

PROBATE COURT OF BARROW COUNTY  
652 BARROW PARK DRIVE SUITE D  
WINDER, GEORGIA 30680

TAMMY S. BROWN, PROBATE JUDGE

TEMPORARY GUARDIANSHIP OF MINOR(S)  
GENERAL INFORMATION AND INSTRUCTIONS

PHONE: 770-307-3045  
FAX: 770-307-4470

COURT FEES: \$98.00  
IN ADDITION: \$2.00 PER PAGE RECORDING  
FEES MUST BE PAID AT TIME OF FILING  
CASH OR CREDIT CARD

**MUST PROVIDE CHILD'S BIRTH CERTIFICATE**

Please read information sheet: The Court will not accept your petition if the paperwork itself is in bad condition (i.e. wrinkled, stained, ripped, etc.). If the petition is illegible or sloppily written with key information crossed through or "whited out" or completed incorrectly your petition will not be accepted for filing.

The petition can be filled out online and printed off and brought into our office for filing. The web site to print the Georgia Standard Form is [www.gaprobate.org](http://www.gaprobate.org) then click on Probate Court Standard Forms and then click on PDF Fillable Forms go to form Number 28 -- Petition for Temporary Letters of Guardianship of Minor, fill out the information and print form.

This Court will not grant Temporary Letters of Guardianship from one custodial parent to another. A custody change or temporary agreement must be filed in the appropriate Court having jurisdiction.

The petitioner(s) (the person filing the petition and requesting guardianship of the minor) and anyone eighteen years of age or older living in the same household where the minor child will be living must fill out and sign a consent form allowing the Probate Court to receive any information obtained concerning their criminal records. Signatures on the consent form must be notarized. The Consent form is included in this packet.

**NEATLY** complete pages 1 through 6 of the Petition before returning same to the Court. Carefully read paragraph 3 and 4 to verify that the correct choice is initialed by the petitioner. Make sure the blanks on the top of page 6 (the Acknowledgement and consent of Creation of Temporary Guardianship), are filled in properly **BEFORE** the parents sign this page. Where indicated, the petition must be signed in the presence of a notary public or a Probate Court Clerk and the appropriate seal affixed. Proper identification of the person(s) signing the document must be provided.

Notice of the Petition must be given to both parents of the minor child, (unless no father is listed on the birth certificate) **IF ONE PARENT HAS SOLE CUSTODY, MUST PROVIDE PROPER DOCUMENTS SIGNED BY A JUDGE OF THE COURT OF JURISDICTION.** Please see paragraph 2 of the "Instructions" page for further explanation of "parents" and "natural parents". If either parent does not sign the Acknowledgement and Consent to Creation of Temporary Guardianship, (page 6) they must be served by one of the following methods: (1) Personal Service by the Sheriff if they reside in Georgia at a known address (fee is \$50.00 for personal service) or (2) certified mail if they reside out of the state of Georgia or (3) publication in the legal organ (Cost \$60.00) for two weeks if current address is unknown.

GUARDIANSHIP PETITION APPLICATION

A. PARENT INFORMATION

1. Mother's Full Name \_\_\_\_\_  
Street Address \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ County \_\_\_\_\_ Zip code \_\_\_\_\_  
U. S. Citizens \_\_\_\_\_ If no, what Country \_\_\_\_\_  
YES NO  
Place of Employment \_\_\_\_\_  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Birth Date \_\_\_\_\_ Race \_\_\_\_\_

2. Father's Full Name \_\_\_\_\_  
Street Address \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ County \_\_\_\_\_ Zipcode \_\_\_\_\_  
U.S. Citizens \_\_\_\_\_ If no, what Country \_\_\_\_\_  
YES NO  
Place of Employment \_\_\_\_\_  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Birth Date \_\_\_\_\_ Race \_\_\_\_\_

3. Names and ages of other children in the family:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. PROPOSED GUARDIAN INFORMATION**

