

**EMERGENCY PROCEEDING TO ENJOIN/RESTRAIN CONSERVATOR BASED
UPON ALLEGATIONS OF MIS-MANAGED FUNDS AND/OR
REQUEST FOR A RECEIVER PENDENTE LITE:**

PURPOSE:

To acquire a restraining Order from the Court until a hearing, after notice, can be heard by the Court. This is an ex parte proceeding.

PRELIMINARY DOCUMENTS REQUIRED BY THE COURT:

1. Interested person or entity files an affidavit or verified petition with documentation to make a prima facie showing of the irreparable harm which is the basis for emergency intervention contained in Rule 65 of the South Carolina Rules of Civil Procedure.
2. Draft of Order which includes:
 - a. date, time, and place of upcoming hearing
 - b. language that a copy of this Order shall be served upon the financial institution maintaining the conservatorship account and that the account is frozen until further Order of the Court.
 - c. language directing the conservator to re-deposit or re-pay the funds referred to prior to the hearing
 - d. language that the conservator is to take no further action of any nature on behalf of the incapacitated person until further Order of the Court
 - e. the Court may elect to appoint a receiver *pendente lite* to manage the funds until the hearing can be held.
3. Proof of Service of Petition, Affidavit, and Order (containing notice of date, time and place for the hearing) on the Conservator and all interested parties.