

Michigan Probate Process & Rules

This document serves as a guide for the rules surrounding probate in Michigan. This guide assumes that the individual who has passed away has established a will prior to their death. In the instance where an individual were to pass away without a will, we have created an Intestate Succession Flowchart that shows a simplified diagram of the process used in Michigan to determine who receives assets in the absence of a proper will.

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When someone passes away, probate court proceedings are required when the decedent owns assets that are listed under their name alone.

There are 4 steps to Michigan probate. These are:

1. **Appointing the Personal Representative.** This person is responsible for gathering the decedent's assets, paying the debts and taxes, and distributing the inheritance. They are named in the will or by the probate court.
2. **Assembling the assets.** The personal representative will gather, inventory, and safeguard the decedent's assets. They'll also have these appraised if and when necessary.
3. **Paying the bills.** All of the decedent's debts, taxes, funeral expenses, general administration expenses, and creditors must be paid.
4. **Distributing the remaining assets.** The remaining assets are distributed according to the will. If there's no will, the assets are distributed according to state law.

With that said, there are instances where probate is not required. Here are a few common instances where assets do not require probate in the State of Michigan:

1. Assets owned under "joint tenancy."
2. Beneficiary designation assets (i.e. retirement accounts with a listed beneficiary)
3. When the decedent has assets named within a trust

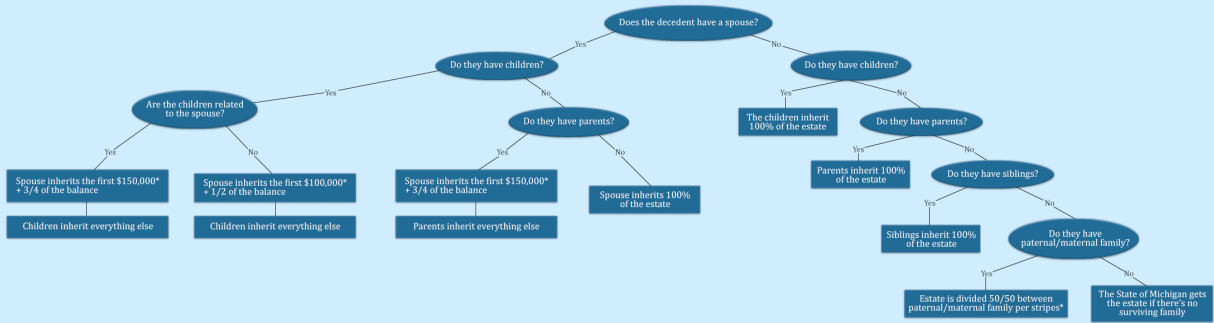
There is also a simplified probate procedure for smaller estates. According to Michigan law, this simplified procedure is available if the value of the estate is less than \$15,000 after all funeral and burial costs are paid. Probate can also be skipped altogether in cases where the estate is valued as lower than \$15,000 and contains no real estate.

Intestate Succession

In Michigan, a person's property is generally distributed by the will. However, when someone dies without a valid will or estate plan, property that's owned by the decedent is declared intestate. In this situation, the property must go through a specific process to determine who should receive which assets. Michigan Intestate Succession Laws are highly complex, particularly when multiple families are involved. We've prepared a flowchart to help simplify this process.

Michigan Intestate Succession Flowchart

Who receives property when someone dies without a will?



Information

*Monetary values are based on people who died in the year 2000. The values are adjusted for inflation.

*Per Stripes refers to dividing the estate into equal shares



Disclaimer: This flowchart represents a basic format for Michigan Intestate Succession laws. The chart is for informational purposes only and should not be taken as professional legal advice.

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About The Author

This free Probate Process & Rules guide was produced by Sean J. Nichols, PLLC a Plymouth Michigan based law firm specializing in Michigan elder law and probate cases. Attorney Sean Nichols has years of experience representing clients for issues surrounding probate, such as will and trust administration as well as estate litigation. To learn more about Michigan's probate process, visit our website below.

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