JACKSON AREA ESTATE PLANNING COUNCIL PRESENTS... Handling Small Estates

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Background of the **Probate** Court **Process** (general)

- Meet with client/gather information
- Prepare pleadings/use correct forms (SCAO)
- Open Estate by Petition or Application
- Pay filing fee
- Hearing or Probate Register depending on how opened

More steps continued:

- Create timelines
- Publish creditor notice/serve creditors
- Prepare Inventory and pay fees
- Pay expenses
- Collaborate with other professionals (CPAs)
- Prepare accountings
- Obtain waivers
- Authorize distributions
- Petition to Close the Estate or Sworn Statement



What are the alternatives?

Small Estate: Out of Court Processes and Small Estate: In Court Processes



Out of Court Processes: What determines if there is a "Small Estate" \$27,000 (2023)

EPIC COST OF LIVING ADJUSTMENTS

Year	Intestate (Surviving Spouse's Share) MCL 700.2102	Intestate (Surviving Spouse's share-no children w/decedent) MCL 700.2102	Small Estate MCL 700.3982	Small Estate Affidavit Procedure MCL 700.3983	Homestead Allowance MCL 700.2402	Exempt Property Allowance MCL 700.2404	Family Allowance* MCL 700.2405	Trust Termination ** MCL 700.7414
2019	235,000	157,000	23,000	23,000	23,000	16,000	28,000	78,000
2020	239,000	159,000	24,000	24,000	24,000	16,000	29,000	80,000
2021	242,000	161,000	24,000	24,000	24,000	16,000	29,000	81,000
2022	253,000	169,000	25,000	25,000	25,000	17,000	30,000	84,000
2023	273,000	182,000	27,000	27,000	27,000	18,000	33,000	91,000



TR - 29

Michigan Department of State

CERTIFICATION FROM THE HEIR TO A VEHICLE

- The heir(s) must present a copy of the death certificate of the vehicle owner shown on the title.
- When there is a secured party (lienholder) shown on the face of the title, a termination statement from the lienholder must be submitted.

I am the surviving spouse or the closest next of kin of the deceased whose death certificate is provided. I further certify the total value of all vehicles owned by the deceased does not exceed \$60,000 and that the estate of the deceased is not being probated nor will it be probated in the future (MCL 257.236).

	Vehicle Information	Dear	th Certificate Information (Office Use Only)
Year	Make	State	County
Body Style	,	Docket Nun	nber
Vehicle N	umber	Date Exami	ned Branch Number
Title Numl	ber	Examiner (p	print)

I declare the statements above are true to the best of my knowledge.

NOTE: Heir must complete odometer statement on title.

Х		
	Signature of Heir	Relationship to the Deceased

TRANSFER OF OWNERSHIP BY SURVIVING SPOUSE OR NEXT CLOSEST KIN I, the surviving spouse, or if no surviving spouse, the next closest kin, certify the vehicle described above is sold or transferred to the person(s) named below and

New Owner(s)		
Street Address		
City	State	Zip Code
х		
Signature of Surviving Spouse or Next Closest Kin		_
Printed Name of Surviving Spouse or Next Closest Kin		Dropah Plano

TR-29 (06/13) Authority granted under Public Act 300 of 1949 as amended

TR - 34

Michigan Department of State CERTIFICATION

Τ,	(print name)	, whose signature appears
below, ce	rtify the following info	rmation is true to the best of my knowledge:
Year	VIN	
Meke	L	Title number:
Please m	ake statement or exp	lain error:
Start exp	lanation here:	

(Signature)	Date:
X	777
If applicable, company, dealership or organization na with the company, dealership or organization.	me and your position

R-34 (03/20) Authority granted by P. A. 300 of 1949, as amended.

Transferring Vehicles less than \$60,000





Some states provide a "Transfer on Death" method of titling vehicles where the owner is listed on the title along with the name of the beneficiary who will inherit the vehicle upon the owner's death. The beneficiary's name is preceded by "TOD" which stands for "Transfer on Death". This avoids the probate process. The beneficiary isn't a co-owner. Upon the vehicle owner's death the beneficiary becomes the owner and re-titles the vehicle in their name by showing a copy of the deceased owner's death certificate. Michigan doesn't record TOD information on titles. However, a Michigan title can transfer using TOD procedures. The beneficiary completes and submits a "Transfer on Death" document prepared under section 6101 of the Estates and Protected Individuals Code [MCL 700.6101] along with a copy of the deceased vehicle owner's death certificate. This option is rarely used.