1. Proposed Guardian's Full Name \_\_\_\_\_  
Street Address \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ County \_\_\_\_\_ Zip Code \_\_\_\_\_  
U.S. Citizen \_\_\_\_\_ If no, what Country \_\_\_\_\_  
                  YES    NO  
Place of Employment \_\_\_\_\_  
Supervisor's Name \_\_\_\_\_  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Birth Date \_\_\_\_\_ Place of Birth \_\_\_\_\_  
Marital Status \_\_\_\_\_ Race \_\_\_\_\_  
Social Security Number \_\_\_\_\_

2. Spouse's Full Name \_\_\_\_\_  
Street Address \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ County \_\_\_\_\_ Zip Code \_\_\_\_\_  
U.S. Citizen \_\_\_\_\_ If no, what Country \_\_\_\_\_  
                  Yes    No  
Place of Employment \_\_\_\_\_  
Supervisor's Name \_\_\_\_\_  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Birth Date \_\_\_\_\_ Place of Birth \_\_\_\_\_  
Marital Status \_\_\_\_\_ Race \_\_\_\_\_  
Social Security Number \_\_\_\_\_

3. Relationship (if any) to child \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Names and ages of other children in your home at the present time:

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5. Has proposed Guardian or Spouse ever been arrested? If so, for what and where was the arrest?

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6. List all adults and children currently living in proposed guardian's home, including petitioner(s) and minor: **\*\***(See below)

<u>NAME</u>	<u>AGE</u>	<u>RELATIONSHIP TO GUARDIAN</u>

(\*\*ALL ADULTS 18 YRS OR OLDER MUST CONSENT TO A CRIMINAL BACKGROUND CHECK)

7. Reason for this Guardianship: (Explain fully)

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C. INFORMATION ON CHILD

1. Child's Name \_\_\_\_\_  
Birth Date \_\_\_\_\_ Place of Birth \_\_\_\_\_  
U.S. Citizen \_\_\_\_\_ If no, what Country \_\_\_\_\_  
                  YES    NO  
School last attended \_\_\_\_\_  
School plans to attend \_\_\_\_\_

2. Has child ever been in a foster home or removed from parental custody: if yes, give details:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Has child ever been arrested or charged with a delinquent act? If so, when, where, and what was the offense?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Is Department of Family & Children Services or Juvenile Court currently involved in this case? You must advise the Court!

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Proposed Guardian \_\_\_\_\_

Signature of Proposed Guardian \_\_\_\_\_

Date \_\_\_\_\_

CONSENT FORM

I HEREBY AUTHORIZE THE BARROW COUNTY PROBATE JUDGE, TAMMY S. BROWN, TO RECEIVE ANY CRIMINAL HISTORY RECORD INFORMATION PERTAINING TO ME, WHICH MAY BE IN THE FILES OF ANY STATE OR LOCAL CRIMINAL JUSTICE AGENCY IN GEORGIA.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Street

\_\_\_\_\_  
City

\_\_\_\_\_  
County

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Sex

\_\_\_\_\_  
Race

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Signature

Sworn to and subscribed

Before me this \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_.

\_\_\_\_\_  
Notary Public/Clerk of Probate Court

CONSENT FORM

I HEREBY AUTHORIZE THE BARROW COUNTY PROBATE JUDGE, TAMMY S. BROWN, TO RECEIVE ANY CRIMINAL HISTORY RECORD INFORMATION PERTAINING TO ME, WHICH MAY BE IN THE FILES OF ANY STATE OR LOCAL CRIMINAL JUSTICE AGENCY IN GEORGIA.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Street City County State Zip

\_\_\_\_\_  
Social Security Number Sex Race Date of Birth

\_\_\_\_\_  
Signature

Sworn to and subscribed  
Before me this \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_.

\_\_\_\_\_  
Notary Public/Clerk of Probate Court

**PETITION FOR TEMPORARY LETTERS OF GUARDIANSHIP OF MINOR**  
**INSTRUCTIONS**

I. Specific Instructions

1. This form is to be used for filing a Petition for Temporary Letters of Guardianship of a Minor pursuant to O.C.G.A. § 29-2-5.
2. Notice of the Petition must be given to the “parents” of the Minor. If an objection to the establishment of the temporary guardianship is filed by a parent who is also a “natural guardian,” the Court will dismiss the Petition without a hearing. If a parent who is not a natural guardian objects, a hearing on the matter will be scheduled.

