

A fiduciary accounting in conformance with UTCR Chapter 9 shall be in substantially the following format. The accounting must also comply with all other applicable statutes and court rules. These materials are provided as an example and do not constitute legal advice.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

[PROBATE DEPARTMENT]

In the Matter of the _____) Case No. _____
[] Conservatorship [] Estate of)
(Mark which applies)) _____ ACCOUNTING
) (Accounting #)
_____)

_____, (“the Fiduciary”) presents this
_____ accounting.

1

Accounting Period. This accounting covers the period from
_____, 20___, through _____, 20___ (“the accounting
period”).

- **THE ACCOUNTING PERIOD FOR THE FIRST YEAR OF AN ESTATE IS DATE OF DEATH TO THE ANNIVERSARY OF THE DATE OF APPOINTMENT OF THE PR. THE ACCOUNTING PERIOD FOR THE SECOND YEAR IS FROM THE DATE OF THE LAST ACCOUNTING TO THE ANNIVERSARY OR TO AS CLOSE TO DATE OF FILING PETITION FOR DISTRIBUTION AS YOU CAN GET. THE ACCOUNTING PERIOD FOR A CONSERVATORSHIP**
- **THE ACCOUNTING PERIOD FOR A CONSERVATORSHIP IS FROM DATE OF APPOINTMENT TO THE ANNIVERSARY OF THE DATE OF THE APPOINTMENT FOR THE FIRST ACCOUNTING. SUBSEQUENT ACCOUNTINGS ARE FROM THE DATE OF THE LAST FINAL ACCOUNTING PERIOD TO THE ANNIVERSARY OF THE ACCOUNTING PERIOD.**
- *State the date of the accounting period. This is crucial and many lawyers fail to do this. Make sure the accounting period is consistent for each asset. For example, do not use statement issue dates that end on dates that are*

not the last day of the accounting period. Use the actual amount on the last day of the accounting period. If it is a brokerage account and the value is not evident on the last day of the accounting period, use the last date for the statement BUT bring the matter to the court's attention right on the exhibit for the brokerage asset.

2

Prior Balance. The total value of the estate assets, as reflected in the inventory or as of the last date of the previous accounting (*whichever is most recent*), was \$_____.

- ***This is the ending value from the last accounting; or***
- ***This is the total value of assets on the Inventory.***

3

Bonding. (*Mark one:*)

No bond has been required in this estate. The court waived the requirement of a bond by order dated _____. (*Skip to section 5 below.*)

- ***You must include the date of the order or judgment when the bond was waived.***

A bond has been required in this estate. The current amount of the total bond, including riders, is \$_____. (Continue to subsection (a) of this section)

(a) The total value of estate assets as of the last date of this accounting period is Asset Schedule
\$ Ending Balance

- ***USE THE SAME DATE FOR ALL ASSETS¹***

(b) The income in the estate estimated to be received during the next accounting period is ***Pensi
on @
\$650/
mo X
12 =
7,800***

ADD A DESCRIPTION OF THE INCOME TO HELP YOU AND YOUR STAFF PROPERLY CALCULATE THIS AMOUNT. FOR EXAMPLE:

Social Security @ \$892/mo x 12 = 10,704

Bank Interest based on prior year = 50

Annuity Payments @ 600/quarter =2,400

Estimate of Brokerage Account

\$ 34,214.00

Dividends based on total from prior year = 2,100

(This is easy to find on all brokerage account statements where they say dividends to date. You can prorate from the prior calendar year and add the current calendar year for the estimate).

Rent from property @ 930/mo x 12 =11,160

Total Estimated Income: 34,214

(c) Total of (a) and (b) \$ ADD ABOVE

(d) The current value of all estate assets that have been restricted by court order are: \$ SUBTRACT

The date(s) of the court order(s) restricting assets is/are: _____.