Title and Registration Manual, Section A, at 116 (Dec 2, 2019)



Transfer-on-Death Designation for Vehicle [Client name]

[Client address]	
Make:	
Model:	
Year:	
VIN:	
	hat on my death all ownership that I have in this eservation, under MCL 700.6101, to [name, the survivor of them.
Dated: [date]	[Signature line] [Typed name]
WITNESSES:	
STATE OF MICHIGAN COUNTY OF INGHAM)) ss
On, 2023, before who exe	ore me, a Notary Public, personally appeared cuted the above Assignment and acknowledged the
same to be free act and deed.	
N	tate of Michigan, Notary Public County ly Commission Expires: cting in the County of Ingham

Transfer On Death MCL 700.6101

Affidavit of Decedent's Successor

Devotes undorthe will cated. Couldary or representative of Nume Service undorthe will cated. Service undorthe u	am decedent's successor assurviving	□ spouse	∐ adult child	☐ other he in		
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Some Comments

- wy observation is that the Affidavit process is not used very much in my experience. Whenever I have drafted one for a client, no bank has ever honored it immediately. Branch Managers and Asst. Managers seem to be completely unaware of this law. Their ignorance partially defeats the purpose of the procedure, because the client contacts me about the refusal of the Affidavit, and I'm obliged to educate the bank in a series of emails or letters quoting the applicable State laws and bill the client even more for what seems to be intended as a quick and inexpensive procedure.
- The statute that authorizes the usage of the Affidavit procedure is a bit of a mess.



What about discovery?

TATE OF MICHIGAN			FILE NO.		5. The name, age, relationship, and address of each NAME A	AGE REL		ADDRESS
ROBATE COURT	PETITION AND ORDE ESTATE NOT EXCE				NAME	AGE RELS	HONSHIP	ADDRESS
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			Last than digits of \$5	iN.				
	PETIT	ION						
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Name and relationship				150	6. I REQUEST that any financial institution be order	to a description of the	the metitioner wheater	the decades in January and with the second
Decedent died on Date		Attached is a death certific	stc.		if so, the account number(s) and the balance(s) in the	the account(s) I	oth at the time of the	foredent's death and at the present
Decedent was a resident of			in this county.					
	Try:Tewnship	1400 1 1000 10000000	1000		I declare under the penalties of perjury that this pet	stition has been	examined by me and	that its contents are true to the best ofm
Decedent lived outside of Mi	lichigan and left an estate within	this county to be administe	ared.		information, knowledge, and belief:	DENIII HAS INCEN	examined by the and	mat its contents are order to the nest of
Funeral and burial expenses are	•							
The following persons have paid	d the following amounts toward	the funeral and burial expe	macs (statements and receipt	is are at inched)	Attemoy signature		Date	
NAME	AMOUNT	NAM		AMOUNT	Actority against c		Tute	
					Name (type or print)	Bar no.	Petitioner Signature	
					C. 100 C. 100 (100 (100 (100 (100 (100 (100 (100		-	
					Address		Address	
Th	al expenses remaining unpaid is				City, state, zip	Telepinmeno.	City, state, zin	Telephone n
The amount of funeral and ouria	at expenses remaining unpaid is : s property remaining after payme	ent of funeral and burial ex	menses does/will not en	speed \$15,000				
as adjusted for cost of living, 569	es helaw)				C	ORDER FOR	DISCOVERY	
The decedent's property and its:	gross value (if known) is as fell-	NVS: (a tack separate sheet if nece	esey!					
	DESCRIPTION OF PROPE	RTY	ESTIMAT	ED VALUE	7. IT IS ORDERED that:			
					Upon presentation of a certified copy of this order.	r any financial	institution shall reve	to the petitioner whether the decoders ha
					any account(s) with them, and if so, the account r			
					death and at present, for purposes of causing an ass	ssignment of de	cedent's assets, if sai	d assets total less than \$15,000.00.*
					Date		lidge	Barrie
					I certify that I have compared this copy with the or	riginal on life a	nd that it is a correct	copy of the original
					Date		Deputy register	
			Total					
	SEE SECON Dunot write below this in							
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ate of Death		mount						
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201		000.00						
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09-2011		000,00						
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MCT, 700.1210, MCT, 700.3982



