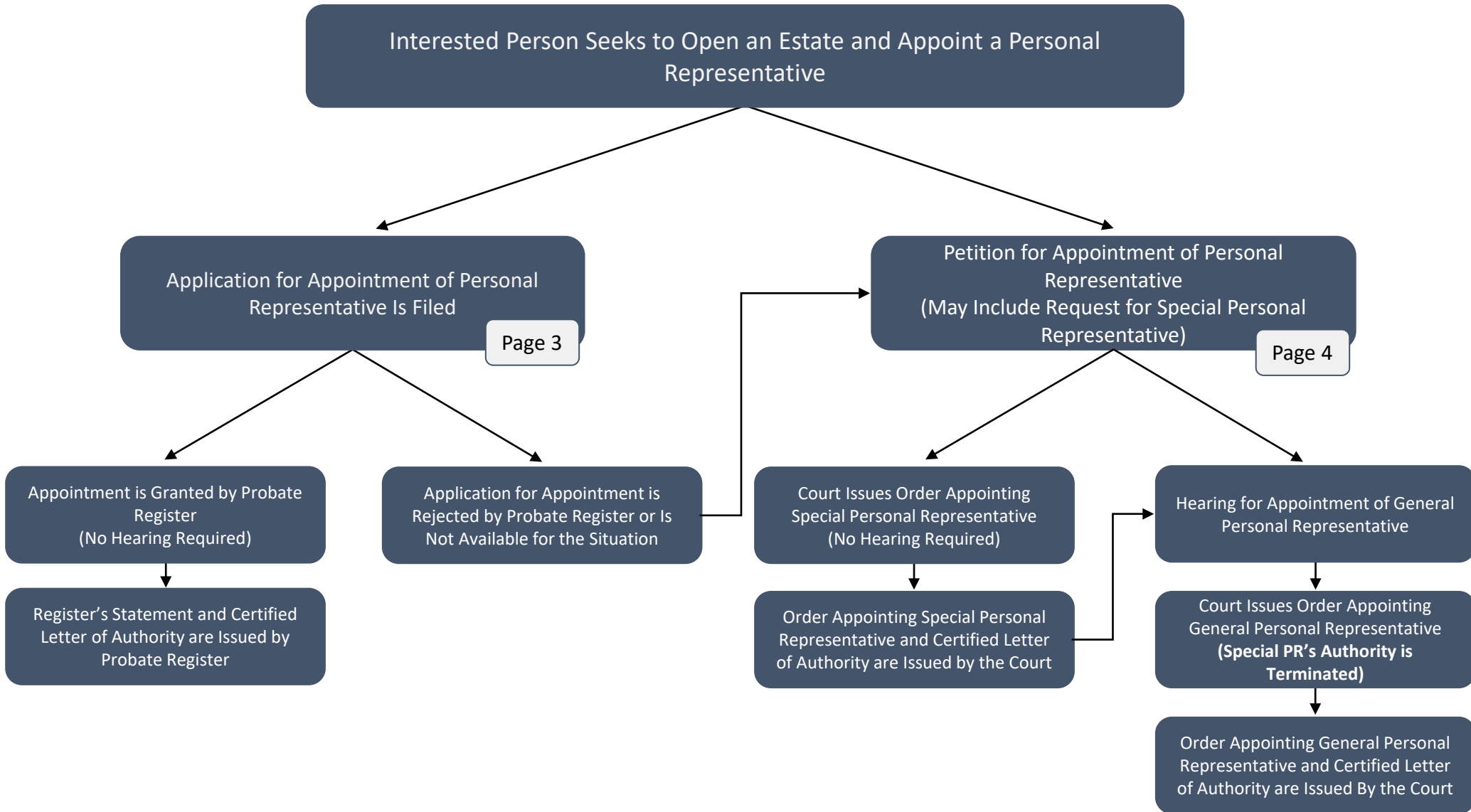


# Overview of Genesee County Probate Solutions for FWC Decedent Issues<sup>1</sup>

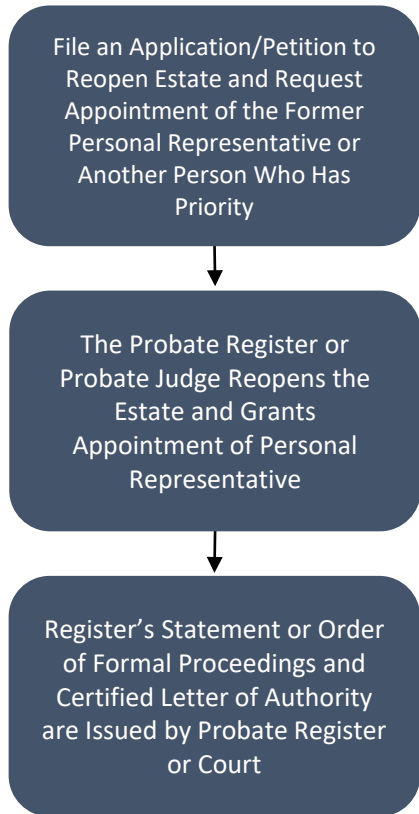
## Decedent Needs a Personal Representative (Testate/Intestate) (Pages 3 and 4)



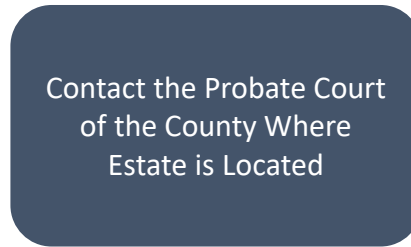
<sup>1</sup> Judge Farah (or his successor) will hear all FWC decedent issues, as assigned to the Genesee County Probate Court

# Overview of Genesee County Probate Solutions for FWC Decedent Issues<sup>1</sup> (cont.)

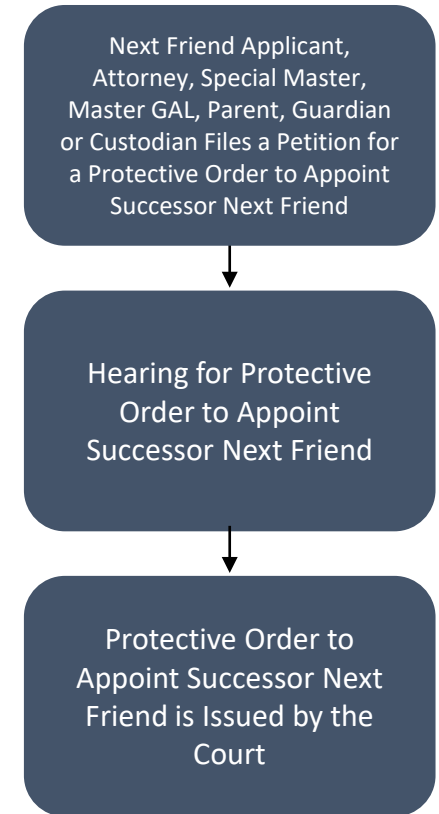
## Decedent's Estate Needs to be Reopened (Page 5)



## Decedent's Personal Representative Has Expired Letters of Authority



## Appointment of Successor Next Friend (Page 6)



<sup>1</sup> Judge Farah (or his successor) will hear all FWC decedent issues, as assigned to the Genesee County Probate Court

# Decedent Needs a Personal Representative (Testate/Intestate): Application for Informal Appointment of Personal Representative

## Who Can File

An application for informal appointment of a personal representative can be filed by an interested person including:

- Heirs (Closest relative who would inherit)
- Devisees
- Creditors (People/entities to whom decedent owes money)
- Any other person who has a property right in or claim against the decedent's estate.

(MCR 5.125 (C)(1) & (2), MCL 700.3301, and MCL 700.1105(c))

## Notice

If there are other individuals who are of equal or higher priority as the individual submitting the application, the application paperwork must include for each person of equal or higher priority either:

- A signed Renunciation of Right to Appointment, Nomination of Personal Representative, and Waiver of Notice (PC 567)

**OR**

- A Notice of Intent to Request Informal Appointment of Personal Representative (*must be completed 14 days before filing of application paperwork*). (PC 557)

(MCR 5.309(c)(1))

## Application Process

To submit an application for informal appointment of a personal representative the following documents must be filed either in person or by mail with the Genesee County Probate Court:

