

Instructions for Executing a Restricted Account “Freeze” Letter of Agreement:

Pursuant to T.C.A. 34-1-105(b)(4), by agreement, and with court authorization, certain funds may be held in a restricted account with a company in lieu of posting a Surety Bond with the Clerk.

On the financial institution’s corporate letterhead, an authorized agent for the depositing financial institution must state to the Court that “the funds they are holding on behalf of the Ward (and/or Estate) will be held in a restricted account and that no funds will be withdrawn, for any reason, without specific approval of the Court”. This statement should further acknowledge that the financial institution “will hold the funds in a restricted account and will continue to do so even if the financial institution is merged or acquired by another company”. It should further state that “any and all changes to this restricted account must be approved by the Court”.

Other items which must be included are as follows:

1. the name of the Respondent;
2. the account number set up to hold the funds;
3. the amount of the funds being held; and
4. the name, address, phone number and signature of the authorized agent.

If available, a corporate seal of the financial institution should also be placed on the letter.

This Letter of Agreement to Restrict Funds should be submitted to the Clerk’s Office along with the Order appointing the Guardian.

The Order should direct the Clerk to issue Letters of Guardianship upon the approval by the Judge of the Letter of Agreement from the financial institution.

No Letters of Guardianship will be issued by the Clerk without the approval of this Letter of Agreement by the Judge.

Be sure to explain to your client that simply because funds are being held by the financial institution in a restricted account does not mean that Annual Accountings are waived.

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
(PROBATE DIVISION)

IN THE MATTER OF:

_____, DOCKET NO. _____

DEPOSIT "FREEZE AGREEMENT"
(In lieu of posting surety bond)

Pursuant to T.C.A. 34-1-105(b)(4), _____ the fiduciary appointed for the above-referenced respondent, and _____, the duly authorized depository agent for _____, financial institution in which certain funds of the above respondent in the amount of \$_____ are to be held on deposit, do hereby expressly and mutually agree and state to this Court that the funds that the financial institution are holding on behalf of the ward and/or estate will be held in a restricted account and NO funds will be withdrawn, for any reason, without specific approval of the Court. The parties mutually agree and acknowledge that the foregoing financial institution will hold the funds in a restricted account and will continue to do so even if the financial institution is merged or acquired by another company. Any and all changes to this restricted agreement must be approved by the Court, this ____ day of _____, 20____.

FIDUCIARY

AGENT

FINANCIAL INSTITUTION

BY: (DEPOSITORY AGENT)

APPROVED: _____
JUDGE