§ 79.15 Bonds; sureties.

Before making an appointment under the provisions of this article the court shall be satisfied that the guardian, whose appointment is sought, is a fit and proper person to be appointed. Upon the appointment being made the guardian shall execute and file a bond to be approved by the court in an amount not less than the sum then due and estimated to become payable during the ensuing year, if he is to receive only the benefits from the administration and income from such benefits. If the guardian is also to receive other property of the ward, the minimum amount of the said bond shall be increased, in the case of an incompetent ward, by the amount of the bond required of a committee appointed under article seventy-eight of this chapter, and in the case of an infant ward, by the amount of the bond required of a guardian appointed under the surrogate's court procedure act; or else the guardian shall execute and file an additional bond in the amount required by the applicable statute. The said bond or bonds shall be in the form and be conditioned as required of guardians appointed under article seventy-eight of this chapter, in the case of an incompetent ward, and under the surrogate's court procedure act, in the case of an infant ward. The court shall have power from time to time to require the guardian to file an additional bond. The necessity of requiring a bank or trust company to give bond when acting as guardian shall be governed by subdivision five of section one hundred-a of the banking law.

Where a bond is tendered by a guardian with personal sureties, such sureties shall file with the court a certificate under oath which shall describe the property owned, both real and personal, and that they are each worth the sum named in the bond as the penalty thereof over and above all their debts and liabilities and exclusive of property exempt from execution.