# Massachusetts Probate and Family Court

# Module 6: How to Complete the Conservator’s Inventory

## Welcome

Welcome to the Massachusetts Probate and Family Court's orientation program for guardians and conservators of adults.

In this training module you will learn:

* How to complete the conservator’s Inventory
* What must be included in the Schedule of Personal Property, including what is “intangible personal property,” and what is “tangible personal property”
* What must be included in the Schedule of Real Estate
* Finalizing the Inventory; and
* When to amend the Inventory

## How to complete the inventory

*Attorney at Law Jamie Jordan:*

*“I would say that people typically do not have difficulty completing an Inventory. They go based upon the information that they've received since their date of appointment, and they transfer over to the form. And the form is not complicated to follow at all. It's pretty self-explanatory.”*

Each conservator, whether temporary or permanent, must file an Inventory within 90 days of appointment. The Inventory (MPC 854) is a three-page form. It has a cover page and two pages called “Schedules.” Page 2 is the Schedule of Personal Property and Page 3 is the Schedule of Real Estate.

There is also an Inventory form (MPC 854a) that lets the conservator use their own Schedules. This version may help estates that use financial software or Excel to track assets and their value.

You may use and file either one of these Inventory forms.

The Inventory is on the Probate and Family Court webpage at mass.gov. It is also at the Registry in each Division of the Probate and Family Court.

Now let’s look at how to fill out the Inventory.

*Attorney Joblin Younger:
“Some helpful tips for completing the conservator’s Inventory is the date of your appointment is the date that you need to find the values of the assets, bank accounts, real estate, everything that the protected person has. It's the date of your appointment, which is different from an estate, which is the date of death. So it's important for practitioners and conservators alike to know that there's a different measuring date for when your Inventory is to be as of.”*

## The cover page

On top of the cover page, complete the requested information. This includes the case docket number and the Court Division where the case is filed.

Be sure to check off the box that tells the Court that this is the Inventory of the Conservatorship. Include the name of the adult in the space provided. Check off whether you are the temporary or permanent conservator and insert the date of your appointment. If you are completing this form online, you can click on the calendar to insert your date of appointment.

The box for “Summary of Attached Schedules” asks for the totals for each Schedule. You can fill this out after completing the Schedules, or if you are completing the form on-line, the totals will auto-fill as you enter information into the form.

We discuss how to file the Inventory and who must receive a copy of it in *Module 8: How to File and Distribute Guardian and Conservator Reports,* so let’s skip that for now and look at how to complete the Schedule of Personal Property.

## The schedule of personal property

Personal property can be characterized as either tangible or intangible.

The term “intangible personal property” refers to an item that cannot be touched or physically held. Examples include bank accounts, stocks, bonds, insurance policies, retirement accounts, copyrights, patents, intellectual property, trademarks, and digital assets.

The term “tangible personal property” describes items that can be felt or touched and physically relocated. Examples include motor vehicles, furniture, boats, machinery, equipment, jewelry, art, and collectibles.

This Schedule requires you to report all items of personal property whether tangible or intangible, and the value of each item. Report each item on a separate line. The value you report should be its value as of the date you were appointed as conservator. This value is called the “book” value in the conservator’s Account.
Here are some examples of personal property and how to list them in the Inventory.

## Bank accounts

You must include the adult’s bank accounts. Do not include the full account number on the Inventory. Instead, put the name of the bank or financial institution, and only include the last four digits of the account number. For example: Northland Bank Acct. No.\*\*\*\*\*\*\*\*8352.

If there is more than one account at one bank, specify the type of account (e.g. savings or checking). The value of bank accounts should be easy to find through the banking institution.

## Stocks, bonds and mutual funds

If the adult owns any stocks or bonds, list the number of shares, the company name, the type of stock (such as common or preferred), the individual share value and total value of the shares.

For mutual funds, list the name of the institution, only the last four digits of the account number(s), the name of the fund, the number of fund shares and their value.

## Retirement accounts

The adult may have one or more retirement accounts. These can include a pension, annuity, IRA, 401K, 403B, and more.

If they have these types of accounts, list the name of the institution, only the last four digits of the account number(s), and their value. Many annuities and retirement accounts send quarterly statements of value to their owner.

## Life insurance

If the adult has life insurance that has a cash or surrender value, list the insurance company name, policy number, and the cash or surrender value. The cash or surrender value is different from the death payment value. If you are unsure if a life insurance policy has a cash or surrender value, contact the life insurance company.

## Motor vehicles and other personal property

List all motor vehicles titled to the adult at their fair market value. This can be found from a dealer, or from an on-line source.
The fair market value you state in the right-hand column is the fair market value without deduction for any loan or lien on the property as of the date of your appointment as conservator. This value is called the “book” value in the conservator’s Account (MPC 853 or MPC 853a).

If there is a loan on the vehicle, list the loan balance on the same line of the Inventory where the vehicle is listed. Reporting a loan on the vehicle does not change its fair market value.