- |  |                 |
|--|-----------------|
|  | <u>Form*</u>    |
| • Decedent's Death Certificate   |                 |
| • Application for Informal Probate and/or Appointment of Personal Representative   | PC 558          |
| • Testimony to Identify Heirs  | PC 565          |
| • Decedent's Original Will ( <i>if applicable</i> )  |                 |
| • Supplemental Testimony to Identify Non-Heir Devisees ( <i>if applicable</i> )  | PC 566          |
| • For each individual who is higher or equal priority ( <i>if applicable</i> )   |                 |
| • Renunciation of Right to Appointment, Nomination of Personal Representative and Waiver of Notice   | PC 567          |
| <b>OR</b>  |                 |
| • Notice of Intent to Request Informal Appointment of Personal Representative and Proof of Service   | PC 557 + PC 564 |
| • Acceptance of Appointment signed by Personal Representative  | PC 571          |
| • Proposed Register's Statement  | PC 568          |
| • Proposed Letters of Authority for Personal Representative  | PC 572          |
| • Proposed Notice to Creditors   | PC 574          |
| • Proposed Notice of Appointment and Duties of Personal Representative   | PC 573          |
| • Filing Fee: <b>\$175</b> and <b>\$11</b> for Certified Letter of Authority (Filing fees may be waived in accordance with MCR 2.002 <u>Form MC 20</u> ) |                 |

## Court-Issued Documents

Upon acceptance and verification of the application, the Genesee County Probate Court Register will issue the following documents:

- Certified Letter of Authority for Personal Representative (PC 572)
- Register's Statement (PC 568)

\* All forms can be found at [www.gcpobatecourt.com/deceased-estate/](http://www.gcpobatecourt.com/deceased-estate/)

# Decedent Needs a Personal Representative (Testate/Intestate):

## Petition for Formal Appointment of PR and Appointment of a Special PR in the Interim Until a General PR is Appointed

### Who Can File

A petition for formal appointment of a personal representative and appointment of a special personal representative in the interim until a general personal representative is appointed can be filed by an interested person including:

- Heirs (Closest relative who would inherit)
- Devisees
- Creditors (People/entities to whom decedent owes money)
- Any other person who has a property right in or claim against the decedent's estate.

(MCR 5.125 (C)(1) & (2), MCL 700.3301, and MCL 700.1105(c))

### Notice

After the court sets the hearing date, the petitioner must serve the following on all interested persons:

- A copy of the petition
- A copy of the decedent's will (*if applicable*)
- Testimony to Identify Heirs (PC 565)
- Supplemental Testimony to Identify Non-Heir Devisees (*if applicable*) (PC 566)
- Notice of Hearing (MCR 5.102 and 5.107)

Proof of service must be filed with the court. (MCR 5.104 (A))

If an interested person's whereabouts are not known, the petitioner must serve notice on the person by publication. (MCR 5.105(A)(3))

### Petition Process

To submit a petition for formal appointment of a personal representative and appointment of a special personal representative the following documents must be filed either in person or by mail with the Genesee County Probate Court.:

- |   |             |
|---|-------------|
|   | <u>Form</u> |
| • Decedent's Death Certificate  |             |
| • Petition for Probate and/or Appointment of Personal Representative  | PC 559      |
| • Testimony to Identify Heirs   | PC 565      |
| • Decedent's Will (if applicable)   |             |
| • Supplemental Testimony to Identify Non-Heir Devisees (if applicable)  | PC 566      |
| • Acceptance of Appointment signed by Personal Representative   | PC 571      |
| • Proposed Order of Formal Proceedings  | PC 569      |
| • Proposed Letters of Authority for Personal Representative   | PC 572      |
| • Filing Fee: <b>\$175</b> and <b>\$11</b> for Certified Letter of Authority (Filings fees may be waived in accordance with MCR 2.002 using <u>Form MC 20</u> ) |             |

After the court sets the hearing date, the following documents must also be filed either in person or by mail with the Genesee County Probate Court:

- |  |             |
|--|-------------|
|  | <u>Form</u> |
| • Proof of Service   | PC 564      |
| • Publication and Notice of Hearing and Notice to Creditors                        | PNH + NTC   |
| • Publication Fee: <b>\$99.65</b> money order payable to Genesee County Legal News |             |

### Appointment of a Special Personal Representative

Upon request, a special personal representative may be promptly appointed with or without a hearing in order to process a Flint Water Crisis Settlement claim while a petition is pending for the appointment of a general personal representative. (MCL 700.3614 (a))

To request the appointment of a special personal representative, the following must be included in the Petition for Probate and/or Appointment of Personal Representative (Testate/Intestate) (PC 559):

