\_\_\_\_

**NEED AUTHORIZATION TO SETTLE FOR:**

Relationship	Name
Relationship	Name

**IF TRANSFER OF LAND:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---ATTACH DESCRIPTION OF REAL ESTATE---



INFORMATION FORM FOR STRUCTURED SETTLEMENT

Plaintiff	Defendants
Plaintiff's Attorney	Our Client
	Insurer:
Name of Court	Civil Action No.
=====	
\$ _____ <u>TOTAL SETTLEMENT AMOUNT</u>	
\$ _____	BY DEFENDANT: _____ ATTORNEY: _____ INSURER: _____
\$ _____	BY DEFENDANT: _____ ATTORNEY: _____ INSURER: _____
\$ _____	BY DEFENDANT: _____ ATTORNEY: _____ INSURER: _____
<u>Annuity Policy To Be Purchased From:</u> _____	
<u>Qualified Assignment Of Obligation To:</u> _____	

To further facilitate the preparation of the essential release in a structured settlement, a fact sheet which the attorney can use to record the specific dollar amounts and payment dates will be a great help. Not only is it a fast and reliable way to instruct the secretary in the vital facts which must be incorporated into the document, it also provides a permanent file record of the negotiated agreement which has often been accomplished orally.

Pay To: \_\_\_\_\_

LUMP SUM (on execution) \$ \_\_\_\_\_

<u>LUMP SUM</u>	on or before	_____	of \$	_____
<u>LUMP SUM</u>	on or before	_____	of \$	_____
<u>LUMP SUM</u>	on or before	_____	of \$	_____
<u>LUMP SUM</u>	on or before	_____	of \$	_____
<u>LUMP SUM</u>	on or before	_____	of \$	_____

\$ _____	<u>PER MONTH</u>	for	_____	months commencing	_____
\$ _____	<u>PER MONTH</u>	for	_____	months commencing	_____
\$ _____	<u>PER MONTH</u>	for	_____	months commencing	_____
\$ _____	<u>PER MONTH</u>	for	_____	months commencing	_____
\$ _____	<u>PER MONTH</u>	for	_____	months commencing	_____

PRESENT VALUE: \$ \_\_\_\_\_

Pay To: \_\_\_\_\_

LUMP SUM (on execution) \$ \_\_\_\_\_

<u>LUMP SUM</u>	on or before	_____	of \$	_____
<u>LUMP SUM</u>	on or before	_____	of \$	_____
<u>LUMP SUM</u>	on or before	_____	of \$	_____
<u>LUMP SUM</u>	on or before	_____	of \$	_____
<u>LUMP SUM</u>	on or before	_____	of \$	_____

\$ _____	<u>PER MONTH</u>	for	_____	months commencing	_____
\$ _____	<u>PER MONTH</u>	for	_____	months commencing	_____
\$ _____	<u>PER MONTH</u>	for	_____	months commencing	_____
\$ _____	<u>PER MONTH</u>	for	_____	months commencing	_____
\$ _____	<u>PER MONTH</u>	for	_____	months commencing	_____

PRESENT VALUE: \$ \_\_\_\_\_

**APPENDIX B**

**SAMPLE PARAGRAPHS AND LANGUAGE  
DESCRIBING VARIOUS TYPES OF CLAIMS**



That said \_\_\_\_\_, infant/protected person, suffered personal injuries as a result of an automobile accident which occurred on or about \_\_\_\_\_, at the intersection of \_\_\_\_\_ and \_\_\_\_\_, in the County of \_\_\_\_\_, State of \_\_\_\_\_, due to the alleged negligence and carelessness of \_\_\_\_\_, said injuries being of a serious and painful nature and anticipated to cause said infant to require further medical and surgical treatment and additional pain and suffering in the future.

Automobile  
Accident

\* \* \* \*

That said \_\_\_\_\_, infant/protected person, suffered personal injuries on or about \_\_\_\_\_, at or near \_\_\_\_\_, in the City of \_\_\_\_\_, \_\_\_\_\_, as an alleged result of sitting down in an aluminum chair manufactured by the defendant while he/she was gripping the chair arms when some parts of the chair arm moved and amputated his/her finger. Your petitioner alleges that said injury is permanent in nature, that said infant's ability to do and perform the normal, usual and ordinary activities of life has been impaired and his/her earning capacity and ability to enjoy life have been permanently diminished.

Defective  
Product

\* \* \* \*

That said \_\_\_\_\_, infant/protected person, suffered personal injuries when he/she was attacked and bitten by the dog called by the name of \_\_\_\_\_ owned by \_\_\_\_\_, said injuries being of a serious and painful nature and requiring hospitalization and surgical treatment, and causing said infant to be permanently scarred on and about his/her arms and legs for the remainder of his/her life.