- **YOU MUST INCLUDE THE DATE OF THE ORDER RESTRICTING ASSETS. Do not make the court look through numerous approvals of accountings to find it. If you do - you are slowing down the process for other attorneys and the court.**

(e) TOTAL (amount to be bonded) \$ SUM

- **THIS HAS TO BE THE TOTAL, NOT THE TOTAL YOU WANT TO BOND. IF YOU WANT A REDUCTION OF BOND, THAT IS WHAT THE NEXT PARAGRAPH IS FOR.**

Change in Amount of Bond. The Fiduciary asks the court to change the

amount of the surety bond or the restriction of assets as follows:

(Check all that apply)

- No Change.
- Reduce the bond to \$ _____ .
- Increase the bond to \$ _____ .
- Restrict the following assets:
- Remove the restriction from the following assets:

- ***PROVIDE A VALID REASON FOR THE REDUCTION. If it is just a limited amount over such as \$5,000 or less, then explain that to the court. If the cost of adjusting the bond will exhaust the amount in excess of the current bond, include that information here.***
- ***TELL THE COURT THE DIFFERENCE BETWEEN THE AMOUNT THAT SHOULD BE BONDED, THE AMOUNT OF THE CURRENT BOND, AND THE AMOUNT YOU WANT THE BOND TO BE. Do the math for the court in a way the court can see it. For example:***

<i>Total assets and estimated income</i>	<i>\$180,000</i>
<i>Current Bond</i>	<i>\$150,000</i>
<i>Difference</i>	<i>\$30,000</i>

- ***EXAMPLE: The fiduciary requests that the bond remain the same because the amount in excess of the current bond will be reduced as follows:***

<i>Attorney fees requested in this accounting</i>	<i>\$5,000</i>
<i>Conservator fees requested in this accounting</i>	<i>\$1,000</i>
<i>Care Bill due (month of the accounting)</i>	<i>\$7,000</i>
<i>Care Bill due (month following the accounting)</i>	<i>\$7,000</i>

Resulting in a difference of \$10,000. The \$10,000 is related to the estimated income. Due to the cost of care the amount managed by the fiduciary at any one time will not exceed the amount of the bond.

Asset Schedule. The Asset Schedule is attached as Exhibit 1. This is a summary that lists all assets that existed during the accounting period.

- **BEGIN YOUR DRAFT OF THE ACCOUNTING WITH THE ASSET SCHEDULE DOCUMENT FROM THE INVENTORY OR THE PRIOR ACCOUNTING AND ADDRESS EACH ASSET THAT EXISTED ON THE INVENTORY OR THE PRIOR ACCOUNTING.**

6

Receipts and Disbursements. The lists of receipts and disbursements for all assets are attached as Exhibit 2 to Exhibit _____. (*Attach a separate exhibit for each asset listed in the Asset Schedule which has receipts or disbursements during the accounting period.*) Also attached are depository statements for each bank or investment account, showing the beginning and ending balance of the account for the accounting period. (*Make sure to attach the ending statement from the prior accounting or Inventory as evidence of the beginning balance.*)

7

Vouchers. (*Choose (a), (b), or (c). Note: some courts will not waive the voucher requirement. Check with your local court.*)

(a) Vouchers showing every payment are submitted as Exhibit(s) _____ for any account with disbursements.

(b) The Fiduciary asks the court to waive the requirement of filing vouchers for this accounting. The vouchers for this accounting are located at the following address: _____ . The vouchers will continue to be maintained and be available for examination at that location for one year after the closing of this estate.

- **Marion County will generally waive the voucher requirement. Make sure you or your fiduciary understands the obligation to maintain the**

vouchers.

- *The court generally does not want to look at the checks; however they should be available for court review if requested. The court may accept a scanned image of the check, but, depending on the circumstances, may require an original. Please remember to make your request to waive the filing of vouchers, within the body of the accounting as required per ORS 116.083(2)(d) or ORS 125.475(3), respectively, as well as in your proposed order of judgment.*
- *Don't forget about Fuentes v. Tillett, 263 Or App 9, 326 P3d 1263 (2014). The best practice may be to keep all records until after the close of the proceeding. In Fuentes, the Court of Appeals found that where objections relate to matters not disclosed in the accountings, the orders approving the accountings cannot cut off the protected person's rights to complain about those undisclosed matters. Intermediate accounting orders are final only as to the conservator's liability regarding the matters that were actually presented to, and considered by, the probate court when it approved the interim accountings.*
- *Counsel representing a conservator should be sure that each interim accounting is full and complete, especially as to things that could look problematic. Without full disclosure, the accounting and the order approving it will not actually cut off the conservator's liability for misdeeds not disclosed in the accounting. The Court of Appeals did not give any direct guidance as to how specific and clear such disclosure must be, but obviously, the more clear and specific the disclosure the more likely it is that the order will have the preclusive effect that we all would expect it to have.²*

(c) Vouchers are waived by court rule.