- Check **Box 15** and on the lines provided include a brief explanation as to why a special personal representative needs to be appointed while a petition is pending for the appointment of a general personal representative
- Check **Box 19**

### Court-Issued Documents

#### Special Personal Representative

Upon presentation and approval of the application to appoint a special personal representative the court will issue the following documents

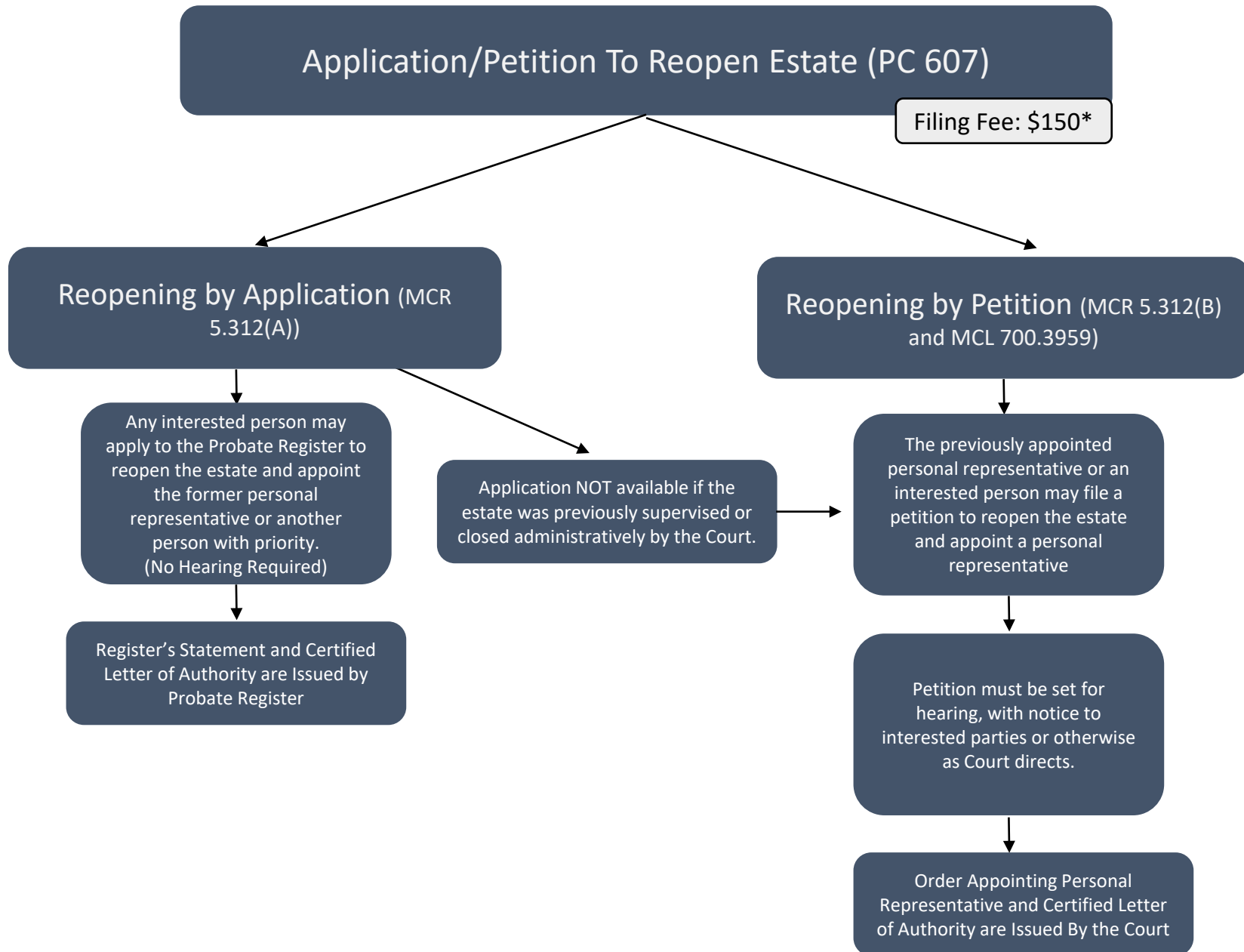
- Certified Letter of Authority for Personal Representative (PC 572)
- Order to Appoint Special Personal Representative

