

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

IN THE MATTER OF THE QUALIFICATION OF ENTITIES AS FIDUCIARIES

CM21-169

ORDER

WHEREAS, it appearing that

The qualification and performance of entities, including, but not limited to law firms, as fiduciaries presents a unique set of circumstances; and

That one designating a law firm to serve as executor, trustee, conservator, or other fiduciary would expect that an attorney designee of the firm would qualify and fulfill that obligation, not a non-attorney employee of the firm; and

A fiduciary's oath of office is taken individually rather than in a representative capacity, but the oath obligates such individual to properly fulfill the other requirements for the entity to qualify and to see that the entity fulfills its fiduciary obligations.

It is hereby, ADJUDGED, ORDERED, and DECREED as follows:

When a law firm is designated to serve as executor, trustee, conservator, or other fiduciary, an attorney designee of the firm shall qualify and fulfill that obligation, not a non-attorney employee of the firm.

Except in the event of a sole practitioner, any attorney who qualifies on behalf of a law firm must present to the Clerk of Court a corporate resolution authorizing such attorney to qualify on behalf of the law firm for that specific estate and to bind the law firm with respect to the bond and any surety required thereon.


Unless the will specifically states that there should not be surety required of a law firm, surety shall be required of the law firm, whether serving as designated by the will or by substitution due to a failure of the designated fiduciary, unless the Order of Substitution provides that no surety shall be required.

In the case of qualification of a corporate entity other than a law firm, the individual who qualifies on behalf of such entity must be either the president, a managing member, other officer, manager, or supervisor authorized by a corporate resolution of the entity and must submit a corporate resolution specifically binding the entity on the bond/surety in the same manner as an attorney qualifying on behalf of a law firm. Alternatively, such corporate entity may submit a corporate resolution generally authorizing said individual(s) to qualify on behalf of the entity and bind the entity with respect to any bond and the surety required thereon, as well as a separate form¹ for each matter in which the individual seeks to qualify, signed by the qualifying individual, making reference to (1) the corporate resolution authorizing the individual to bind the entity; and (2) the specific matter in which the individual is qualifying.

Other than the oath of office, qualification forms shall be signed in the name of the qualifying entity by the designee.

If the foregoing requirements are properly met, then inventory and accounting forms submitted to the Court through the Commissioner of Accounts may be signed on behalf of the entity by anyone authorized (e.g., treasurer or controller) by the managing attorney or other managing officer of the qualifying entity.

IT IS SO ORDERED.

ENTERED: May 27, 2021

John W. Brown, Chief Judge

¹ A template of such form is attached hereto.

I, _____,

_____ [Title] for [Corporate
Entity], in the matter of the guardianship and conservatorship of

_____, Case No.: _____, pursuant
to the authority given me by [the entity's] Board of Directors' resolution dated

_____, do hereby execute all documents necessary for [the entity] to qualify
before the Clerk of this Honorable Court as the guardian of the person and conservator of the

estate of _____, an incapacitated adult, and on behalf of

[the entity] I execute a bond in the amount of _____ with/without surety for
the faithful performance of [the entity's] duties as guardian of the person of

_____ and a bond in the amount of

_____ with/without surety for the faithful performance of [the entity's] duties
as conservator of the estate of _____, and pursuant to the authority

given me by said Board of Directors' resolution, I hereby bind [the entity] on said bonds.

Date _____

SIGNATURE

TITLE