8

Return of Vouchers and Depository Statements. (Choose (a) or (b).)

(a) The Fiduciary does not want to receive back the vouchers or depository statements, if any.

- **USE THIS OPTION IF YOU REQUESTED THE WAIVER OF THE REQUIREMENT TO FILE VOUCHERS.**

(b) Upon approval of this accounting, the Fiduciary requests that the court

return the vouchers and depository statements in the enclosed self-addressed, stamped envelope.

9

Changes During the Accounting Period. During the accounting period, the following changes in the assets or financial circumstances occurred: (*Examples include corrections to previously declared values, omitted assets, the closing of an account, the sale or purchase of an asset, a significant change in living expenses, or a stock split.*)

- ***The narrative is required by UTCR 9.160(4). Please use the narrative to explain any transactions that are not otherwise obvious. For example, the sale of an asset such as a house or car should be described and there should be a reference to the exhibit where the court will find the corresponding deposit or closing statement. If a CD was cashed in early to pay for care and an early withdrawal penalty resulted, the narrative would be the place to explain that. If personal property such as a classic car or jewelry is sold for substantially less than the item was valued in the inventory, please explain why (e.g., the 1963 Camaro wasn't in such good condition after all).***
- ***sales or other dispositions of assets***
- ***change in the name of the financial institution***
- ***closure and opening of accounts***
- ***change in needs of protected person***
- ***status of matters in estate that are keeping the estate open***
- ***Anything else that affects how the numbers and the assets might be perceived.***
- ***Disclose change in amount of Social Security or Pension, increases in health insurance bill. Explain substantial increases in cost of services or goods like prescriptions.***
- ***Better to over disclose than under disclose - especially in light of the holding in the Fuentes Case.***
- ***Ask the court to approve a monthly or weekly budget for the protected person if you are giving the protected person cash. Include the date of the order approving the budget. If you give the protected person cash for his or her budget - don't just use the term "cash" on the payee line for the exhibit - use the term "protected person's budgeted amount for March." If you use the term cash without more information and prior disclosure of what the funds will be used for - it subjects your accounting to a greater level of scrutiny and can be time consuming for the court.***

Disclosures of Dealings with Related Parties. During the accounting period, the following transactions occurred between the estate and the Fiduciary, a member of the Fiduciary's family, a friend of the Fiduciary or the Fiduciary's family: (Examples include payment for services, rent, reimbursement of expenses, gifts, and any other like transactions.)

- ***Report each gift as a separate item and then the total GROSS Value of ALL GIFTS the combined limit in a conservatorship of \$1,000 total - not per person. Anything over \$250 per person or \$1,000 total must have prior court approval. NO GIFTS ARE ALLOWED FROM ESTATES OR TRUSTS.***
- ***Please comply with UTCR 9.170 regarding transactions which must be disclosed in the narrative of the accounting. This includes ALL GIFTS unless they were previously approved by the court, even if the gift did not require prior court approval.***
- ***Report room and board received by the fiduciary and the date of the court order authorizing the payment of room and board.***
- ***The court does not have total recall of all files. If the court previously approved a transaction which requires court approval (e.g., gift over statutory amounts, payment of fiduciary or attorney's fees, sale of the protected person's residence, creation of a trust, etc.), it is extremely helpful if the listing of the transaction includes a reference to the date of the order approving the transaction. This saves time searching through the file.***
- ***Report anything squishy. Out it and have your client own it and deal with it at the time. It is better than hide it and let the court find out later - which can be grounds for removal due to best interests of protected person.***
- ***Report changes in business for professional fiduciary.***
- ***Make professional fiduciary disclosures if there are any changes from the disclosures made at the time of appointment.***
- ***Be sure you know which transactions require prior approval. If you find in preparing the accounting that one of these has inadvertently occurred, file a motion asking for approval with the accounting and provide an explanation of why the transaction occurred without prior approval. The***