PEMII 1027 (4/22) PETITION AND ORDER FOR DISCOVERY ESTATE NOT EXCEEDING \$15,000.00

STATE OF MICHIGAN PROBATE COURT COUNTY OF	PETITION	AND ORDER	FILE NO.
In the matter ofEstate of Jane	Doe		1
1. I am interested in this matter a	nd make this petition as Dec	ughler interest/relationship	
except as follows: (for each pers	on whose address changed, list the	name and new address	e appearing on the initial application/petitic attach separate sheet if necessary! Grand St., Anytown, MI 49898
account with True Financial, V	ve do not know the value of t	he account I am tryi	ane Doe's Will dated 1/1/2020. She had a 1g to determine i''a small estate procedir
the True Financial account. Tr 4. I REQUEST that: This Court grant me access to determining if a small estate p I declare under the penalties of pc	ue Financial declines to volu the True Financial account in roceeding is appropriate	ntarily reveal the acc	I not know unless I can find out the value ount balance information to me. he purpose of cataining the DOO value are and that its contents are true to the best of i
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PC 586 (9/11) PETITION AND ORDER MCR 5.113

Do not write below this line - For court use only



In Court Processes

Petition for Assignment

	AMOUNT	N	АМЕ	AMOUN
t's property re	emaining after p		nd bur al expenses doe	s not/will no
as follows:				and acidres
AGE	RELATIONS		ADDRESS	
		Cry	State	2)p
		Street address		
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PROBATE COURT COUNTY	PETITION FOR ASSIGNMENT	CASE NO. 8	ind JUDGE
ourt address			Court telephone no
the matter of			Put last 4 digits of SSI XX- in box 2 on MC 97.
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Name ar creationship			, represent that
Decedent died on Date			
Decedent was a resident of Gity/To		in this co	ounts.
Decedent lived outside of Michiga The decedent's personal and real pro-	coerty, gross values, and lien amounts (f	arry) are listed b	elow. The values of all
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PCS Code: OAA TCS Code: OFA

		TCS Code: OF/
STATE OF MICHIGAN PROBATE COUNTY COUNTY	ORDER FOR ASSIGNMENT (Part 1)	CASE NO. and JUDGE
Court address		Court telephone no
n the matter of		XXX-XX-
First, middle, and last name	of decedent	Last four digits of SSN
Patilioner's name, address, and telephone no.	Patitioner's attorney,	bar no., address, and felephone no.
A petition for assignment was filed on	Date .	
☐ 1. The property described in the ab	ove-referenced petition for assignment is a	ssigned as follows:
a. for funeral and burial expen	ises, \$to_	
Stoto	1	, and \$
to		
b. to the surviving spouse,		
c. to the following heirs in the	stated proportions,	
	this order, the share of each heir other this field debt of the decedent up to the v	
order.	uished debt of the decedent up to the va	ande or property received through this
2. The petition is	dismissed/withdrawn.	
	Judge signature and date	t.
certify that I have compared this copy	with the original on file and that it is a corr	ect copy of the original.
Date	Deputy register	
Approved, SCAO Form PC 5550, Rev. 8/21 MCL 700,1210, MCL 700,1302, MCL 700,3992	Distribute form to: Court, Part 2 Petitioner, Part 1	

Order for Assignment

Summary Proceeding

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PC 590 (907) SWORN CLOSING STATEMENT, SUMMARY PROCEEDING, Small Estates



Filing Fees

- ➤ Affidavit of Decedent's Successor No Filing Fee (not filed with the probate court)
- ➤ Petition for Assignment \$25, plus Inventory Fee, plus any certified copies
- ➤ Discovery Petition \$25 plus any certified copies (NOTE: If the search reveals assets more than \$27,000, then other filing fees will apply)
- Summary Proceeding Application \$175, plus Inventory Fee, plus any certified copies



Other Methods

- Last pay-check, MCL 408.480(2): In the absence of a written plan, the wages and fringe benefits of a decedent are to be paid to the following people in the following order: (1) spouse, (2) children, (3) parents, and (4) brothers and sisters
- \$500 or less and the clothing on your back. MCL
 700.3981: Cash not exceeding \$500 and wearing apparel held by a hospital, convalescent or nursing home, morgue, or law enforcement agency may be delivered to the decedent's spouse, child, or parent on furnishing identification and on signing an affidavit stating the relationship

Other Methods Continued

 Unclaimed Property: If an asset has been dormant for 3 years (1 year for uncashed payroll checks and assets held by government entities), businesses and government entities must report and remit to the Michigan Department of Treasury abandoned and unclaimed property belonging to owners whose last known address is in Michigan