Items such as appliances, household furniture, etc., may be reported as a group on one line. List jewelry, artwork, collectibles, and any other items of significant value separately. You may need a professional appraiser to value items like these.

If you are completing the Inventory (MPC 854) online, you can click to add or click to remove any lines in this Schedule using the button at the bottom of the form.

The total at the bottom of this Schedule will auto-fill. It will also auto-fill for you on page 1 in the Summary of Attached Schedules in the “Schedule of Personal Property” section.

If you are not completing the Inventory (MPC 854) online, you must add the values for each item listed to get the total value at the bottom of this Schedule. You must also state the total for this Schedule on page 1 in the Summary of Attached Schedules in the “Schedule of Personal Property” section.

## The Schedule of Real Estate

This Schedule requires you to report real estate that the adult owns, individually or with another.

Real estate includes any property that requires a deed to transfer title, such as land, homes, condominiums and buildings.

Report each item of real estate on a separate line. The description should include the property’s street, town, and state address. Include the deed reference (for recorded land) or certificate number (for registered land). State the fair market value as of the date you were appointed.
Review the deed or certificate of title to determine the percentage that the adult owns and state the value of that percentage.

If there is an outstanding mortgage, home equity loan, or lien, report the balance of the mortgage, home equity loan, or lien as of the date of your appointment in the description. You can get the balance from the institution that holds the mortgage, loan or lien. Reporting a mortgage, home equity loan, or lien on the property does not change its fair market value.

The value in the right-hand column means the fair market value without deduction for any mortgage or lien on the property as of the date of your appointment as conservator.
This value is called the “book” value in the conservator’s Account (MPC 853 or MPC 853a).

If you are completing the Inventory (MPC 854) online, you can click to add or click to remove any lines in this Schedule using the button at the bottom of the form. The total at the bottom of this Schedule will auto-fill. It will also auto-fill for you on page 1 of the Summary of Attached Schedules in the “Schedule of Real Estate” section.

If you are not completing the Inventory (MPC 854) online, you must add the values for each item listed to get the total value at the bottom of this Schedule. You must also state the total for this Schedule on page 1 in the Summary of Attached Schedules in the “Schedule of Real Estate” section.

## Finalizing the Inventory

After completing all Schedules, return to the cover page. Check that the totals listed on the cover page in the Summary of Attached Schedules match the totals for each Schedule.

It is important that you double check your Inventory before filing it with the Court. Date and sign the cover page under the penalties of perjury. You are promising that the information in the Inventory is true to the best of your knowledge and belief.

If you are represented by an attorney, their information must be included in the space provided.

Do not submit any documents with the Inventory, such as receipts, bank statements or appraisals unless ordered by the Court. Keep them organized with your records. You will need them in the future to complete your Account.

After you sign the Inventory, it’s time to file the original with the Court. You must send a copy to the adult. You also must send a copy to any guardian or parent with whom the adult resides. State how you sent it on the cover page.

To learn more, watch *Module 8: How to File and Distribute Guardian and Conservator Reports*.

## Amending or correcting a mistake in the inventory

The only time you would amend your Inventory is if you incorrectly reported that you are the temporary conservator when in fact you are the permanent conservator or vice versa.

If you find property after filing the Inventory that you did not include in it, you do not have to file an amended Inventory. Report that new property in Schedule A of the next Account that you file with the Court.

If you made a mistake in stating the value of any property in your Inventory, you do not have to file an Amended Inventory. Instead, report the change in value in Schedule A (for an increase) or Schedule B (for a decrease) on the next Account you file with the Court.

If you included property that you later determine was not owned by the adult, you do not have to file an amended Inventory. Report the change in Schedule B on the next Account you file with the Court.

*Attorney Jamie Jordan:*

*“So let's say at the time of filing your Inventory within 90 days of your appointment, you list all of the personal assets in real estate on the Inventory, and then you realize nine months later there's an extra account at Bank of America. When you go to complete your accounting, you'll see that there's a Schedule A which shows everything that's come in and there's a schedule B that shows everything that's gone out.*

*So in Schedule A which shows everything that’s come in, you would do what's called an adjustment to the Inventory value. So you could put item number five adjustment to Inventory to account for newly discovered asset Bank of America checking account, and then you'll put the value of the account and that's how you can make up for anything that's missed on the Inventory.”*

## Resources

Remember, there are resources available to help you in your role as a conservator.

Click on the icons to see the various resources available.

* Court: If you have questions, you may always ask the Court for direction.
* OAGCO: You may also reach out to the OAGCO, that is the Office of Adult Guardianship and Conservatorship Oversight in the Administrative Office of the Probate and Family Court.
* Email: We are here to help you. You can contact us by email at OAGCO@jud.state.ma.us
* Webpage: You can visit us on the Probate and Family Court webpage at mass.gov to learn more about the OAGCO and how it can assist you as a conservator.

*Chief Justice John D. Casey:*

*“Thank you for becoming a guardian or conservator for an adult who needs your help.”*

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