A “parent” is defined as the biological or adoptive father or mother whose parental rights have not been surrendered or terminated. However, in the case of a child born out of wedlock, the Father shall be considered a “parent” only if he has legitimated the Minor.

A father of a child born out of wedlock has legitimated the Minor if he married the Mother after the child’s birth or obtained an order of legitimation from a court of competent jurisdiction.

A “natural guardian” is defined as each parent, unless the parents are divorced. If one parent has sole legal custody, that parent is the sole “natural guardian.” If both parents have joint legal custody, then both parents are the “natural guardians.”

3. Although a mother or father may not be a “legal parent,” the Court may require service on such person.
4. A temporary guardianship will be deemed to be a permanent guardianship for the purposes of obtaining medical insurance coverage for the Minor if the guardian assumes in writing the obligation to support the Minor while the guardianship is in effect to the extent that no other sources of support are available.
5. Unless otherwise permitted by the Probate Court in which the Petition is filed, a separate Petition must be filed for each minor. Contact the Probate Court in which the Petition will be filed for its policy. If the filing of one Petition for more than one minor is permitted by the Probate Court, modify the Petition accordingly.
6. According to Uniform Probate Court Rule 5.6 (A), unless the Court specifically assumes the responsibility, it is the responsibility of the moving party to prepare the proper citation and deliver it properly so it can be served according to law. All pages after the Notice regarding Uniform Probate Court Rule 5.6 (A) are to be completed by the moving party, unless otherwise directed by the Court.



7. O.C.G.A. § 53-11-2 provides that a party to a probate proceeding who is not sui juris must be represented by a guardian provided that the Court may appoint a guardian ad litem or determine that the natural guardian, guardian, conservator or testamentary guardian has no conflict and may serve. Should a guardian ad litem be necessary because a party is not sui juris, use Supplement 1.
8. Use Supplement 2 if the Court determines it is necessary to appoint a special process server.
9. Use Supplement 3 when an additional certificate of service is necessary.
10. Exhibits should be labeled at the bottom of each exhibit as Exhibit "A," Exhibit "B," etc. in consecutive order. The corresponding letter of each said exhibit should be inserted into the appropriate place in the form.
11. An oath must be administered by a Probate Judge or Clerk (the oath cannot be administered by a notary public). Use Georgia Probate Court Supplement 4 for the oath. The oath is not included in this form. Georgia Probate Court Standard Form 53, Commission to Administer Oath, can be used if the oath is to be administered by a court outside the State of Georgia.

## II. General Instructions

General instructions applicable to all Georgia Probate Court Standard Forms are available in each Probate Court or at [www.gaprobate.gov](http://www.gaprobate.gov), labeled GPCSF 1.

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ )  
\_\_\_\_\_, )  
MINOR ) ESTATE NO. \_\_\_\_\_ )

PETITION FOR TEMPORARY GUARDIANSHIP OF A MINOR

The Petition of \_\_\_\_\_,  
*[Full name(s) of Petitioner(s)] First Middle Last*

who is/are domiciled in \_\_\_\_\_ County and reside(s) at the following  
address(es): \_\_\_\_\_  
*Street City County State Zip Code*

who has/have actual physical custody of the Minor named above and whose mailing address(es)  
is/are: \_\_\_\_\_  
*Street City County State Zip Code*

show(s):

1.

\_\_\_\_\_  
*[Full name of Minor] First Middle Last*  
age \_\_\_\_\_, whose date of birth is \_\_\_\_\_, is found at:  
\_\_\_\_\_  
*Street City County State Zip Code*

2.

A copy of the Minor's birth certificate is attached as Exhibit "\_\_\_\_\_."

3.

Said Minor is in need of a temporary guardian. The Petitioner(s) has/have the following  
relationship(s) with the Minor: \_\_\_\_\_.