most common ones we see are: payments to the fiduciary or the attorney for the fiduciary (ORS 125.095(3)); gifts of over \$250 in a calendar year to one individual or exceeding an aggregate total of \$1000 in a calendar year (ORS 125.435); sale of the protected person's residence (ORS 125.430); payment of room and board to a conservator who is also the guardian (ORS 125.320(2)); conveyance or release of joint tenancy in things like bank accounts (ORS 125.440(1)) and creation of trusts (ORS 125.440(2)). Other limitations are listed in ORS 125.440.

- *NSF Charges: The fiduciary is charged with properly managing the protected person's finances. Absent some unusual situation like fraud or the protected person continuing to access accounts without the fiduciary's knowledge, there should not be bank fees for bounced checks, late payment fees, etc. The fiduciary will be expected to explain any such charges and will generally be required to reimburse the protected person for them unless due to circumstances beyond the fiduciary's control.*

11

Fees. Insert any information regarding requests for fiduciary or attorney fees and costs.

- *The court may not approve attorney's or conservator's fees for responding to the court's inquiries concerning an accounting, or filing a corrected or amended accounting. If the need for additional information, correction, or amendment, is due to an obvious error or omission (e.g., gift over limits made with no order approving; NSF charges; accounts don't balance) the court's view is that the fiduciary, not the protected person, should bear the cost of correcting the mistake. Alerting your client to this possibility may motivate the fiduciary to do a better job of getting you the information in the first place.*
- *It is unethical to charge attorney fee rates for work that is paralegal or clerk work. This includes mailing, copying, and other basic services. If you are acting as your own paralegal or clerk - you must separately track your time and only charge those services at the proper staff rate. Oregon Rules of Professional Conduct 1.5(b).*
- *Fees must be supported by a declaration under penalty of perjury as per UTCR 9.*
- *Attorney Fees in estates must be supported by the factors set out in ORS 116.183(2). An award of reasonable attorney fees under this section shall*

be made after consideration of the customary fees in the community for similar services, the time spent by counsel, counsel's experience in such matters, the skill displayed by counsel, the result obtained, any agreement as to fees between the personal representative and the counsel of the personal representative, the amount of responsibility assumed by counsel considering the total value of the estate, and other factors as may be relevant. No single factor is controlling. This means your level of experience and skill is relevant to how much you charge.

- ***Personal representatives or conservators with less experienced attorneys in probate or protective proceedings (not divorce or criminal law) may not be entitled to reimbursement from the estate for the full amount of fees charged. This applies to both attorneys and support staff. Fees for a highly experienced probate paralegal will be entitled to be reimbursed at a higher rate than new legal assistants.***
- ***The fee declaration must include proper descriptions of time, the time keeper, the experience and knowledge of the time keeper and the amount of time spent by each time keeper. The fee declaration must be supported by a description of the work performed for each time entry. The description of the work performed must be proper and complete - avoid using short hand or acronyms for work that may not be obvious to court staff.***
- ***Depending on the circumstances, attorney fees to fix errors by the attorney or the attorney's staff or errors by the fiduciary may not be reimbursed from the estate.***
- ***Attorney Fees in conservatorships must be supported by the factors in ORS 125.098. This is an issue where the court finds the errors which should have been recognized and addressed by the attorney for the fiduciary. Errors on basic matters - such as additional time spent noticing parties required to be noticed by the statute - may not be awarded. Do it right the first time or expect to write off your fees or seek them separately directly from the fiduciary and not the estate.***

12

Notices. *Insert information addressing the Fiduciary's notice requirement.*

WHEREFORE, the Fiduciary prays for an order of this court:

1. Waiving the requirement of filing vouchers;
2. Approving the annual accounting;

3. Changing the required amount of the surety bond and asset restrictions as shown to be necessary and appropriate by this accounting.

