

# Recent Court Rule Changes

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**O**n October 11, 2007, the Michigan Supreme Court issued an order (ADM No. 2006-28) amending MCR 5.207, 5.302, 5.307 and 5.409. These rule changes modify some of the items and information that must be provided to the Probate Court in decedent estates, guardianships and conservatorships. The changes go into effect **January 1, 2008**.

## **MCR 5.207**

MCR 5.207 relates to petitions to approve the sale of real estate. MCR 5.207(A)(4) was modified to provide that a tax statement may now be attached to the petition as an alternate to the most recent assessor statement.

## **MCR 5.302**

With the commencement of a decedent estate, additional documentation cannot be required now regarding the appointed personal representative, as well as the proposed personal representative.

## **MCR 5.307 and MCR 5.409**

The changes to MCR 5.409 include subsection (B)(3), which details new requirements for conservators (and guardians where applicable) when filing inventories. At the time of filing, the fiduciary must now supply the name and address of each financial institution listed on the inventory. The address for a financial institution shall either be that of the main headquarters or the branch used most frequently by the conservator or guardian. In addition, the rule provision on property held jointly or in common with others, along with the type of ownership, has been moved from MCR 5.409(B)(2) to (B)(3).

MCR 5.307 was modified to reflect that the *Notice to Personal Representatives* required under MCR 5.307(B) must state that the financial institution address is part of the information required to be provided to the court.

## **MCR 5.409**

MCR 5.409(C)(1) now makes it clear that the provisions of the Michigan Court Rules that apply to accounts are applicable to any account filed with the court, even if the account was not required by court order.

Under MCR 5.409(C)(4), conservators for a minor now have 28 days after qualification within which to file proof that the funds are in a restricted account, unless the court orders otherwise. In addition, MCR 5.409(C)(5) has been modified to provide that when filing an account, a copy of the corresponding financial institution statement must be presented to the court or a verification of funds on deposit must be filed with the court, either of which must reflect the value of all liquid assets held by a financial institution dated within 30 days after the end of the accounting period, unless waived by the court for good cause.

This change allows a verification of funds to be used as an alternative to the financial institution statement. Note that the date of either the verification or statement must still reflect the value of the assets on a date within 30 days after the accounting period ends.

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