

A Simple Guide to the Probate Process in Michigan

(Easy-to-Read Handout for Seniors and Families – Plain English Explanation)

Dear Friend or Neighbor,

Probate is the court-supervised process that happens after someone passes away. It makes sure their debts are paid, taxes are handled, and their property (house, bank accounts, car, etc.) goes to the right people according to their will (or Michigan law if no will).

Not every estate needs full probate—many small or simple ones avoid it. But when probate is needed, Michigan makes it fairly straightforward, especially with informal proceedings for uncontested cases.

Here's the process explained step by step, in simple terms.

When Is Probate Usually Needed

- If the person owned things in their name only (no joint owner, no named beneficiary, no trust).**
- Especially for real estate (house/land), larger bank accounts, or vehicles without transfer-on-death options.**
- Small estates often skip full probate (more on that below).**

Probate happens in the county probate court where the person lived (or where Michigan property is if they lived out of state).

Two Main Types of Probate

- Informal Probate — Most common for simple, uncontested estates. Handled by a probate register (not always a judge). Fewer steps, faster, less court involvement.**
- Formal Probate — Used if there are disputes, questions about the will, or complicated issues. Involves a judge and more hearings.**

Most families use informal if everything is straightforward.

Step-by-Step What Happens in Probate

1. File to Start the Process (Opening the Estate)

- Someone (usually the person named in the will as Personal**

Representative, or a family member if no will) files forms with the probate court.

- **Key forms Application Petition for Probate and Appointment of Personal Representative (PC 558 or PC 559), plus the original will (if any) and certified death certificate.**

- **Filing fee About \$175 (plus small extras).**

- **The court appoints the Personal Representative (like an executor) and issues Letters of Authority — this official paper lets them handle bank accounts, sell property, etc.**

2. Notify Heirs, Beneficiaries, and Creditors

- **The Personal Representative must send written notice to family members, heirs and anyone named in the will.**

- **Publish a notice in a local newspaper for unknown creditors (people owed money).**

- **Creditors have 4 months (from publication) to file claims.**

3. Gather and List Assets (Inventory)

- **Find and secure everything the person owned (house, car, bank accounts, stocks, personal items).**

- **Get values appraised if needed (e.g., house).**

- **File an Inventory with the court (only interested people see it).**

- **Pay an inventory fee (small percentage of estate value).**

4. Pay Bills, Debts, Taxes, and Expenses

- **Pay funeral costs first (often from the estate).**

- **Pay valid creditor claims, final medical bills, taxes (income, estate if large).**

- **The Personal Representative can sell assets if needed to pay debts.**

5. Distribute What's Left

- **Give property to the people named in the will (or to heirs under Michigan law if no will).**

- **Specific items first (e.g., “my ring to my granddaughter”), then the rest split as directed.**

6. Close the Estate

- **File a final account showing everything handled.**

- **Get court approval (simple in informal cases).**

- **The Personal Representative gets discharged (finished).**

How Long Does It Take

- **Simple informal probate Often 6–12 months (sometimes faster).**
- **Delays happen with disputes, slow creditors, or complex assets.**

Ways to Avoid or Simplify Probate

Many families skip full probate

- **Joint ownership (with right of survivorship) — property passes automatically.**
- **Beneficiary designations (POD/TOD on bank accounts, retirement plans, life insurance).**
- **Living trusts — assets in a trust avoid probate.**
- **Small estate options (no full probate needed)**
 - **If personal property (not real estate) totals under about \$30,000–\$35,000 (amount adjusts yearly), use a Small Estate Affidavit after 28 days.**
 - **For very small estates, a simple Assignment form.**
 - **Real estate often needs probate or other steps unless jointly owned.**

Check current limits on MichiganLegalHelp.org or with the court—thresholds change.

Quick Tips for Families

- **The Personal Representative has big responsibilities—pick someone trustworthy and organized.**
- **Keep good records of everything (receipts, bank statements).**
- **You don't always need a lawyer for simple cases, but one helps if family disagreements, large estate, business involved, or taxes complicated.**
- **Free resources MichiganLegalHelp.org (step-by-step guides and forms), your county probate court clerk (they explain forms), State Bar of Michigan probate info.**

Probate protects everyone—it makes sure things are done fairly and legally. With a good will and planning, it's usually smooth and not too expensive.

You've earned your peace of mind—talk to family about your wishes. A little planning now saves headaches later.

Questions Your local probate court or senior center can point you to help.