(4. If fees are requested, include approval for them here.)

Date: _____, 20__.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

Signature of Fiduciary

Title: *(Mark one of the following)*

Conservator

Personal Representative

Printed Name of Fiduciary

PLEASE KEEP IN MIND THAT ORS 125.475(2)(G) PROVIDES THAT AN ACCOUNTING MUST INCLUDE ANY OTHER INFORMATION THE COURT REQUIRES. FROM TIME TO TIME, BASED ON THE PARTICULAR CIRCUMSTANCES OF THE ACCOUNTING IN QUESTION. THE COURT MAY REQUEST OTHER INFORMATION OR DOCUMENTS. If you think there could be questions, address it in the original documents and provide information and supporting data to address the issue before the court or others raise it.

Need help predicting what the court may request: Come to the next CLE 2/13/19 at the Marion County Courthouse at noon.

**CERTIFICATE OF SERVICE
UTCRC 21.100**

I certify that the foregoing document and any attachments were served as follows:

By the eFiling system at the party's email address as recorded on the date of service in the eFiling System to the following:

None

By conventional paper service by regular mail to the following:

None

The interested parties required to be served by ORS 111.215 (estates) OR ORS 125.065 (protective proceedings) are:

Insert Names and Addresses of Interested Persons to be served

As required by ORS 111.215 (OR ORS 125.065) these parties will be served by mail with the required notice of time for filing objections and proof thereof will be filed with the court.

_____, 2019

Attorney name and Bar No.

ASSET SCHEDULE

Exhibit 1

Accounting Period: _____ to _____

Ex	Description of Asset (include institution, acct no., type of account, address for property and tax account no., date of acquisition of disposition if it occurred during the accounting period	Beginning Value	Value of Later Acquired Asset	Value at Disposition	Current (ending) value
2	Real Property including Residence located at 1234 Main Street, Salem, OR, 97301 Marion County Tax Assessor's Account No. R891011 Abstract of Conservatorship Recorded: 1/18/2016 Sold: 2/23/18 and proceeds deposited to Schwab Account Ex. 6.	225,000.00	0	240,000	0
3	Chase Bank Account No. ***456 Checking Account Owned by protected person prior to protective proceeding closed and transferred to Ex. 5	25,090.00	0	23,011.00	0
4	Charles Schwab Account No. ***888 Brokerage Account Owned by protected person prior to protective proceeding closed and transferred to Ex. 6.	350,000.00	0	350,000.00	0
5	U.S. Bank Account No. ***9910 Checking Account New Checking Account for Conservatorship	0	0		23,011.00
6	Charles Schwab Acct. No. ***1010 Brokerage Account New Brokerage Account for Conservatorship	0	0		590,000.00
COLUMN TOTALS		600,090.00	0	600,090.00	613,011.00

**The Exhibit Number corresponds to the Receipts and Disbursements exhibit number for each asset that has receipts or disbursements during the accounting period. For each restricted asset, include the date and title of the order. Attach additional pages if needed.*

Exhibit 1
Page 1 of 1

The Receipts and Disbursements exhibit for each separate account includes any of the following that exist: receipts, account statements, and disbursements. Each exhibit also includes a reconciliation. Exhibits can be typed on blank paper using substantially the same format as this form. The vouchers (unless waived by the Court) are submitted as a separate exhibit.

Receipts & Disbursements

Be sure to itemize receipts and disbursements **SEPARATELY**, as required by UTCR 9.160, as well as providing the total of each list of receipts and disbursements at the end of each list. You must list receipts and disbursements for all accounts, including CDs and investment accounts. Otherwise the court has no way of knowing whether money came out of an investment account. For investment accounts, it is sufficient to show for each month "gain in investment value" or "loss in investment value". The court may request all the brokerage statements for any given accounting period.

List all transactions that occurred during the accounting period, and do not list transactions outside of the accounting period. In other words, if the accounting period ends on May 1, a check written on April 30 should be listed, but a check written May 2 should not be listed, even if it is shown on the bank statement that confirms the ending balance on May 1.

