GENERAL INFORMATION & FORMS FOR OPENING A DECEDENT'S ESTATE

INTRODUCTION

When someone needs to begin probate proceedings for a deceased individual, their first decision is whether to use informal or formal proceedings. Informal and formal proceedings are different ways to admit a will to probate and/or have a personal representative appointed. After a personal representative is appointed in either proceeding, the probate administration becomes an unsupervised administration, unless supervised is requested and granted. Also, if a dispute is expected over the admission of the will and/or an appointment of a personal representative, a formal proceeding is required.

Fees: The fee to open a Decedent's Estate and receive one copy of Letters of Authority is **$187**. Each additional copy of Letters of Authority is $12.00. Make checks or money orders payable to "Macomb County Probate Court" (cash is also accepted if paying in person). For a list of Probate Court fees see the Probate Court Fees page.

Protected Personal Identifying Information: A change to the Michigan Court Rules now requires two (2) copies of Decedent's death certificate to be included to open the estate. One (1) copy must have the Protected Personal Identifying Information redacted (the information that is to be included on Form MC 97), and One (1) copy must be an unredacted copy. If Decedent's will contains Protected Personal Identifying Information, 1 redacted and 1 unredacted copy of the will must also be supplied.

Estates with Real Property: All Letters of Authority will restrict sale/conveyance of real estate without Court approval. Where Letters are restricted, conveyance of real estate must be sought by filing a Petition for Approval of Sale of Real Estate, PC 681.

UNSUPERVISED ADMINISTRATION (File no. suffix is "DE")

1. Informal Proceedings ("Application")

Informal proceedings are commenced by filing an "Application for Informal Probate and/or Appointment of Personal Representative (Testate/Intestate)" (PC-558) along with two (2) copies of the death certificate and the related papers listed below. The Application is for the Probate Register to admit the Decedent's 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" (PC-568) 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, after receiving letters of authority, will proceed with unsupervised administration until the estate is closed (unless the judge orders that the estate become "supervised" following a Petition requesting supervised administration).

Forms / documents needed to open a file by Application / informal Proceeding
Plus $175 filing fee and $12 Letter of Authority fee:

PC 558	Application for Informal Probate and/or Appointment of Personal Representative (Testate/Intestate)
PC 565	Testimony, Interested Persons
PC 566*	Supplemental Testimony, Interested Persons, Testate Estate
PC 557*	Notice of Intent to Request Informal Appointment of Personal Representative
PC 564*	Proof of Service (also used in guardianship and conservatorship)
PC 567*	Renunciation of Right to Appointment, Nomination of Personal Representative and Waiver of Notice
PC 568	Register's Statement
PC 570*	Bond of Fiduciary (also used in conservatorship)
PC 571	Acceptance of Appointment (also used in guardianship and conservatorship)
PC 574*	Notice to Creditors, Decedent's Estate
MC 97	Protected Person Identifying Information
MC 97a	Addendum to Protected Person Identifying Information

PC 561* Waiver and Consent (Where there is no will, an application can be filed waivers and consents from all interested persons)

Also required:

- **Copy of Death Certificate (or alternative documentation of death)** with all Protected Personal Identifying Information redacted pursuant to MCR 5.302
- **Copy of Death Certificate** (or alternative documentation of death) without any redactions
- **Original Will* (if applicable)** *without redactions*
- **Copy of Will* (if applicable)** with all Protected Personal Identifying Information redacted pursuant to MCR 5.302

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

2. Formal Proceedings ("Petition")

Formal proceedings are commenced by filing a "Petition for Probate and/or Appointment of Personal Representative (Testate/Intestate)" (PC 559) along with a death certificate and the related papers listed below. After either a court hearing with proper notice to all interested persons or upon filing Waiver and Consents from all interested persons, the probate court may admit a will, determine the heirs of the deceased, and appoint a personal representative. Once the personal representative is appointed, they qualify to act by filing an Acceptance of Appointment (PC 571) and any required bond. The personal representative, after receiving letters of authority, 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 then enters any applicable orders after either a court hearing with proper notice or upon filing of Waivers and Consents.

