

# GENERAL INFORMATION SHEET FOR THE OPENING OF A DECEDENTS ESTATE

*This is a general outline of how to commence a decedent's estate.*

## **UNSUPERVISED ADMINISTRATION** (File no. suffix is DE)

### **Forms needed to open file**

#### **Informal Proceedings** ("Application")

PC 558  
PC 565  
PC 566 \*  
PC 557 \*  
PC 564\*  
PC 567\*  
PC 568  
PC 570\*  
PC 571  
PC 574\*  
plus \$175  
filing fee

Informal proceedings are commenced by filing an "Application for Informal Probate and/or Appointment of Personal Representative (Testate/Intestate)" (PC-558) and other related papers. The Application is for the Probate Register to admit the 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 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).

See the checklist for Opening a Decedent Estate by Informal Application for more specific information.

### **Forms needed to open file**

#### **Formal Proceedings** ("Petition")

PC 559  
PC 565  
PC 561\*  
PC 566\*  
PEMH 1019\*  
PC 569  
PC 570\*  
PC 571  
PC 574\*  
PEMH 1001  
plus \$175  
filing fee

Formal proceedings are commenced by filing a "Petition for Probate and/or Appointment of Personal Representative (Testate/Intestate)" (PC-559) and other related papers. After either a court hearing with proper notice to all interested persons or upon full waiver and consents, the probate judge may enter an order called an "Order of Formal Proceedings." (PC-569). This order may admit a will, determine the heirs of the deceased and appoint a personal representative. Once the order is entered, the personal representative qualifies to act by filing an Acceptance of Appointment and any required bond. The personal representative 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 full waivers and consents. When an estate is opened formally, Oakland County Letters contain the following restriction: "The personal representative shall not sell any real estate of the estate without further order of the court."

## **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 papers are the same as those used when filing an unsupervised estate using formal proceedings.] 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 distributions without prior court order. There are numerous documents that must be filed with the Probate Court during supervised administration. The court must also approve any distributions by the personal representative.

Please note that the Oakland County Probate Court is prohibited from giving legal advice on any of the above proceedings other than to answer your specific questions regarding filing requirements. You should consult with an attorney if you have specific legal questions regarding which method of administration to use given your specific circumstances. MCL 700.1211

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

## **OAKLAND COUNTY PROBATE COURT**

1200 N. Telegraph Rd., Dept. 457

Pontiac MI 48341-0457

PHONE: **(248) 858-0260** FAX: **(248) 452-2016**

Office hours: **8:00 am – 4:30 pm** Monday through Friday

For same day processing, please arrive by 4:00 pm

### **FEES TO START AN ESTATE**

#### **FILING FEE**

The filing fee to open an estate is **\$175**

Upon appointment, a Personal Representative purchases certified

*Letters of Authority* as proof. Each copy is **\$12.00**.

Make **check or money order** payable to **Oakland County Probate Court**

(cash is only acceptable if paying in person)

#### **PUBLICATION FEE**

If a *Notice to Creditors* PC 574 needs to be published and you wish to publish in the

**Oakland County Legal News**, court staff will forward it to them

with your **check or money order** (no cash) for **\$116.95** payable to:

**Oakland County Legal News**

### **MAY WE SUGGEST THESE HELPFUL WEBSITES?**

#### **OAKLAND COUNTY PROBATE COURT**

<http://www.oakgov.com/probate>

#### **SCAO APPROVED FORMS ARE AVAILABLE ON-LINE**

<http://www.courts.mi.gov/Administration/SCAO/Forms/Pages/Probate-Court-Index.aspx>

#### **MICHIGAN COMPILED LAWS ARE AVAILABLE ON-LINE**

<http://www.legislature.mi.gov>