V I R G I N I A

IN THE CIRCUIT COURT OF

\*

\*

Complainant \*

\*

v. \* Chancery No.

\*

\*

\*

Defendant \*

COMPLAINT

(Sale of Real Property of Incompetent Person)

COMES NOW the Complainant, by counsel, and in support of this Complaint states as follows:

1. This is a proceeding for the sale of real estate belonging to a person under disability, pursuant to the provisions of 8.01-67, et seq. of the Code of Virginia, 1950, as amended.

2. The complainant is the duly appointed and bonded Guardian for , a person physically and mentally incapable of taking care of his person and estate. The complainant was appointed Guardian by order of this Court entered on , 20\_\_ and has served as such since that time.

3. is presently at (name and type of facility) located at , and has resided there since on or about , 20\_\_ .

4. The costs of care and maintenance at is currently in excess of $ per month and the average cost of his medical and other personal needs is approximately $ per month.

5. In addition to approximately $ in personal property, is the recipient of approximately $ per month from Social Security and . is also the sole owner of certain real estate with improvements thereon located at , by virtue of a deed recorded in Deed Book at Page among the land records of County, Virginia.

6. That said real estate in good condition has an approximate fair market value of $ ; however, extensive repair needs to be performed to the home, which repairs reduce the fair market value of the home to approximately $ . There are no known liens, deeds of trust, judgments or delinquent taxes against the real estate.

7. The persons who would be the heirs and distributees of and who would have any interest in said real estate are: , who is of the age of majority, and , who is also of the age of majority, neither of whom oppose the sale of the real estate owned by as evidenced by their signatures to the attached listing agreement (Exhibit "A).

8. Your complainant, as the Guardian of , with the full consent and agreement of and , accepted, as being in the best interest of , a contract for the purchase of said real estate for the sum of $ . and are the contract purchasers. (copy of contract attached as Exhibit "B".)

WHEREFORE, the complainant prays that a Guardian Ad Litem be appointed to represent, protect and defend the interests of , which Guardian Ad Litem shall answer this Bill of Complaint in proper person; that the Court order the sale of the real estate of the said , pursuant to the contract of sale attached hereto as Exhibit B; and that the proceeds there­from be invested and used for the care, maintenance and support of after payment of costs and reasonable attorney's fees for instituting and conducting this proceeding.

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

Counsel for the Complainant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed first class mail, postage prepaid, this day of 20\_\_ to each of the defendants identified in the caption of this pleading at the address set forth therein.

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