

STATE OF WISCONSIN, CIRCUIT COURT \_\_\_\_\_ COUNTY

IN THE MATTER OF

Amended

Name \_\_\_\_\_

**Order on Petition for Approval Prior to Exercise  
of Powers Over the Estate of a Married Ward**

Date of Birth \_\_\_\_\_

Case No. \_\_\_\_\_

This matter came before the court on a Petition for Approval Prior to Exercise of Powers over the Estate of a Married Ward pursuant to §54.20(2)(h), Wis. Stats.

**THE COURT FINDS:**

1. Notice was  not required.  waived by all persons interested.  given under §54.38, Wis. Stats.
2. A hearing  was  was not required.
3. The ward is married or intends to marry. The name of the ward's spouse or intended spouse is \_\_\_\_\_.
4. The petitioner has requested prior approval to
  - A. exercise a management and control right over the marital property or property other than marital property that the married ward could exercise under ch. 766 if the ward were not an individual found incompetent (including transfer of assets to spouse), as follows: \_\_\_\_\_  
 See attached  
The description of the property involved, including the legal description of any real property, is as follows:  
\_\_\_\_\_  
 See attached
  - B. exercise a right in the business affairs that the married ward could exercise under ch. 766 if the ward were not an individual found incompetent, as follows: \_\_\_\_\_  
 See attached
  - C. consent to act together in or join in a transaction for which consent or joinder of both spouses is required, as follows: \_\_\_\_\_  
 See attached
  - D. execute under §766.58 a marital property agreement with the ward's spouse or if appointed for a ward who intends to marry, with the ward's intended spouse, as follows:  
\_\_\_\_\_  
 See attached

5. It is appropriate to approve this request considering:
  - The permanency of ward's incapacity and likelihood that ward will need or benefit from the ward's property in future,
  - The provisions of ward's estate plan,

- The relationship and intimacy between the ward and donee and whether donee is the likely object of ward's bounty,
- The personal traits and past donative declarations of ward,
- The condition of ward's estate and any adverse effect the proposed action will have on the ward's estate,
- The impact of proposed action on ward's eligibility for public assistance,
- The likelihood that ward, as a reasonably prudent person, would take the action contemplated if he or she had capacity to do so.

6. Exercise of the power by the guardian of estate will benefit the ward, the ward's estate or members of ward's immediate family.

**THE COURT ORDERS:**

The guardian of estate may exercise the following power:

A. exercise a management and control right over the marital property or property other than marital property that the married ward could exercise under ch. 766 if the ward were not an individual found incompetent (including transfer of assets to spouse), as follows: \_\_\_\_\_  See attached

The description of the property involved, including the legal description of any real property, is as follows:

\_\_\_\_\_  See attached

B. exercise a right in the business affairs that the married ward could exercise under ch. 766 if the ward were not an individual found incompetent, as follows: \_\_\_\_\_  See attached

C. consent to act together in or join in a transaction for which consent or joinder of both spouses is required, as follows: \_\_\_\_\_  See attached

D. execute under §766.58, Wis. Stats., a marital property agreement with the ward's spouse or if appointed for a ward who intends to marry, with the ward's intended spouse, as follows: \_\_\_\_\_  See attached

**THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.**

DISTRIBUTION:

1. Court
2. Ward/Ward's Legal Counsel, if any/Guardian ad litem
3. Guardian/Ward's Agent under a Power of Attorney
4. Corporation Counsel
5. Social worker/ County Dept. of Human Services
6. Spouse/Adult Children/Parent of Minor
7. Facility, if any
8. Other: \_\_\_\_\_