



# **THE DUTY OF INVESTMENT FOR GUARDIANS OF THE ESTATE**

John B. Henry, III  
Law Office of John B. Henry, III, PLLC  
Bellaire, Texas

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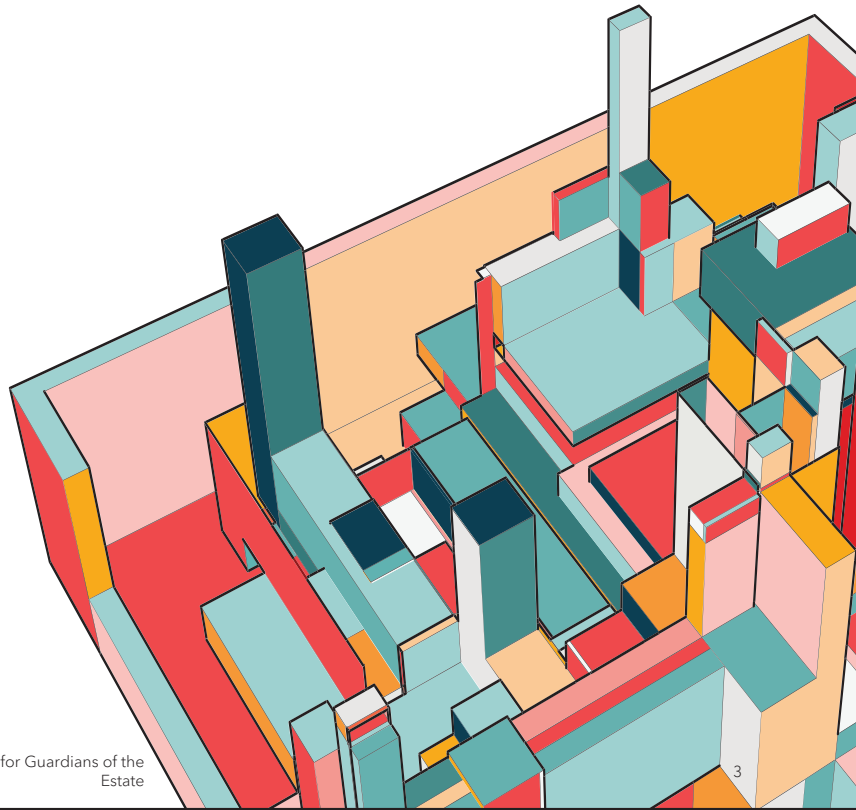
## **GOALS OF THE PRESENTATION**

- Define the Role Guardian of the Estate
- Powers of the Guardian of the Estate (with Court Order)
- Powers of the Guardian of the Estate (without Court Order)
- Standard of Care Owed by Guardian of the Estate (re: collecting or recovering property of the ward's estate)
- Possession of Ward's Property
- Pre-Screen proposed guardians for suitability, "bondability," and reality
- Statutory Duties and Procedures Related to Investment
- Common Law Duties
- Decision Tree

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# INVESTMENT

- Not defined by the Texas Estates Code
- Not defined by the Texas Finance code
- Black's Law Dictionary says an investment is "a term where a capital is committed to make an income from it."



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# THANK YOU FOR BEIN' A FRIEND

Sophia led a great life as a textile manufacturer. Her daughter, Dorothy, always saw herself as the next in line for the company, but her world wrecked her "ma" got sick. Sophia's illness has rendered her incapable of managing her affairs, and despite, her business acumen, she has no alternate forms of decision-making in place.



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# SOPHIA'S PORTFOLIO

- Sophia's Textiles – 300K
- IRA – 400K
- Savings – 100K
- Checking – 50K
- Brokerage – 250K
- Homestead – 400K
- Rental Properties (2) – 300K
- Income – 90 K



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## GUARDIAN OF THE ESTATE – DEFINED

- In Texas, there are two principal kinds of guardians – a guardian of the person and a guardian of the estate.
- Though a person may serve in both roles and if appointed in both, has all rights and powers and shall perform the duties of both guardian of the person and estate, a guardian of the estate is a distinct fiduciary relationship with applicable powers and duties.

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## Title search: The Duty of Investment for Guardians of the Estate

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