Forms needed to open a file for a formal proceeding
Plus $175 filing fee and $12 Letter of Authority fee:

PC 559 Petition for Probate and/or Appointment of Personal Representative (Testate/Intestate)
Addresses of all interested persons must be listed on the Petition. If addresses for any interested person is missing, after you receive the hearing information, you must arrange for publication.
PC 565 Testimony, Interested Persons
PC 566* Supplemental Testimony, Interested Persons, Testate Estate
PC 561* Waiver and Consent (also used in guardianship and conservatorship)
PC 562 Notice of Hearing (also used in guardianship and conservatorship)
PC 569 Order of Formal Proceedings
PC 570* Bond of Fiduciary (also used in conservatorship)
PC 571 Acceptance of Appointment (also used in guardianship and conservatorship)
PC 574* Notice to Creditors, Decedent's Estate
PC 1071 Proof of Identity form
MC 97 Protected Person Identifying Information
MC 97a Addendum to Protected Person Identifying Information

Also required:

- **Copy of Death Certificate** (or alternative documentation of death) with all Protected Personal Identifying Information redacted pursuant to MCR 5.302
- **Copy of Death Certificate** (or alternative documentation of death) without any redactions
- **Original Will* (if applicable)** *without redactions*
- **Copy of Will* (if applicable)** with all Protected Personal Identifying Information redacted pursuant to MCR 5.302

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

SUPERVISED ADMINISTRATION (File no. suffix is "DA")

Supervised administration may be requested by checking the appropriate box on the "Petition for Probate and/or Appointment of Personal Representative (Testate/Intestate)" (PC 559). [Note: the Petition and other documents are the same as those used when filing an Unsupervised Estate using formal proceedings, above.] 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 supervised administration a personal representative may not make any distributions to heirs or devisees without a prior court order. There are numerous documents that must be filed with the Probate Court during supervised administration.

Forms needed to open a file for a supervised formal proceeding
Plus $175 filing fee and $12 Letter of Authority fee:

PC 559	Petition for Probate and/or Appointment of Personal Representative (Testate/Intestate) Addresses of all interested persons must be listed on the Petition. If addresses for any interested person is missing, after you receive the hearing information, you must arrange for publication.
PC 565	Testimony, Interested Persons
PC 566*	Supplemental Testimony, Interested Persons, Testate Estate
PC 561*	Waiver and Consent (also used in guardianship and conservatorship)
PC 562	Notice of Hearing (also used in guardianship and conservatorship)
PC 569	Order of Formal Proceedings
PC 570*	Bond of Fiduciary (also used in conservatorship)
PC 571	Acceptance of Appointment (also used in guardianship and conservatorship)
PC 574*	Notice to Creditors, Decedent's Estate
PC 1071	Proof of Identity form
MC 97	Protected Person Identifying Information
MC 97a	Addendum to Protected Person Identifying Information

Also required:

- **Copy of Death Certificate** (or alternative documentation of death) with all Protected Personal Identifying Information redacted pursuant to MCR 5.302
- **Copy of Death Certificate** (or alternative documentation of death) without any redactions
- **Original Will* (if applicable)** *without redactions*
- **Copy of Will* (if applicable)** with all Protected Personal Identifying Information redacted pursuant to MCR 5.302

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

PLEASE NOTE:

- ***Michigan law prohibits the Court from giving legal advice on any matter and completing forms, petitions, or documents. MCL 700.1211. The Court can only answer specific questions regarding filing requirements. Requests for legal advice should be directed to an attorney.***
- ***You MUST use the above forms in their most updated version. The Court cannot accept outdated forms, or forms you drafted.***

For a complete list of forms, visit the State Court Administrative Office Probate Court Forms website.