

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE PROBATE COURT

OATH OF GUARDIAN AD LITEM

I, _____, having been appointed as Guardian ad Litem for _____, a minor under the age of _____ years, understand the following:

1. By accepting the appointment as Guardian ad Litem, I understand that I am now the voice of a minor child in estate proceedings. I understand that I have a duty to protect the interests of a minor(s) who is unable to speak for him or her.
2. I have not been unduly influenced by the proposed Personal Representative or their family to serve as Guardian ad Litem and I accept this duty of my free will. I will act fairly and objectively in all dealings regarding the estate on behalf of the minor(s).
3. I may, in my capacity as Guardian ad Litem, waive the requirement of the Personal Representative to post a fiduciary bond in order to serve as administrator of the estate of a deceased person. By waiving the requirement of bond, I am affirming that the Personal Representative is trustworthy to the point of not requiring the security of the bond in the case of poor administration or breach of fiduciary duty.
4. I realize that if I waive the requirement of bond for the Personal Representative, I may expose myself to the possibility of the breach of my duty to protect the minor(s) in this matter and may incur personal liability now or at some point in the future for my failure to protect the best interests of the minor(s).
5. I have received and reviewed the Statement of Value and Income for Purposes of Bond (Form #340pc) that is a sworn statement of the proposed Personal Representative of the initial value of the estate.
6. Within ninety (90) days after appointment, the Personal Representative must file a complete inventory and appraisal (Form #350) of the decedent's assets. This inventory will provide me with the information I need to assist in the protection of the interests of the minor in this matter.
7. If bond is required, it must be adjusted based on the assets reported on the Inventory and Appraisal and may be increased or decreased based on changes in or to the estate assets (*e.g. the sale of real property generating monies to the estate*). The bond premium must be kept current.
8. If I initially waive the requirement of a fiduciary bond and feel that circumstances change to require a bond, I shall immediately file a demand for bond (form #344pc) with the Court.

9. I have the right demand notice of the Personal Representative at any time during the course of the administration of the estate. This means that I may ask the Court to require the Personal Representative to provide copies of requested/demanded documents to me and provide the Court with proof of the delivery of the documents.
10. The Personal Representative must keep suitable records and I may demand them in the course of my duties. The accounting of the Personal Representative must show what assets the estate holds, any receipts into the estate and where such property came from, and what property left the estate and where it went. I have a duty to make a physical check of the assets of the estate or I may ask the Court to require a physical check of the estate.
11. The Personal Representative may not acquire, dispose of, or change the character of an estate asset without Court approval. For example, real estate cannot be sold without prior notice and a hearing before the probate court.
12. Any transaction involving the Personal Representative, his/her spouse, or an entity in which the Personal Representative has a substantial or beneficial interest may be a conflict of interest and I may require the approval of the Court.
13. The Personal Representative shall not commingle the funds of the estate with any of their personal funds.
14. The Personal Representative is a fiduciary and is subject to a trustee's standard of care, which is referred to as the prudent man rule. The prudent man rule means that a Personal Representative must exercise the sound judgement and care of a prudent man acting in his own affairs. It is no excuse for a Personal Representative to say he/she would have acted in the same way if he/she were dealing with their own money if the actions taken do not conform to the rules laid down for trustees in the management of a deceased person's property.
15. I have the right to petition the court for the removal of, restraint of, or to require the performance of the Personal Representative.
16. As Guardian ad Litem I will be required to review closing documents prior to the closing of this estate. My signature will be required on a receipt and release evidencing the minor(s)' receipt of assets and a waiver of further notice of estate documents.

I fully understand the duties and responsibilities described above and agree to abide by and carry them out. I acknowledge that I was given a copy of this document when signed by me and I acknowledge that I can be held in contempt of Court for violating any of the above. Contempt may consist of a monetary fine or jail.

_____ (Seal)

Sworn to and subscribed before me

this ____ day of _____, _____.

Notary for South Carolina

My commission expires: _____