

**DECEDENT ESTATE ADMINISTRATION AND WILL ADMISSION:  
INFORMAL PROCEEDINGS**

**1. Decedent estates**

The probate court has jurisdiction over proceedings to admit a will, appoint a personal representative (or executor), and administer a decedent's estate. **The admission of a will as valid and the appointment of a personal representative can only be made by the probate court.**

If you have questions about what you must or should do, you may wish to consult an attorney. If you are inquiring about a decedent's estate which you believe has a relatively small cash value, you may wish to learn about the **small estate assignment** procedure.

**2. The application, testimony (interested persons) form, and filing fee**

If you wish to open a decedent estate for someone who has passed away, you must

- complete an **Application or Petition** for appointment of a personal representative and/or admission of a will (the Application is attached);
- complete the attached **Testimony Interested Persons** form (with notarized signature);
- submit a **Death Certificate** for the decedent; and
- pay to the Ingham County Probate Court a filing fee of **\$150** (cash, check, money order).

The Application must be completely filled out, including (a) a list of all heirs and devisees, (b) a statement about whether or not there is a valid will, (c) a nomination of a personal representative, (d) what you are requesting the court to do, and (e) a dated signature, with address and phone.

**3. Additional filings**

If you have the decedent's will, you must submit it to our court. And if the will gives any property to anyone other than an heir, you must complete and have notarized a **Supplemental Testimony** (Interested Persons) form.

**4. Application versus Petition**

The Application process is an informal one, is processed in the Probate Office without a hearing, and typically results in a great time savings over a Petition process. Petitions go before a judge, typically require a hearing, and are usually scheduled for a time approximately four weeks after filing.

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Because the Application process is an expedited one, the law prescribes specific requirements for granting the relief it requests:

(1) If there is a will, you must provide the **original**. [If the will was admitted somewhere else (e.g., in another state) then it is acceptable to file a certified copy of the admitted will along with a certified copy of the order admitting the will.]

(2) In order to appoint the person requested in the Application as personal representative, the person must have **ultimate priority** for appointment or proper **notice that appointment is being sought** must have been given to all those with prior or equal right to appointment.

*Statutory Priority for Appointment:*

1. Person, or persons, nominated as PR in the will.
2. If there is a will, the decedent's surviving spouse if he/she is a devisee.
3. If there is a will, other devisees.
4. Surviving spouse.
5. Other heirs.
6. Suitable nominee of a creditor (if 42 or more days after decedent's death)
7. Public administrator (if either nothing has been filed and it is 42 or more days after death, or the decedent died apparently leaving no blood heirs, or heirs and will distributees are not U.S. citizens)

If the nominee in the Application does not have ultimate priority, he/she can obtain it either through **renunciations** of those with equal or prior right to appointment, or by **nomination** by those that have ultimate priority (excluding those who have ultimate priority through nomination in a will).

If you cannot comply with either the original will or nomination requirement, you may wish to consider filing a **petition**.

## **5. Appointment**

If you are using the Application procedure, you need to complete the attached Register's Statement, Acceptance of Appointment, and Letters of Authority and submit these documents with your filings. If you or your nominee is appointed and Letters of Authority are issued, there is a **\$11 fee** to obtain a certified copy of those Letters.

## **6. After appointment**

Once appointed, a personal representative has several duties, including paying a statutorily-determined inventory fee to the court based on the value of the estate. It is the personal representative's responsibility to understand and comply with these duties.