Remember that each transaction needs to include an explanation of the source of any deposits and the purpose of any disbursements. UTCR 9.160(3)(b), (c).

The court needs to know the source of deposits to ensure that there is not an asset that should be included in the accounting (such as an additional savings or investment account) or an income source of which the court is unaware and which should be bonded. Using the term "deposit" without further explanation is not acceptable. Do not make assumptions about what others should know. It should be obvious why the court needs to know the purpose of any disbursements, but an amazing number of accountings will simply show a payment to "Mary Smith," a name which is nowhere to be found in the petition or the visitor's report, with no explanation of who this person is or why she is being paid money. Also, sometimes there was an explanation entered into the computer, but it does not print due to column width. If you are using a software

program, figure out how to modify the report to print the entire explanation of the receipt or disbursement. If you cannot do that, then you will need to include further detail on the spreadsheet at the bottom with footnotes to the specific receipt or disbursement. If the conservator is reimbursing him/herself for expenses paid on behalf of the protected person, the conservator should be prepared to provide receipts if requested. As the attorney providing advice to the fiduciary, you should review each expenditure to ensure that there are no disbursements that do not appear to be for the protected person's benefit. For example, purchases of restaurant meals where it is obvious more than one person is eating from the cost, services that the protected person does not logically need such as housecleaning when the protected person resides in a care facility, or summary purchases at places like Target where the total amount is high and there is insufficient detail to support the expense.

Do not make assumptions about what the court should know from the file or the prior accounting. On the description of disbursements, state the name of the payee and the purpose. If you just put "Walgreens" it is not clear whether it was a prescription, personal hygiene products or wine for the conservator. Use as much detail as possible. If you pay a doctor, use the term medical expense in the purpose. The court does not know all of the protected person's physicians.

The attorney should review the accounting exhibits specifically for prohibited disbursements. Prohibited disbursements include:

1. Any payments to a guardian, conservator, or attorney without prior court approval. Cost reimbursement is OK with proper documentation. If a guardian or conservator is reimbursing themselves, the costs should be reasonable.
2. Any payment of room or board to a guardian without prior court approval.
3. Gifts greater than \$250 to one person or totaling more than \$1,000 combined among all donees for one accounting year.
4. NO Gifts are allowed for Special Needs Trusts, Estates and most ordinary trusts.

The attorney should review the accounting exhibits specifically for transactions

with an actual or potential conflict of interest. Conflicts of interest include:

1. Loans to or from the conservator.
2. Sales or purchases of assets with or to the conservator, a family member or close friend of the conservator or an employee of the conservator.
3. Payments to relatives of the conservator for services provided to the protected person.

DO NOT ALLOW YOUR FIDUCIARY TO USE CREDIT CARDS. If a credit card exists on the date of appointment or on the date of death or is otherwise necessary (for example prescriptions are purchased by mail) the following best practices should be used. These are best practices - not requirements - but it will make your job easier and will help your fiduciary document proper management.

1. The Inventory should include the balance due on any credit card existing at the time the conservator is appointed or as of the decedent's date of death. The credit card statement issued as of the date of death or date of appointment should be attached on the Exhibit disclosing the existence of the credit card.
2. The payments on the credit card from the checking account are transfers that should be reported on both the checking account exhibit and the credit card exhibit.
3. The charges on the credit card are disbursements and it is necessary to detail the date, payee, purpose and amount.
4. The credit card should be reconciled like a bank account.
5. If a conservatorship estate does not have sufficient liquidity to pay off the credit card and no charges have been made on the card from the date of appointment, this should be reported to the court in the narrative, the accounting should include an exhibit with an accounting for the credit card interest expenses as if it is an asset, and no charges should otherwise be made on the card.

