

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR
BREVARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO.:
18-18-B

IN RE: PROBATE & GUARDIANSHIP - PETITIONS TO SELL REAL PROPERTY

Whereas, section 744.361, Florida Statutes, requires that a guardian shall act in good faith, shall act in the Ward's best interests, and protect and preserve the property of a Ward.

Whereas, section 744.441(12), Florida Statutes, authorizes a guardian to sell, mortgage, or lease any real or personal property, including homestead property, upon approval of the Court.

Whereas, section 744.441(21), Florida Statutes, authorizes a guardian to enter into contracts that are appropriate for, and in the best interest of, the Ward, upon approval of the Court.

Whereas, section 744.447, Florida Statutes, requires the filing of a petition requesting authorization to act under section 744.441, which shall include:

1. The facts showing expediency or necessity for the action;
2. A description of any property involved;
3. The price and terms of a sale, mortgage, or other contract;
4. Whether the application conforms to the general terms of the guardianship report; and
5. Whether the Ward has been adjudicated incapacitated to act with respect to the rights to be exercised.

Whereas, section 744.381, Florida Statutes, authorizes the Court to appoint appraisers to appraise the property of the Ward that is subject to the guardianship when it deems necessary.

In order to further protect the real property of the Ward against exploitation, to avoid conflicts of interest and to avoid the appearance of impropriety in the sale of real property subject to a guardianship.

It is hereby ORDERED and ADJUDGED that all petitions to sell real property shall include the following:

1. Acknowledgment that an appraisal of the real property was performed within 60 days of the filing of the petition to sell real property. The appraisal shall be attached to the petition.
2. When a listing agreement is entered into, the real property shall be publicly listed for sale on the Multiple Listing Service ("MLS"); and

3. The petitioner shall disclose any known relationship or conflicts of interests, both familial and business related, between any of the following individuals or entities involved in the transaction to sell the Ward's real property: seller, seller's agent, buyer, buyer's agent or Guardian. The Guardian shall similarly attest to no known conflicts.
4. The Guardian may seek leave of Court to depart from the requirements of paragraph 1 and/or 2 for good cause shown prior to or at the time of filing any petition to sell real property.

DONE and ORDERED this 1st day of May, 2018.

JOHH M. HARRIS
JOHN M. HARRIS
CHIEF JUDGE

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