

Rule 5.122. Curators

(a) Petition for Appointment. The petition for appointment of a curator shall be verified and shall contain:

- (1) the petitioner's name, address, and interest, if any, in the estate;
- (2) the decedent's name, address, date and place of death, and state and county of domicile;
- (3) the names and addresses of the persons apparently entitled to letters of administration and any known beneficiaries;
- (4) the nature and approximate value of the assets;
- (5) a statement showing venue;
- (6) a statement as to why a curator should be appointed; and
- (7) the name and address of any proposed curator.

The court may appoint a curator sua sponte.

(b) Appointment. Before letters of curatorship are issued, the curator shall file a designation of resident agent and acceptance, and an oath, as is required for personal representatives under these rules. The court shall issue letters of curatorship that shall entitle the curator to possess or control the decedent's property, which the court may enforce through contempt proceedings.

(c) Notice. Formal notice shall be given to the person apparently entitled to letters, if any. If it is likely that the decedent's property will be wasted, destroyed, or removed beyond the jurisdiction of the court and if the appointment of a curator would be delayed by giving notice, the court may appoint a curator without notice.

(d) Powers. By order, the court may authorize the curator to perform any duty or function of a personal representative, including publication and service of notice to creditors, or if a will has been admitted, service of notice of administration.

(e) Inventory and Accounting. The curator shall file an inventory within 30 days after issuance of letters of curatorship. When the personal representative is appointed, the curator shall account for and deliver all estate assets in the curator's possession to the personal representative within 30 days after issuance of letters of administration.

(f) Petition to Reconsider. If a curator has been appointed without notice, any interested party who did not receive notice may, at any time, petition to reconsider the appointment.

(g) Subject to Other Provisions. Curators shall be subject to the provisions of these rules and other applicable law concerning personal representatives.