

Plain-Talk Guide for Michigan Families:

Do You Need a Will, a Trust, or Something Else?

“We’ve got a roof over our heads, a couple of kids, and a good-looking dog. Do we really have to sit down and write legal papers?”

—A typical conversation at the kitchen table in Grand Rapids, Middleville, Alto, Lansing, or the Upper Peninsula.

If that sounds familiar, you’re not alone. Most Michigan households put off estate planning because it feels “scary,” “expensive,” or “something for old-folks.” The truth is that a few simple documents can keep your wishes clear, protect the people you love, and spare everyone a heap of paperwork (and headaches) later on. Below is a down-to-earth look at the three big pieces most families consider—a Last Will and Testament, a Michigan Family Trust, and various Powers of Attorney—plus a few extra items you’ll want on your checklist.

1. The Last Will and Testament: Your Baseline Blueprint

What it does	When you really need it	What it <i>doesn’t</i> do
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Names who gets what (home, car, savings, heirloom baseball glove).

If you own any real property, a vehicle, a bank account, or personal possessions you want to pass on.

Transfer of assets that skip probate (e.g., a payable-on-death bank account).

Names a guardian for minor children.

If you have kids under 18.

Managing assets after death—that’s where a trust can help.

Appoints an executor to handle the paperwork.

Always—someone has to file the will with the probate court.

Avoids probate for assets that have a “beneficiary” designation (life-insurance, retirement accounts).

Why a simple will is often enough

- **Cost-effective** – A basic will can be drafted for \$300-\$800 through a reputable online service or a local attorney.
- **Straightforward** – You list who gets what, who raises the kids, and who files the estate.
- **Flexibility** – You can amend it later with a codicil or a new will.

The downside: Probate

Michigan probate is a court-supervised process that can take six months to a year (sometimes longer) and costs court filing fees + executor commissions. For modest estates, the expense is usually a few thousand dollars—nothing catastrophic, but it's money you could have left for the family.

2. The Michigan Family Trust (Revocable Living Trust)

What it does	When it shines	Typical cost
Moves assets out of probate by transferring title to the trust while you're alive.	You own multiple properties, a sizable investment portfolio, or you simply dislike the idea of probate.	\$1,200-\$3,000 (attorney-prepared) plus a small filing fee for each deed transfer.
Allows "quiet" management if you become incapacitated—trustee can step in without a court-appointed guardian.	You want a smooth transition if you're ever unable to handle your affairs.	Ongoing annual trustee fees (often a percentage of assets if you hire a professional).
Provides privacy – trust documents aren't public record.	You prefer to keep family finances out of the public eye.	
How a revocable living trust works		
1. Create the trust and name yourself as the grantor and initial trustee.		
2. Retitle assets (house, car, bank accounts) in the name of the trust—think "John & Mary Smith Revocable Living Trust."		
3. Designate successor trustees (your adult child, a trusted friend, or a professional fiduciary).		
4. Die → the successor trustee distributes assets per your instructions without filing probate.		
When a trust may be overkill		
• If your estate is under \$75,000 (the Michigan "small estate" threshold) and you have a simple asset mix, a will plus beneficiary designations may be all you need.		
• If you're comfortable with the probate timeline and cost, a trust's extra expense may not justify the benefit.		

3. Powers of Attorney (POA): The “Plan B” for When Life Happens

POA type	What it covers	When you need it
Durable Financial Power of Attorney	Controls bank accounts, bills, real-estate transactions, tax filings.	Anytime you want a trusted adult (spouse, adult child, friend) to handle money if you become ill or injured.
Medical (Health-Care) Power of Attorney (called a Health-Care Surrogate in Michigan)	Makes medical decisions, signs consent forms, chooses treatments.	If you become unable to speak for yourself —stroke, accident, severe illness.
HIPAA Authorization	Allows the surrogate to receive your medical records.	Usually filed together with the medical POA.

Why POAs matter more than you think

- No probate needed** – POAs let someone act on your behalf while you’re alive, avoiding the need for a court-appointed guardian.
- Cost-saving** – A properly drafted POA can prevent costly emergency court petitions.
- Peace of mind** – Knowing who will pay the bills or make medical choices removes a huge “what-if” stressor.

Tip: Michigan law requires the POA to be signed, witnessed, and notarized. Many people forget the notarization and end up with an unusable form. Keep the original in a safe place (fire-proof box) and give copies to your agent, your doctor, and your bank.

4. The “Other Stuff” Checklist

Document	Why you need it	Quick tip
Beneficiary designations (life-insurance, retirement accounts, payable-on-death bank accounts)	These override a will — Review annually, make sure the listed person is who you want.	especially after marriage, divorce, or birth.
Digital Asset Inventory (online accounts, crypto wallets)	Gives your executor/agents the	Store the list in a sealed envelope

Document	Why you need it	Quick tip
	passwords or instructions to close or transfer digital property.	with your will or in a secure password manager.
Funeral/ burial instructions	Clarifies wishes for services, burial vs. cremation, music, etc.	Include a prepaid plan if you have one; otherwise, a simple note works.

5. How to Decide What's Right for Your Family

Situation	Recommended starter kit
Young couple, no kids, modest home, a few savings accounts	Simple Will (names executor, disposes of personal property) + Durable Financial POA + Medical POA.
Parents with minor children	Will (guardian designation) + Medical POA + Financial POA + HIPAA Authorization.
Homeowners with two or more properties, grown-up children, modest investments	Will + Durable Financial POA + Medical POA + Revocable Living Trust (to keep the house and any rental property out of probate).
High-net-worth family (multiple properties, business interests, charitable goals)	Comprehensive Trust package (revocable living trust, possibly a separate “personal property trust”), Will (pour-over to the trust), POAs, Advance Directive, Beneficiary reviews.
Anyone with health concerns or a high-risk job	Medical POA + HIPAA Authorization + Advance Directive <i>as a priority</i>, even before a will.

6. Quick “Do-It-Yourself” vs. Attorney Route

DIY (online service)	Attorney
Best for – First-time wills, simple POAs, basic trusts.	Best for – Complex estates, multiple properties, business owners, families with special-needs members.

7. Bottom-Line Checklist (Print & Hang on the Fridge)

- 1. Make a list of all assets (real estate, bank accounts, retirement, personal items).**
- 2. Decide who you want to inherit and who should make decisions if you can't.**
- 3. Choose a trusted person for a Durable Financial POA and a Medical POA.**
- 4. Draft a simple Will (or a Trust if you have multiple properties).**
- 5. Sign, witness, and notarize every document.**
- 6. Store originals in a fire-proof safe; give copies to your agents and your attorney.**
- 7. Review annually (or after any major life event).**

8. Final Thought – “Better Safe Than Sorry”

Imagine you’re at a family reunion, the grill’s smoking, the kids are chasing fireflies, and someone asks, “What happens to Grandma’s house when she passes?” If you’ve already put a Will (or a Trust) and POAs in place, the answer is simple: “We’ve got it covered.” If not, you’ll likely hear a chorus of “I guess we’ll figure it out later,” followed by a lot of paperwork, court dates, and possibly a few family disagreements.

Putting those few pages together now—while the coffee is hot and the kids are still playing—saves everyone a lot of stress later. And in Michigan, where probate can be a lengthy, public process, a little foresight goes a long way.

Take the first step today: Grab a pen, jot down who you love, who you trust, and what you own. Then call a local estate-planning attorney or a reputable online service and get those documents drafted. Your future self (and your family) will thank you.

Prepared for Michigan families by a seasoned estate-planning writer. Not legal advice—consult your own attorney for personalized guidance.