

Filing a Decedent Estate

You should consult and retain an attorney to handle the probate proceedings. This information is general information about a decedent estate in Michigan, and is not a substitute for actual legal advice about your own situation.

When a person dies in and leaves property, the property is referred to as the "estate." The property must be handled, by paying creditors and distributing the property to any living heirs or beneficiaries of the will: this process is called "probating" the estate. The Probate court in Michigan has the legal authority to probate all estates. All of the forms needed for probating estates in Michigan are available from your Probate court. An estate should be probated in the county where the person resided.

If the estate is less than \$22,000, then the estate may be probated with a simple form called a "Petition and Assignment." When the court has accepted the petition, the court enters an order distributing the estate. The filing fee for this petition is \$25, plus an inventory fee based on the dollar value of the estate. The court will calculate the inventory fee for you.

If the estate is valued at over \$22,000, or if you choose to proceed another way, you can open an estate either formally or informally. Informal proceedings begin by filing an Application for Informal Probate and/or Appointment of Personal Representative (Testate/Intestate) (form PC 557) with the court with a \$150 filing fee. Other forms are also required to be filed at this time, and are available from the court. The Application is a request that the probate register admit the will, if any, to probate, and appoint a personal representative. If the application is granted, the register will sign a form called Register's Statement (form PC 568) and a personal representative is appointed. The personal representative must file an Acceptance of Appointment (form PC 572) and any required bond, the register will issue Letters of Authority for Personal Representative (form PC 572). The personal representative may then conduct the business for the estate until the estate is ready to be closed.

Formal proceedings are commenced by filing a Petition for Probate and/or Appointment of Personal Representative (Testate/Intestate) (form PC 558) with the court with a \$150 filing fee. Generally it is best to hire an attorney for filing a formal petition, because the process involves a court hearing where testimony must be taken before the judge.

Informal and formal proceedings are two ways to accomplish the same things. By using either, you can have a will admitted to probate and a personal representative appointed or proceed to complete an estate where there was no will.

Generally, if there is no dispute over the will (or estate if there is no will) or appointment of a personal representative, informal proceedings are appropriate. If it is likely that the will or division of the estate may be contested at some point or the appointment of the personal representative contested, formal proceedings would be more appropriate.

An attorney should be consulted and retained to handle the probate proceedings. Estates are almost always complicated enough to justify such professional services. Personal representatives have personal liability for errors that are made in the administration of estates, and lawyers have special training in handling estates. If you wish to proceed on your own, you may call the Probate Court (810-985-2066) during business hours and obtain any of the forms by mail. Forms are also available at the counter, or on the internet at: <http://courts.mi.gov/Administration/SCAO/Forms/Pages/default.aspx>.

Please remember that Probate court staff may not give you legal advice, but will provide requested forms and general information.

St. Clair County Probate Court
201 McMorran Blvd., Room 2700
Port Huron, MI 48060
810-985-2066

Hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

Hon. John D. Tomlinson, Probate Judge
Kelly D. Strozeski, Probate Register