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Guardianship FAQs

1. An attorney is the guardian of an incompetent. **Is the court-ordered sale of the building owned by the incompetent individual, from which he/she was removed for personal safety reason, an excluded transfer?**

Answer: Yes. "Court ordered" or "court approved" sales of property under these circumstances are excluded, even if the guardian has a choice between selling the property or renting it out to pay for future nursing home care. Use exclusion code W-11.