

Special undertaking by trustees

Full name of person to whom the application relates
(this is the name of the person who lacks, or is alleged to lack, capacity)

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For office use only
Date received
Case no.

Please read first

- If your application relates to the appointment of a trustee then you need to complete this undertaking and file it with the court together with a COP1 application form and any other required forms and documents. All new and continuing trustees must sign the undertaking (not just the person making the application).
- For further information on applications relating to trustees please see Practice Direction F that supplements Part 9 of the Court of Protection Rules 2017.
- Please continue on a separate sheet of paper if you need more space to answer a question. Write your name, the name and date of birth of the person to whom the application relates, and the number of the question you are answering on each separate sheet.
- If you need help completing this form please check the website, www.justice.gov.uk or www.direct.gov.uk, for further guidance or information, or contact Court Enquiry Service on 0300 456 4600 or email courtofprotectionenquiries@hmcts.gsi.gov.uk
- Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor.

Section 1 - Details of the person to whom the application relates

1.1 Full name

Address
(including
postcode)

Date of birth

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Section 2 - Special undertaking by trustees

2.1 Name of continuing trustee

Address
(including
postcode)

Name of second continuing trustee (if applicable)

Address
(including
postcode)

Name of new trustee (if applicable)

Address
(including
postcode)

Name of second new trustee (if applicable)

Address
(including
postcode)

2.2 Name of
property, will,
settlement, etc.

2.3 I/WE HEREBY UNDERTAKE that in the event of such appointment being approved and made, where the above named person lacks capacity in relation to the trust, to sell any land or property to the whole of any part of which the person is absolutely entitled in equity at such fair and reasonable price as can be obtained through a sale on the open market.

AND THAT in the event of the sale being effected where the above named person lacks capacity in relation to the trust we will deal with the proceeds of sale or with the person's undivided share thereof, as the case may be, in such manner as the court may direct but so that where the person is a joint tenant we will deal with the proceeds in such manner as the court (on behalf of the person) and the other joint tenant shall jointly direct and on severance of the joint tenancy we will deal with the person's share of the proceeds in such manner as the court may direct.

Section 5 – Signature

Signed

Name

Date

Signed

Name

Date

Signed

Name

Date

Signed

Name

Date

Now read notes of the COP1 application form about what you need to do next.