#### General Personal Representative

Upon formal proceeding and approval of the petition to appoint a general personal representative the court will issue the following documents:

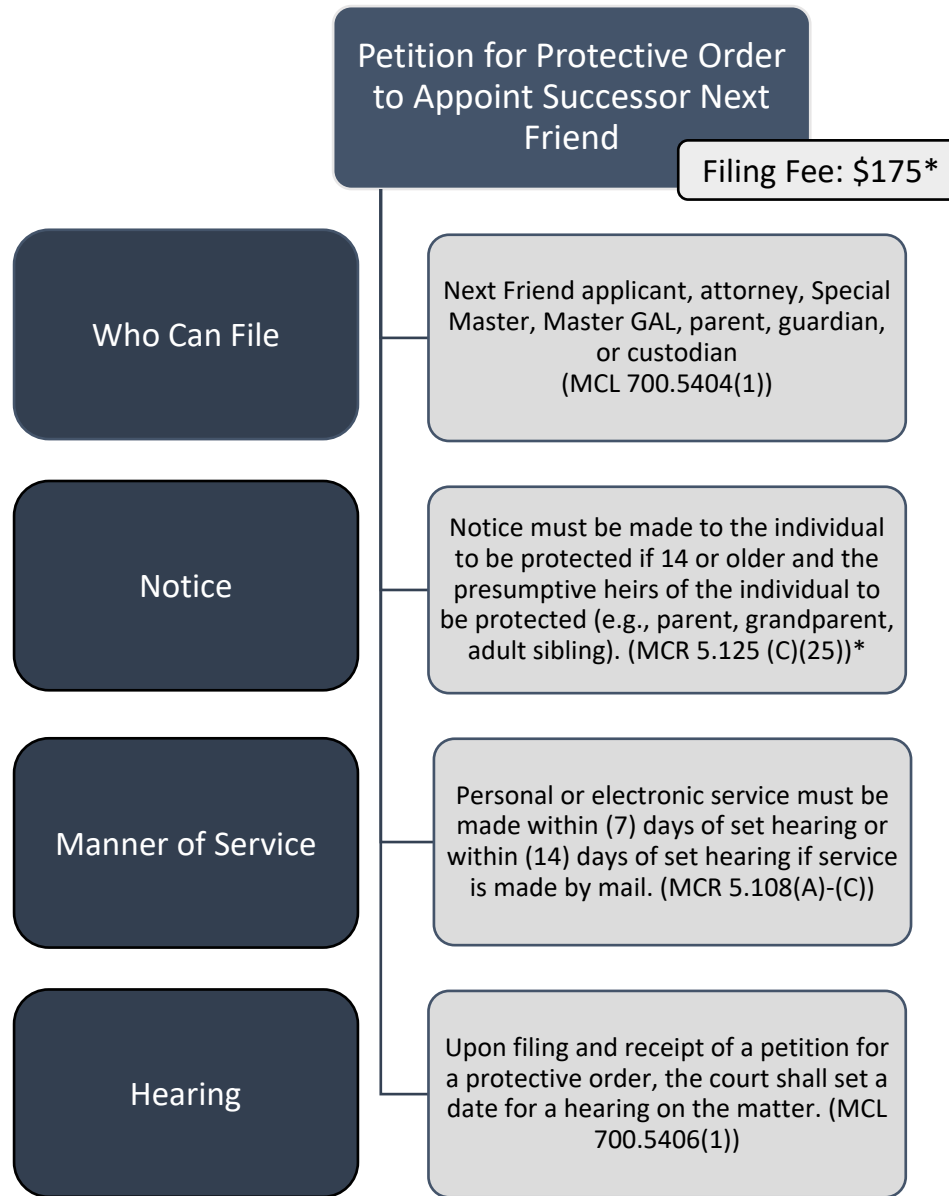
- Certified Letter of Authority for Personal Representative (PC 572)
- Order to Appoint General Personal Representative (PC 569)

# Decedent's Estate Needs to be Reopened



\* Filings fees may be waived in accordance with MCR 2.002 using [Form MC 20](#)

# Appointment of Successor Next Friend



\* Filings fees may be waived in accordance with MCR 2.002 using [Form MC 20](#)

\*\*The presumptive heirs are the individual(s) who are next in the line of succession per Michigan intestate succession law. (MCL 700.2103)