

## **§ 6-1439. Time for increase in bonds; bond review.**

(A) Where the amount of a personal representative's, guardian's, or conservator's bond has been fixed on the basis of known or anticipated assets only, and there is a subsequent material increase in the value of the assets or an increase is anticipated, the judge shall be promptly informed of such fact and an adequate bond to cover the increased responsibility of the personal representative, guardian, or conservator shall be furnished and filed if required by the judge.

(B) All initial inventories shall be reviewed by the judge prior to Letters being issued to determine if a bond needs to be set or if the previously set bond is adequate. If the judge finds the bond should be changed, the matter shall be set for hearing unless the hearing on the bond is waived by all interested persons present at the time the guardian or conservator is appointed.

(C) Every updated inventory filed with an accounting and every notice of newly discovered asset form filed with the court shall be reviewed by a clerk magistrate, probate supervisor, court staff, or guardian ad litem, if one is appointed, or by an independent third party approved by the State Court Administrator's Office, if available, to determine whether the bond previously set is adequate pursuant to Neb. Rev. Stat. § 30-2640 and § 6-1441. If there is a concern that the bond previously set is not adequate, the matter shall be set for hearing before the court with notice to all interested persons.

For purposes of this paragraph, interested persons shall include all those defined in § 6-1433(B)(2).

*Rule 39 amended June 1988. Renumbered and codified as § 6-1439, effective July 18, 2008; § 6-1439 amended August 31, 2011, effective January 1, 2012; § 6-1439 amended September 10, 2015.*

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