4.

The Minor's Mother is:

<hr/>				
<i>[Full name of Mother]</i>	<i>First</i>	<i>Middle</i>	<i>Last</i>	
<hr/>				
<i>Street</i>	<i>City</i>	<i>County</i>	<i>State</i>	<i>Zip Code</i>

- a. Is the Mother deceased? *[Select One]*  Yes  No  
*If yes, attach death certificate as Exhibit " \_\_\_\_\_ " and skip b-g*
- b. Has the Mother signed a consent for the creation of this temporary guardianship? *[Select One]*  Yes  No
- c. Is the Mother's address known and listed above? *[Select One]*  Yes  No
- d. Have the Mother's rights been terminated via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*
- e. Has the Mother lost custody via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*
- f. Does the Mother have joint legal custody via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*
- g. Does the Mother have sole legal custody via Court Order? *[Select One]*  Yes  No  
*If yes, attach the Order as Exhibit " \_\_\_\_\_ ."*
- h. Was the Mother married to the Father of the child during or after the conception of the Child? *[Select One]*  Yes  No
- i. Was the Mother married to another during the conception, gestation or birth of the Child? *[Select One]*  Yes  No  
*If yes, list that man's name below:*

\_\_\_\_\_  
*[Full name of Mother's Husband] First Middle Last*

\_\_\_\_\_  
*Street City County State Zip Code*

5.

The Minor's Father is:

\_\_\_\_\_  
*[Full name of Father] First Middle Last*

\_\_\_\_\_  
*Street City County State Zip Code*

a. Is the Father deceased? *[Select One]*  Yes  No

*If yes, attach death certificate as Exhibit " \_\_\_\_\_"  
and skip b-g.*

b. Has the Father signed a consent for the creation of this temporary guardianship? *[Select One]*  Yes  No

c. Is the Father's address known and listed above? *[Select One]*  Yes  No

d. Have the Father's rights been terminated via Court Order? *[Select One]*  Yes  No

*If yes, attach the Order as Exhibit " \_\_\_\_\_."*

e. Has the Father lost custody via Court Order? *[Select One]*  Yes  No

*If yes, attach the Order as Exhibit " \_\_\_\_\_."*

f. Does the Father have joint legal custody via Court Order? *[Select One]*  Yes  No

*If yes, attach the Order as Exhibit " \_\_\_\_\_."*

g. Does the Father have sole legal custody via Court Order? *[Select One]*  Yes  No

*If yes, attach the Order as Exhibit " \_\_\_\_\_."*

6.

Is the Minor fourteen years of age or older? *[Select One]*  Yes  No

*If you answer "Yes," and the Minor made a selection, attach the Minor's Selection for the Petitioner(s) to act as temporary guardian(s) as Exhibit " \_\_\_\_\_."*

7.

The temporary guardianship is needed because:

8.

Additional Data: *[Where full particulars are lacking, state here the reasons for any such omission. Also, state here all pertinent facts that may govern the method of giving notice to any party and that may determine whether or not a guardian ad litem should be appointed for any party.]*

WHEREFORE, Petitioner(s) pray(s) that:

1. Service be perfected as provided by law; and
2. Petitioner(s) be appointed temporary guardian(s) of the Minor named above.

\_\_\_\_\_  
Signature of First Petitioner

\_\_\_\_\_  
Signature of Second Petitioner, if any

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ State Bar # \_\_\_\_\_

VERIFICATION

GEORGIA, \_\_\_\_\_ COUNTY

Personally appeared before me the undersigned Petitioner(s) who, after being duly sworn, state(s) that the facts set forth in the foregoing Petition for Temporary Letters of Guardianship of Minor (and the attached Exhibit(s)) are true and correct.

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Signature of First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name of First Petitioner

My Commission Expires \_\_\_\_\_

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Signature of Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name of Second Petitioner, if any

My Commission Expires \_\_\_\_\_

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ )  
\_\_\_\_\_, ) ESTATE NO. \_\_\_\_\_  
MINOR )

**SELECTION BY MINOR IF AGE 14 OR OLDER**

I, the undersigned Minor, being 14 years of age or older and a resident of \_\_\_\_\_  
\_\_\_\_\_ County, select \_\_\_\_\_  
to be appointed my guardian(s).

