

FREQUENTLY ASKED QUESTIONS ABOUT

Probate in Michigan

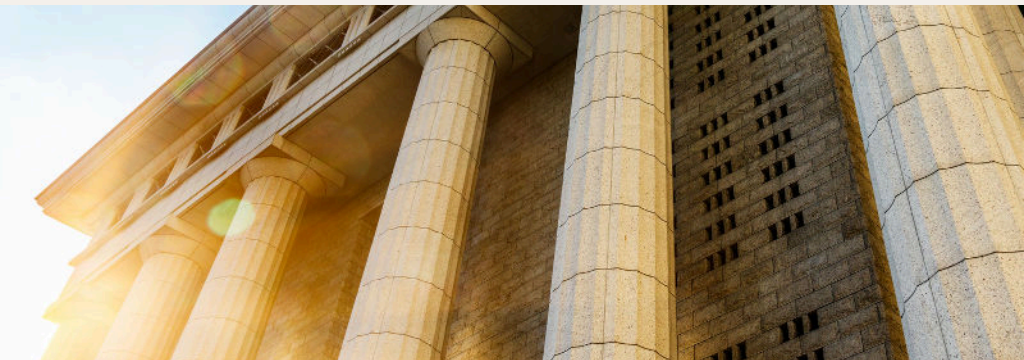


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CHAPTER I

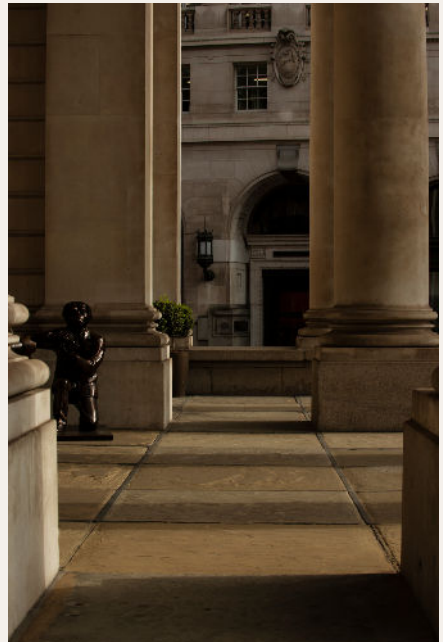
Michigan's Probate Process

What does probate look like in Michigan?

The Michigan probate process begins when a petition is filed with the probate court, along with the original will (if applicable) and a certified death certificate, to formally open the estate. The court then appoints a personal representative (also called the executor or administrator) and issues Letters of Authority, which grant legal authority to manage the estate. The personal representative must then notify heirs, beneficiaries, and known creditors of the proceedings. As well as, publish notice to unknown creditors, who have four months to file claims.

Next, the personal representative identifies, secures, and values all estate assets. Followed up by filing an inventory with the court. Valid debts, expenses, and taxes are paid from estate assets before any distributions are made. Once all obligations are satisfied, the remaining assets are distributed to beneficiaries according to the will or, if there is no will, Michigan's intestacy laws. The process concludes with the filing of closing documents, after which the court formally discharges the personal representative and closes the estate.

Rather than taking on this process alone, our experienced legal team can act in your place, in many instances, so that you are not saddled with unnecessary stress. We will file petitions, notify creditors, heirs and beneficiaries, and so much more.



CHAPTER II

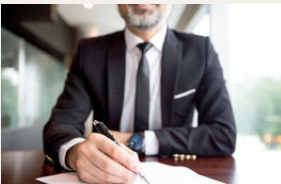
Frequently Asked Questions

**What is probate?**

Probate is the legal process of validating a person's will (if one exists), appointing a personal representative to manage the estate, identifying assets, paying any outstanding debts, and distributing remaining assets to surviving beneficiaries or heirs.

**Is probate necessary?**

The answer most of the time is yes. There are rare occasions where probate is unnecessary for certain people who have beneficiaries designated to all assets. But, most of the time probate is necessary to properly transfer assets to the correct surviving individuals.

**Do I really need an attorney for probate?**

It may seem biased, but we do recommend hiring an attorney to help with the probate process. It can be an overwhelming and confusing affair without the proper guidance. Hiring a probate attorney ensures that the proper procedures are followed and protects you from unwanted stress.

CHAPTER II

Frequently Asked Questions

How long does probate take?

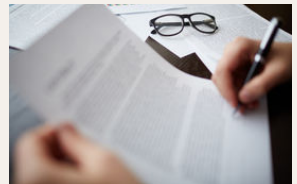
Probate is unfortunately not a short process, which is why it is imperative to start right away. On average, the probate process takes a minimum of seven months for standard estates. This timeline can change depending on the size of the estate, complex or contested estates, court schedules, creditor claims, etc.

**How much does probate cost?**

Probate costs may include filing fees, publication fees, attorney fees, and costs for appraisals and accountings. It can be hard to give a proper idea of the cost without seeing the size and complexity of the estate. Our attorneys can provide you with an accurate quote at your free initial consultation!

**Who is responsible for managing the probate process?**

The personal representative (also known as the executor or administrator) is appointed by the probate court to manage the estate, pay debts, and distribute assets according to the will or Michigan intestacy laws. This person is usually appointed according to what is written in the will. If there is no will, the court will appoint a representative as they see fit.



CHAPTER II

Frequently Asked Questions

**What if there is no will?**

While a will is helpful in ensuring the decedent's wishes are heard, it is not necessary for probate. Therefore, if there is no will, the probate court will determine how assets should be distributed to surviving heirs. If there are accounts that have beneficiary designations, they will be distributed accordingly outside of the probate process.

**How do I avoid probate for my family?**

The best way to avoid probate for your family is to create a trust. While wills are helpful in determining guardians for your children, should they ever need them, wills are still required to go through probate. A trust bypasses the entire probate process, as long as it is properly funded, and provides an easier transfer of assets for your family.

**Other than probate, what do I need to do?**

It is important to begin notifying the proper places of the decedent's death, including: utility and subscription companies, Social Security and pension providers, and financial institutions where accounts are held. It is also important to claim non-probate assets such as: life insurance, retirement accounts, or payable-on-death accounts. You will also need to begin filing the decedent's final tax return.

CONCLUSION

We are Here to Help.

Navigating the probate process in Michigan can be complex and emotionally challenging, especially during a time of loss. We have addressed many of the most frequently asked questions to provide clarity and guidance on the steps, requirements, and potential issues that may arise. However, every estate is unique, and unforeseen circumstances can complicate even the most straightforward matters.

Our firm is dedicated to supporting you through each stage of the probate process. Whether you need assistance with court filings, asset administration, creditor claims, or resolving disputes, our experienced team is here to provide knowledgeable, compassionate guidance tailored to your specific situation. Please do not hesitate to contact us for further information or to discuss how we can assist you in ensuring a smooth and efficient administration of your loved one's estate.

