

FILING A DECEDENT ESTATE

This is a general outline of how to commence a decedent's estate. Court staff is PROHIBITED from providing legal advice. We can answer quests that pertain to filing requirements and will do our best to assist you with information, for questions we cannot answer we suggest contacting an attorney.

PETITION FOR ASSIGNMENT - Form PC 556m:

Section 3982 of the Estates and Protected Individuals Code provides a simplified procedure for distributing small estates if the balance of the gross estate is under a threshold reviewed and adjusted annually. (See the top of page 2 for the current threshold.) The figure is determined by adding all assets of the decedent, less the amount of decedent's funeral and burial expenses and any liens against any real estate.

Upon a showing of evidence, satisfactory to the court, that the decedent's funeral or burial expenses are unpaid or were paid by a person other than the estate, the court shall order that the property be first used to pay the unpaid funeral and burial expenses, or to reimburse the person that paid those expenses, and may order that the balance be turned over to the surviving spouse or, if there is not a spouse, to the decedent's heirs.

Other than a surviving spouse who qualifies for allowances under this act or minor children of the decedent, an heir who receives property through an order under this section is responsible, for 60 days from the date of the order, for any unsatisfied debt of the decedent up to the value of the property received through the order.

This procedure begins with the filing of a form titled Petition and Order for Assignment (PC 556). The filing fee is \$25, plus \$10 certified copy fee. There is also an inventory fee due, which is based on the value of the estate. A receipt showing the status of the funeral bill must be attached to the Petition. This whole procedure can usually be completed within a few days of the filing with the court.

GENERAL INFORMATION SHEET FOR OPENING OF A DECEDENT'S ESTATE

When assets are over \$24,000, or a personal appointment is needed:

UNSUPERVISED ADMINISTRATION (DE)

FORMAL PROCEEDINGS ("PETITION")

Formal proceedings are commenced by filing a "Petition for Probate and/or Appointment of Personal Representative (Testate/Intestate) and other related papers. After either a court hearing with proper notice to all interested persons or upon filing waiver and consents, the probate judge may enter an order called an "Order of Formal Proceedings." This order may admit a will, determine the heirs of the deceased and appoint a personal representative. Once the order is entered, the personal representative qualifies to act by filing an Acceptance of Appointment and any required bond. The personal representative will proceed with unsupervised administration until the estate is ready to be closed. A petition for a formal proceeding on any aspect of administration may be filed at any point. A judge enters any applicable orders after either a court hearing with proper notice or upon filing a full waivers and consents. FILING FEE IS \$175.00. ANY ADDITIONAL LETTERS OF AUTHORITY ARE \$10.00 EACH.

FORMS NEEDED TO OPEN FILE

- PC 558 - Application
- PC 565 – Testimony to Identify Heirs
- PC 566* - Supplemental Testimony
- Will (if any)
- Death Certificate
- PC 571 – Acceptance of Appointment

FORMS MAY BE NEEDED AND ARE AVAILABLE UPON REQUEST

- PC 574*- Notice to Creditors
- PC 561*- Waive/Consent
- PC 570* - Bond

SUPERVISED ADMINISTRATION (DA)

Supervised administration may be requested by checking the appropriate box on the “Petition for Probate and/or Appointment of Personal Representative (Testate/Intestate)”. Supervised administration may also be requested at any time during unsupervised administration. If supervised administration is granted, the personal representative (unless otherwise ordered by the court), will proceed with the same powers as a personal representative who is not supervised except that in numerous documents that must be filed with the Probate Court during supervised administration. The court must also approve any distributions by the personal representative.

*The forms may or may not be needed depending on the facts.

UNSUPERVISED ADMINISTRATION (DE)

INFORMAL PROCEEDINGS (“Application”)

Informal proceedings are commenced by filing an “Application for Informal Probate and/or Appointment of Personal Representative (Testate/Intestate)” and other related papers. The Application is for the Probate Register to admit the will, if any, to probate and/or appoint a personal representative. If the Application is granted, the Register will sign a form called “Register’s Statement” admitting the will and/or appointing a personal representative. [Note that a will informally admitted to probate may be challenged at any time in a formal testacy proceeding.] An appointed personal representative becomes qualified to act by filing an Acceptance of Appointment and any required bond. The personal representative will proceed with unsupervised administration until the state is closed (unless the judge orders that the estate become “supervised” following a Petition requesting supervised administration).

FORMS NEEDED TO OPEN FILE

- PC 558 - Application
- PC 565 – Testimony to Identify Heirs
- PC 566* - Supplemental Testimony

- Will (if any)
- Death Certificate
- PC 571 – Acceptance of Appointment

FORMS MAY BE NEEDED AND ARE AVAILABLE UPON REQUEST

- PC 574*- Notice to Creditors
- PC 567*- Renunciation
- PC 557* - Notice of Intent
- PC 564* - Proof of Service
- PC 570* - Bond

SUPERVISED ADMINISTRATION (DA)

Supervised administration may be requested by checking the appropriate box on the “Petition for Probate and/or Appointment of Personal Representative (Testate/Intestate)”. Supervised administration may also be requested at any time during unsupervised administration. If supervised administration is granted, the personal representative (unless otherwise ordered by the court), will proceed with the same powers as a personal representative who is not supervised except that in numerous documents that must be filed with the Probate Court during supervised administration. The court must also approve any distributions by the personal representative.

*The forms may or may not be needed depending on the facts.

Forms are available at <https://courts.michigan.gov/Administration/SCAO/Forms/Pages/default.aspx>

St. Clair County Probate Court
201 McMorran Blvd., Room 2700
Port Huron, MI 48060
(810) 985-2066
Hours: Monday – Friday 8:00 a.m. to 4:30 p.m.
Hon. John D. Tomlinson, Probate Judge
Joseph Schulte, Probate Register

Some of the above material was provided by Calhoun County Probate Court website.