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Signature of Minor if age 14 or over

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name

My Commission Expires \_\_\_\_\_

Exhibit " \_\_\_\_\_ "

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ )  
 )  
 ) ESTATE NO. \_\_\_\_\_ )  
MINOR \_\_\_\_\_ )

CONSENT OF MOTHER

I, \_\_\_\_\_  
[Full name of Mother] First Middle Last  
\_\_\_\_\_  
Street City County State Zip Code

Mother of the above named Minor, do hereby consent to the creation of a temporary guardianship and the appointment of [list all parties to whom you wish to grant temporary guardianship]:

\_\_\_\_\_  
[Full name of first Temporary Guardian] First Middle Last

\_\_\_\_\_  
[Full name of second Temporary Guardian] First Middle Last

and also acknowledge service of the Petition for Appointment of a Temporary Guardian for said Minor and waive any and all further service and notice concerning said Petition.

I further understand that, pursuant to O.C.G.A. § 29-2-8 (b), upon a petition for termination by a natural guardian as defined in said statute [see instructions], the Court will remove the Temporary Guardian(s) and dissolve the temporary guardianship unless an objection is timely filed by the appointed Temporary Guardian(s). If an objection is timely filed to such petition for termination, the Juvenile Court or the Probate Court shall determine, after notice and hearing, whether a continuation or dissolution of the temporary guardianship is in the best interest of the Minor. I understand that nothing herein, including any optional Assumption by the Guardian(s) of the obligation to support the Minor to the extent that no other sources of support are available, affects my legal obligation to support and maintain said Minor.

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Mother

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT

\_\_\_\_\_  
Printed Name of Mother

My Commission Expires \_\_\_\_\_



IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ )  
 )  
 ) ESTATE NO. \_\_\_\_\_ )  
MINOR \_\_\_\_\_ )

CONSENT OF FATHER

I, \_\_\_\_\_  
[Full name of Father] First Middle Last  
\_\_\_\_\_  
Street City County State Zip Code

Father of the above named Minor, do hereby consent to the creation of a temporary guardianship and the appointment of [list all parties to whom you wish to grant temporary guardianship]:

\_\_\_\_\_  
[Full name of first Temporary Guardian] First Middle Last

\_\_\_\_\_  
[Full name of second Temporary Guardian] First Middle Last

and also acknowledge service of the Petition for Appointment of a Temporary Guardian for said Minor and waive any and all further service and notice concerning said Petition.

I further understand that, pursuant to O.C.G.A. § 29-2-8 (b), upon a petition for termination by a natural guardian as defined in said statute [see instructions], the Court will remove the Temporary Guardian(s) and dissolve the temporary guardianship unless an objection is timely filed by the appointed Temporary Guardian(s). If an objection is timely filed to such petition for termination, the Juvenile Court or the Probate Court shall determine, after notice and hearing, whether a continuation or dissolution of the temporary guardianship is in the best interest of the Minor. I understand that nothing herein, including any optional Assumption by the Guardian(s) of the obligation to support the Minor to the extent that no other sources of support are available, affects my legal obligation to support and maintain said Minor.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Father

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Father

IN THE PROBATE COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF \_\_\_\_\_ )  
 )  
 ) ESTATE NO. \_\_\_\_\_  
MINOR )

ASSUMPTION OF OBLIGATION TO SUPPORT (OPTIONAL)

The undersigned, if appointed temporary guardian(s) of the above named Minor, assume(s) the obligation to support the Minor while the guardianship is in effect to the extent that no other sources of support are available.

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of First Petitioner

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name of First Petitioner

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Second Petitioner, if any

\_\_\_\_\_  
NOTARY/CLERK OF PROBATE COURT  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Second Petitioner, if any

Exhibit " \_\_\_\_\_ "