

OAKLAND COUNTY PROBATE COURT

1200 N. TELEGRAPH RD. , DEPT 457
PONTIAC, MI 48341-0457

FAX NUMBERS

Judge Jennifer Callaghan (248)858-1506
Judge Linda Hallmark (248)452-5194
Judge Daniel A. O'Brien (248)975-9780
Judge Kathleen A. Ryan (248)452-9398

Telephone (248) 858-0260
Fax (248) 452-2016
Business hours: 8:00 a.m. to 4:30 p.m.
Monday – Friday
www.oakgov.com/probate

INFORMATION SHEET FOR PETITIONS

This will provide general information regarding a petition that is filed and set for hearing before the court.

Once you file a Petition, many steps must be completed before the court hearing. Please study this information sheet carefully for guidance on what needs to be done after you leave the Courthouse today. **The Probate Court staff will assist you if you have further questions about procedures, however, staff is prohibited from offering legal advice.**

SERVICE

THERE ARE 3 METHODS OF SERVICE. IT IS YOUR RESPONSIBILITY TO “SERVE” ALL INTERESTED PERSONS WITH A COPY OF THE *NOTICE OF HEARING, PETITION AND ALL ACCOMPANYING DOCUMENTS FILED WITH THE PETITION*. IF YOU DO NOT COMPLETE SERVICE, YOUR PETITION WILL BE DISMISSED, AND YOU WILL HAVE TO START THE PROCESS ALL OVER BY FILING A NEW PETITION. A NEW FILING FEE WOULD BE REQUIRED.

Personal Service means delivering copies to the individual in person.

Service by Mail means mailing copies (only first class mail is required).

Publication Means publishing notice in a legal newspaper because an interested individual's address or whereabouts are unknown. The fee (\$99.65) is paid when the petition is filed.

In general, interested individuals must be served:

- At least 14 days prior to the hearing if service is by mail or publication.
- At least 7 days prior to the hearing if served by personal service.

VETERANS ADMIN.

If Veterans Administration (VA) benefits are payable to the alleged legally incapacitated individual and/or alleged protected individual, the VA is a party of interest.

ATTORNEY GENERAL

If there are no presumptive heirs, the Attorney General (AG) is a party of interest.

When the VA or AG are parties of interest on your petition, they must be served, either personally or by mail at:

VETERANS ADMINISTRATION

MR. DEAN SLICER
FIDUCIARY HUB
575 N. PENNSYLVANIA STREET
INDIANAPOLIS, IN 46204

ATTORNEY GENERAL

MICHIGAN DEPARTMENT OF ATTORNEY GENERAL
PUBLIC ADMINISTRATION DIVISION
P.O. BOX 30755
LANSING, MI 48909

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- Please see other side for other important information.

**PROOF OF
SERVICE/
WAIVER &
CONSENT**

You, the Petitioner, must file a *Proof of Service* form with the court at least one week before the hearing or you may fax it to the judge's chambers at least 3 days before the hearing. Without it, your Petition will be dismissed or adjourned. It must show when and how the interested persons were served. Note the separate sections for "Service by Mail" and "Personal Service" and use them accordingly. **Your Petition will be dismissed unless the interested persons have either been served, or have signed a "Waiver and Consent."**

**HEARING
DATE**

Your Petition will probably be set for hearing on the assigned judge's "motion day". Your Notice of hearing form displays the correct date, time, place, and assigned Judge. You, the Petitioner, must attend the hearing or your Petition will be dismissed.

If the matter is being set for a remote, "zoom" hearing, check-in will be held online. See the court's website for the assigned judge's log-in information.

If the matter is being held in-person, proceed to the courtroom, and check in with the Judge's clerk. Do not report to the probate counter before your hearing.

**AFTER THE
HEARING**

After the hearing, a copy of the court order must be served on the interested parties.

FILING FEES

The fee to file a petition that opens or reopens a file is \$175.00

The fee to file a petition in an open file is \$20.00

The fee to obtain Letters of Authority, Letters of Guardianship or Letters of Conservatorship is \$12.00 each.

NOTE: These instructions are not meant to be all-inclusive, but rather to provide general information. For those petitions that are contested or complex, it is recommended that you consult with an attorney for guidance.
