

STATE OF MICHIGAN

Michael L. Buck
Probate Judge



Avery D. Rose
Probate Register
Court Administrator

Jennifer Callaway
Deputy Register

Jennifer White
Deputy Register

ALLEGAN COUNTY PROBATE COURT

Instructions Regarding Deceased Estates – Informal Proceedings

All forms must be completed fully and accurately. If you encounter difficulty in understanding or completing the forms, you should contact an attorney for assistance, as law prohibits Court personnel from giving legal advice.

Informal proceedings are commenced by filing an Application for Informal Probate and/or Appointment of Personal Representative (Testate/Intestate) with the forms attached hereto. The Application may only be filed by an "interested person," which is defined as an heir, devisee, child, spouse, creditor, and beneficiary and any other person that has a property right in or claim against a trust estate or the estate of a decedent, ward, or protected individual; a person that has priority for appointment as personal representative; or a fiduciary representing an interested person. MCL § 700.1105(c).

Persons who are not disqualified have priority for appointment as personal representative in the following order: (1) the person with priority as determined by a probated will (2) the surviving spouse if the spouse is a devisee under the will, (3) other devisees, (4) the surviving spouse, (5) other heirs, (6) after 42 days after the decedent's death, the nominee of a creditor if the court determines the nominee suitable, (7) the state or county public administrator. MCL § 700.3203(1). A person entitled to letters under (2) to (5) above may nominate a qualified person to act as personal representative. An individual may also renounce his or her right to nominate or to an appointment by filing a Renunciation of Right to Appointment, Nomination of Personal Representative and Waiver of Notice (PC 567). If two or more persons share a priority, those of them who do not renounce shall concur in nominating another to act for them or in applying for appointment.

At minimum, the forms and documents which must be filed to commence an informal proceeding include:

- A \$175.00 filing fee and a \$12.00 fee for a certified copy of the Letters of Authority. Checks and money orders should be made payable to the Allegan County Probate Court.
- Death Certificate
- Application For Informal Probate and/or Appointment of Personal Representative (Testate/Intestate) (PC 558), with filing fee
- Will and codicil(s), if applicable
- Testimony to Identify Heirs (PC 565)
- Supplemental Testimony to Identify Nonheir Devisees (PC 566), if the decedent left a will and some of the devisees named in the will and codicils are not heirs of the testator
- Register's Statement (PC 568)
- Acceptance of Appointment (PC 571)
- Letters of Authority (PC 572); there is a fee for each certified copy of the Letters



If all of the required forms are in order the Probate Register will sign the Register's Statement, appointing a personal representative, and if applicable, admitting the deceased's will to probate; the Register will also issue the Letters of Authority. If the Register denies the Application, the Register will state the reason for the denial. Unsupervised administration of the estate will continue until the estate is closed (unless the Judge enters an order requiring the estate to be "supervised").

Duties of the personal representative include the following:

Notice of Appointment: Within 28 days of the personal representative's appointment, the personal representative (except a special personal representative) must give notice of the appointment to the decedent's heirs and devisees whose addresses are reasonably available to the personal representative, unless they have executed a written waiver of notice. Notice may be given by using Notice of Appointment and Duties of Personal Representative form (PC 573) attached hereto. MCL § 700.3705.

Publication of Notice to Creditors: Unless the notice has already been given, upon appointment the personal representative must publish in a newspaper, as defined by MCR 2.106(F), in the county in which a resident decedent was domiciled or in which the proceeding as to a nonresident was initiated, a notice to creditors as provided in MCL § 700.3801. Publication is optional for a special personal representative.

The notice must include:

- (1) The name, and, if known, the date of death, and date of birth of the decedent;
- (2) The name and address of the personal representative;
- (3) The name and address of the court where proceedings are filed; and
- (4) A statement that claims will be forever barred unless presented to the personal representative, or to both the court and the personal representative within 4 months after the publication of the notice.

MCR 5.208(A)-(D); MCL § 700.3801.

Inventory Information: Within 91 days of the date of the letters of authority, the personal representative must submit to the court the information necessary for computation of the probate inventory fee. The personal representative must also provide the name and address of each financial institution listed on the inventory at the time the inventory is presented to the court. The address for a financial institution must be either that of the institution's main headquarters or the branch used most frequently by the personal representative. MCR 5.307(C).

Change of Address: The personal representative must keep the court and all interested persons informed in writing within 7 days of any change of his or her address. MCR 5.307(C).

Notice of Continued Administration: If the personal representative is unable to complete the administration of the estate within one year of the original personal representative's appointment, he or she must file with the court and all interested persons a notice that the estate remains under administration, specifying the reason for the continuation of the administration. Using the Notice of Continued Administration Form (pc587), the personal representative must give this notice within 28 days of the first anniversary of the original appointment and all subsequent anniversaries during which the administration remains uncompleted. A Proof of Service form (pc564) must also be filed indicating which interested persons were served with a copy of the notice. MCR 5.307(C).

Duty to Complete Administration of Estate: The personal representative must complete the administration of the estate and file appropriate closing papers with the court. Failure to do so may result in personal assessment of costs. MCR 5.307(C).