TRANSFERS

During review, the court tracks transfers from one account or asset to another to ensure that money removed from one account actually shows up in the other account. This, in addition to the requirement contained in UTCR 9.160(3)(e), is the

reason that the sending/receiving account must be identified for any transfers. "Transfer to checking" is not acceptable, especially if there are multiple checking accounts. Instead, please use "transfer to Wells Fargo 1234, Ex. 6" where "1234" are the last four digits of the receiving account number and that account is reflected as Ex. 6 in the accounting. Please ensure that the information is not cut off when the accounting is printed. Often the court receives accountings which simply say "transfer to" and the rest is cut off due to column width.

Verify that the closing statement on the old/disposed of asset matches the amount transferred to the other account.

RECONCILIATION

The UTCR form requires the reconciliation for each account to be stated on the Exhibit representing the account. The reconciliation is not appropriate if it is on the asset schedule or shown as a separate exhibit.

For investment accounts, it is sufficient to show for each month "gain in investment value" or "loss in investment value". The court may request all the brokerage statements for any given accounting period.

The idea behind reconciliation is:

1. Start with the beginning balance (which is the Inventory Value or the ending balance on the last accounting shown on the Asset Schedule and on the Exhibit for the specific asset).
2. Add all the receipts (the total receipts shown on the Exhibit).
3. Subtract all the disbursements (the total disbursements shown on the Exhibit).
4. This should EQUAL/MATCH the ending balance on the statement submitted to the court. If the number on the accounting reconciliation and the bank statement do not match, the account is not reconciled.

SUPPORTING DATA FOR EACH EXHIBIT

1. Make sure to attach the statement that reflects the beginning balance to the Exhibit. When UTCR 9 was written - it was before E-court. The paper

- files were used and it was easy to look back and find the prior accounting's ending balance. With the use of e-filing - it is more time consuming to look back and locate this information. Make your accountings easy to review.
2. Make sure to attach the statement that reflects the ending balance to the Exhibit. Try and find an independent/objectively reasonable piece of evidence for every asset possible. For example real property tax statements, Kelly Blue Book on cars or a copy of the current registration. The goal is to show the court that the asset is still owned and that the value reported is reasonable. If you can't show both- try to include at least one. The exception to this is tangible personal property.
 3. Consider highlighting the beginning and ending balances on the statement for ease of reference for the attorney's review and the court staff's review.
 4. Reconcile right on the Exhibit. Do not reconcile on the Asset Schedule or on a separate exhibit.
 5. Properly identify the source of the receipt. If the receipt shows that there is a separate account or asset generating the receipt, identify the asset or resource as a separate exhibit. For example, if a protected person gets money from a trust, the beneficial interest in the trust should be treated as an asset of the protected person's conservatorship estate.
 6. Properly describe the payee and the disbursement. The payee is the person or entity to whom the disbursement was made. Do not use the purpose as the payee. The following are examples of *improper payees*: "cash," "utilities," "medical expense," "food." The proper payee for these expenses should be "protected person", "PGE," "Dr. Smith," "Safeway." The purpose of the disbursement should be "budget amount for March," "electricity for protected person's residence," "medical expense," "groceries."

Exhibit 2

Describe the Asset in the Same Way it is described on the Asset Schedule

Accounting Period: *(Insert the period covered - this is not for the court's benefit, but for your benefit and the benefit of your staff)*

RECEIPTS

Date	Source of receipt	Description	Amount
		TOTAL	

Use chronological date order.

DISBURSEMENTS

Date	Check #	Name (payee)	Description	Amount
			TOTAL	

Use chronological date order.

RECONCILIATION

Value at beginning of accounting period \$ _____
(Attach copy of opening depository statement for this account)

Total Receipts *(total of all pages for this account)* \$ _____

Total Disbursements *(total of all pages for this account)* \$ _____
(Attach vouchers proving disbursements)

Current Value *(value at end of accounting period)* \$ _____
(Attach copy of closing depository statement for this account)

If the Current Value does not equal the depository statement balance, please explain

1. The sole exceptions to this are: (a) brokerage accounts when the value is not obvious on the statement due to the date the statement is issued; and (b) real property values based on county assessor's tax statements.

2. Fuentes v. Tillett ruling on conservatorships, Cooper, Brooks, Elder Law Newsletter, Oregon State Bar Vol. 17, No. 3, July 2014