Dog Bite

\* \* \* \*

That said \_\_\_\_\_, infant/protected person, suffered personal injuries as a result of an accident which occurred on or about \_\_\_\_\_, on the playground of \_\_\_\_\_ School, located at \_\_\_\_\_, in the City of \_\_\_\_\_, when he/she slipped and fell into a trench which had been excavated and left exposed due to the alleged negligence and carelessness of \_\_\_\_\_, said injuries being permanent in nature and anticipated to cause said infant to require further medical and surgical treatment and care for some time in the future.

Injury at  
School

\* \* \* \*

That said \_\_\_\_\_, infant, sustained personal injuries during delivery and while said infant was a patient in and under the care and treatment of \_\_\_\_\_ Hoapital, including, but not limited to, injuries to his/her skull, brain and central nervous system. Your petitioner alleges that said injuries are permanent in nature, that said infant's ability to do and perform the normal, usual and ordinary activities of life have been diminished and impaired, and that his/her learning and earning capacity have been permanently impaired for the balance of his/her life.

OB/GYN  
Brain Damaged  
Infant

\* \* \* \*

That said \_\_\_\_\_, infant, suffered personal injuries after delivery and while said infant was under the care and treatment of \_\_\_\_\_, M.D., and while a patient in \_\_\_\_\_ Hospital, including, but not limited to \_\_\_\_\_ [Describe Injuries] \_\_\_\_\_ Your petitioner alleges that said injuries are serious in nature and are anticipated to cause said infant to require further medical and surgical treatment and care throughout the remainder of his/her life.

Pediatrics  
Neonatal  
Injury

\* \* \* \*

That said \_\_\_\_\_, infant, sustained personal injuries while said infant and his/her mother, \_\_\_\_\_, were under the care and treatment of \_\_\_\_\_, M.D., during the period from \_\_\_\_\_ to \_\_\_\_\_ including, but not limited to, the prenatal, delivery and postnatal care and treatment of said infant and his/her mother, resulting in \_\_\_\_\_ [Describe injuries] \_\_\_\_\_, and various permanent physical and mental infirmities. In the opinion of his/her attending physician there will never be any successful treatment of his/her condition, which would enable him/her to live the life of a normal human being, and he/she will require third-party attention for the balance of his/her life.

\* \* \* \*

That said \_\_\_\_\_, infant/protected person, sustained permanent injury while he/she was a patient in \_\_\_\_\_ Hospital under the care and treatment of \_\_\_\_\_, M.D., on or about \_\_\_\_\_ through \_\_\_\_\_, during which time \_\_\_\_\_, M.D., was consulted regarding the condition of said infant's leg. Your petitioner alleges that \_\_\_\_\_, M.D., misdiagnosed said infant's condition as gangrene which proximately resulted in the unnecessary amputation of said infant's foot.

\* \* \* \*

That said \_\_\_\_\_, deceased, died on \_\_\_\_\_ as the alleged proximate result of the negligence and carelessness of the defendant, \_\_\_\_\_ Hospital, its agents, servants and employees, while he/she was a patient in said hospital. Your petitioner alleges that said hospital and its employees failed to meet the proper standard of care and this proximately resulted in the death of \_\_\_\_\_.

\* \* \* \*

OB/GYN  
Prenatal  
Injury

Malpractice  
Medical  
Consult

Wrongful Death  
Hospital  
Malpractice

That said \_\_\_\_\_, deceased,  
died as the result of the crash of a \_\_\_\_\_  
airplane on or about \_\_\_\_\_, at or  
near \_\_\_\_\_ Airport in the City of \_\_\_\_\_,  
\_\_\_\_\_ due to the alleged negligence and  
error of the pilot, \_\_\_\_\_.

\* \* \* \*

That said \_\_\_\_\_, deceased,  
died as the alleged proximate result of the  
negligence and carelessness of the defendant,  
\_\_\_\_\_, C.R.N.A., who administered the  
anesthetic while he/she was a patient in  
\_\_\_\_\_ Hospital undergoing surgical  
treatment by \_\_\_\_\_, D.O., on or  
about \_\_\_\_\_. Your petitioner  
alleges that said negligence of \_\_\_\_\_,  
C.R.N.A., was the proximate cause of the  
wrongful death of \_\_\_\_\_.

\* \* \* \*

Wrongful Death  
Airplane Crash

Wrongful Death  
C.R.N.A.  
Malpractice





