

All About the



Informal Probate Process in Michigan



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Formal vs. Informal Probate

Probate proceedings can be formal or informal.

With formal probate an estate must be opened by filing a petition for a hearing before the probate court and may include continued court involvement.

An estate can be opened through informal probate by filing an application with the court without the need for a hearing.



Why the State Matters

Michigan utilizes the Estates and Protected Individuals Code (EPIC) as it relates to the administration and distribution of estates.

Why use Informal Probate?



Informal probate is a method of administering an estate without the intervention of a Probate Judge and it tends to be less costly and time consuming than formal probate. It is most often used when there is an original Will and no one is contesting its validity.

It's best to use formal probate proceedings when there is conflict among family members regarding the Will or the appointment of a personal representative.

The Informal Probate Process

- 1 Complete an Application for Informal Probate and file the Application, the decedent's Will, Death Certificate, and supporting documentation with the Probate Court.
- 2 If there are no objections, the probate register will approve the application by signing the Register's Statement which admits the Will and appoints a Personal Representative.
- 3 The appointed Personal Representative signs an Acceptance and will receive Letters of Authority from the Probate Court which authorizes them to act on behalf of the estate.
- 4 Notification of the decedent's death must be filed in the local newspaper giving creditors a 4-month period to file a claim against the estate.
- 5 An Inventory of all assets in the decedent's name must be filed with the Court. The Inventory does not include accounts with a joint owner or accounts with named beneficiaries.
- 6 Account assets are liquidated, and the funds are deposited into a new estate bank account.
- 7 An Accounting is prepared after all assets have been liquidated. The Accounting begins with the Inventory value and includes all income and expenses that arise during the administration process.
- 8 After the Notice to Creditors expires and the Accounting is finalized, all remaining property is distributed to the beneficiaries.
- 9 A Sworn Statement to close the administration process is filed with the Court.

Dealing with Creditors

- The Personal Representative must provide notice to the decedent's known creditors and unknown creditors.
- If creditors are known, a notice is mailed directly to the creditor informing them of the decedent's death.
- For any potential unknown creditors, a general Notice to Creditors is published in a local newspaper.
- A creditor has 4 months from the date of publication, or 1 month from the date they receive notice, to file a written claim. Claims filed outside of this timeframe are forever barred.
- Creditors who file claims are not guaranteed payment. Valid claims are paid in order of priority as determined by the Estates and Protected Individuals Code.

Informal Probate is meant to be simple, but the process can be complex.

**The probate team at
Carrier Law can help.**

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