

# **FORMAL PROCEEDINGS**

PLEASE READ BEFORE PROCEEDING

This information is the only information court personnel can give you about this procedure. This information is not intended to be legal advice, but a brief explanation of the basic procedure that is required.

Probate court personnel cannot give legal advice about your particular situation or complete your forms for you. You are not required to have an attorney; however, the court cannot act as your attorney. If you do not understand these instructions or the process, you will need to obtain other assistance.

If you have questions about what you must or should do, you may wish to consult with an attorney. If you are inquiring about a decedent's estate which you believe has a relatively small cash value, you may wish to learn about the small estate assignment of property procedure.

## Decedent estates

The probate court has jurisdiction over proceedings to admit a will (i.e., find it to be valid), appoint a personal representative and administer a decedent's estate. ***The admission of a will as valid and the appointment of a personal representative can only be made by the probate court.***

## Application (Informal) versus Petition (Formal)

You may be able to open the estate case with the Application. The Application process is an informal one, completed in the Probate Office without a hearing; it typically results in a great time savings over the Petition process. Petitions go before a judge, typically require a hearing, and are usually scheduled for a hearing about four weeks after filing.

Because the Application process is an expedited one, the law prescribes specific requirement for granting the relief it requests. If there is a Will, you must provide the **original**. In order to appoint the person requested in the Application as personal representative, the person must have ultimate priority for appointment or proper **notice that appointment is being sought** must have been given to all those with prior or equal right to appointment. If the nominee in the Application does not have ultimate priority, he/she can obtain it by having each person with equal or prior right to appointment file a Renunciation of Right to Appointment, Nomination of Personal Representative, and Waiver of Notice ([PC 567](#))

If you cannot comply with either the original Will or nomination requirement, you may wish to consider filing the Petition for Probate and/or Appointment of Personal Representative (Testate/Intestate) ([PC 559](#))

## WHAT MUST BE FILED

- Petition for Probate and/or Appointment of Personal Representative (Testate/Intestate) ([PC 559](#)) The Petition must be completely filled out, including:
  - (a) a list of all heirs and devisees,
  - (b) a statement about whether or not there is a valid Will,
  - (c) a nomination of a personal representative,
  - (d) a statement of what you are requesting the court to do, and
  - (e) a signature and date, with address and phone number.
- Testimony to Identify Heirs ([PC 565](#))
- **Death Certificate** for the decedent
- The original Last Will and Testament and any Codicils (if they exist)
- Obtain Waivers or Set Hearing
  - a. Waivers/Consents ([PC 561](#)) from all interested persons  
OR
  - b. Notice of Hearing ([PC 562](#)) and Proof of Service ([PC 564](#)) – must be served on all interested persons and filed with the court.
- Order for Formal Proceedings ([PC 569](#))
- Acceptance of Appointment ([PC 571](#))
- Letters of Authority ([PC 572](#))
- \$150 filing fee to the Eaton County Probate Court
- \$12.00 fee for each certified copy of the Letters of Authority (optional)
- File/Mail to: Eaton County Probate Court  
1045 Independence Blvd  
Charlotte MI 48813

## Additional filings

If the decedent's will gives any property to anyone other than an heir, you must complete and have notarized the Supplemental Testimony to Identify Non-Heir Devisees (Testate Estate) ([PC 566](#))

## After appointment

Once appointed, a personal representative has several duties, including:

- Paying the Inventory fee – based on the value of the estate. (You may call the court at 517-543-7500 extension 1278 to obtain the amount of this fee once the value of the estate has been determined)
- Administer the estate
- Properly close the estate

It is the personal representative's responsibility to understand and comply with these duties.

## Additional forms that may be needed

- Renunciation of Right to Appointment, Nomination of Personal Representative and Waiver of Notice ([PC 567](#)) –Persons with equal or higher right to appointment may complete
- Declaration of Intent to give Notice by Publication ([PC 617](#)) and Publication of Notice ([PC 563a](#)) – required if the whereabouts of an interested person is unknown
- Appearance of Parent ([PC 606](#)) – required if an interested person is a minor
- Copy of Letters of Guardianship – required if an interested person is under a legal guardianship
- Supplemental Testimony ([PC 566](#)) – required if there is a devisee that is not an heir
- Inventory ([PC 577](#)) – due within 91 days from appointment – based on gross value of estate, do not deduct for liens or encumbrances. Pay the Inventory fee prior to making any disbursements from the estate or within one (1) year from appointment (whichever is first)
- Notice to Creditors ([PC 574](#)) – must publish in an Eaton County approved newspaper. Approved publications include:
  - The County Journal
  - The Charlotte Shopping Guide
  - The Delta Waverly Community News
  - The Grand Ledge Independent
  - The Eaton Rapids Community News
  - The Flashes
  - The Lansing State Journal
- No disbursement shall be made from the estate until after the creditors period has expired.
- Notice to Known Creditors ([PC 578](#)) – required to be served on known creditors
- P. R. Notice to the F.O.C. ([PC 618](#)) – must serve on Friend of the Court
- Notice of Continued Administration ([PC 587](#)) – served on interested persons and filed annually
- Account of fiduciary ([PC 584](#)) – must be served on interested persons annually
- Close estate by filing either: - must be served on interested persons and filed with the court
  - Sworn Statement ([PC 591](#)) or Sworn Statement Summary Proceeding ([PC 590](#))
  - Certificate of Completion ([PC 592](#))

OR

- Petition for Complete Estate Settlement ([PC 593](#))
- Schedule of Distributions and Payment of Claims ([PC 596](#))
- Account of Fiduciary, final ([PC 584](#))
- Order for Complete Estate Settlement ([PC 595](#))
- Notice of Hearing ([PC 562](#))
- Proof of Service ([PC 564](#))